



Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 30340065

Receipt #: 2447671  
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: jlwheeler

Authorized By: Tonya Buckingham

Date Recorded: 10/15/2024 11:34:33 AM



**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION OF A  
PLATTED ALLEY**

**GENERALLY LOCATED SOUTH OF WEST DOUGLAS  
AVENUE, BETWEEN SOUTH DORIS STREET AND SOUTH  
CLARA STREET**

**VAC2024-00020**

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 8<sup>th</sup> day of October, 2024, comes on for hearing the petition for vacation filed by Jessica Lynn Palmer (f/k/a Jessica Lynn Owens) and Jorge and Jessica De La Torre (owners) praying for the vacation of a portion of a platted alley, to wit:

Portion of platted alley to be vacated:

The platted 20-foot alley abutting Lots 2 and 3, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

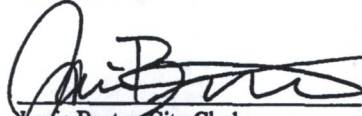
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on April 18, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted alley and the public will suffer no loss or inconvenience thereby.
3. A dedication of a utility easement, by separate instrument, for the above-described area shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.
4. Restrictive Covenants, binding and tying the vacated portion of the above-described alley to the abutting properties shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

October 8, 2024  
VAC2024-00020

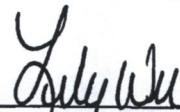
5. In justice to the petitioner, the prayer of the petitioner ought to be granted.
6. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
7. The vacation of the described portion of a platted alley should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8<sup>th</sup> day of October, 2024, ordered that the above-described portion of a platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, the dedication of utility easement, and restrictive covenants to the Sedgwick County Register of Deeds for recording.

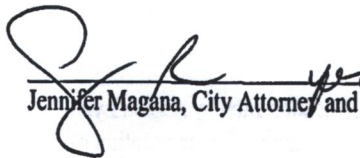
ATTEST:

  
Jamie Buster, City Clerk



  
Lily Wu, Mayor, City of Wichita

Approved as to Form:

  
Jennifer Magana, City Attorney <sup>yes</sup> and Director of Law

October 8, 2024  
VAC2024-00020



Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc. #/Film-Pg: 30340068

Receipt #: 2447671  
Pages Recorded: 1

Recording Fee: \$21.00

Cashier: J. Wheeler

Authorized By: Tonya Buckingham

Date Recorded: 10/15/2024 11:34:36 AM



### RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED Jessica (Owens) Palmer is the owner of the following described real property:

Lot 2, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas; together with:

The east 10-foot platted alley right-of-way abutting the west property line of Lot 2, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita Sedgwick County Kansas.

NOW THEREFORE, in connection with the vacation of the street described above:

The undersigned agrees and covenants the aforementioned vacated alley tracts shall be retained, held and bound together with each of the platted lots adjacent to and adjoining and having ownership in common with such vacated alley tracts.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the Wichita City Council. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

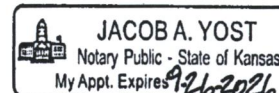
Jessica (Owens) Palmer

State of Kansas )  
                                  ) SS  
Sedgwick County )

The foregoing instrument was acknowledged before me this 15 day of May,  
2024 by Jessica (Owens) Palmer

Notary Public

My appointment expires: Sept. 26, 2026







Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc. #/Fil-Pg: 30340069

Receipt #: 2447671  
Pages Recorded: 1

Recording Fee: \$21.00

Cashier: J. Wheeler

Authorized By: *Tonya Buckingham*

Date Recorded: 10/15/2024 11:34:37 AM



### DRAINAGE AND UTILITY EASEMENT

THIS EASEMENT made this 15 day of May, 2024  
by and between Jessica (Owens) Palmer,  
(Property Owner(s) and/or Company)

Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee or the franchised utility entity a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick County, Kansas to wit:

The south 20 feet of the east 10 feet of the vacated alley right-of-way abutting to the west of Lot 2, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto. And said Grantor agrees to not make any alteration to the ground in the described area that may adversely affect the local, natural drainage patterns.

IN WITNESS WHEREOF: The said Grantor has signed this document the day and year first written.

*Jessica (Owens) Palmer*  
Jessica (Owens) Palmer, Property Owner

State of KANSAS

County of SEDGWICK

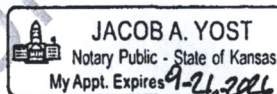
ss.

This instrument was acknowledged before me on

5-16-24

by Jessica (Owens) Palmer, as property owner of the aforementioned described property.

(seal)



*Jacob A. Yost*  
Notary Public  
My Commission expires: 9-21-26

Reviewed and approved by the City Engineer:

for *Paul Gunzelman* 9/13/24  
Paul Gunzelman



Date Recorded: 10/15/2024 11:34:34 AM



**RESTRICTIVE COVENANT**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED Jorge & Jessica De La Torre are the owners of the following described real property:

Lot 3, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas; together with:

The west 10-foot platted alley right-of-way abutting the east property line of Lot 3, Block C, Westbreeze 2<sup>nd</sup> Addition; Wichita Sedgwick County Kansas.

**NOW THEREFORE**, in connection with the vacation of the street described above:

The undersigned agrees and covenants the aforementioned vacated alley tracts shall be retained, held and bound together with each of the platted lots adjacent to and adjoining and having ownership in common with such vacated alley tracts.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the Wichita City Council. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

  
Jorge De La Torre

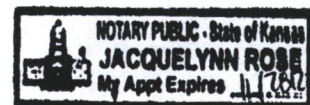
  
\_\_\_\_\_  
Jessica De La Torre

State of Kansas )  
 ) SS  
Sedgwick County )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of August 2024 by Jorge and Jessica De La Torre

My appointment expires: 11/28/, 2027

**Notary Public**





Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 30340067

Receipt #: 2447871  
Pages Recorded: 1

Recording Fee: \$21.00

Cashier: J. Luhele

Authorized By: *Tony Buckingham*

Date Recorded: 10/15/2024 11:34:35 AM



### DRAINAGE AND UTILITY EASEMENT

THIS EASEMENT made this 31<sup>st</sup> day of August, 2024  
by and between Jorge and Jessica De La Torre,  
(Property Owner(s) and/or Company)

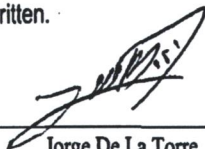
Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee or the franchised utility entity a perpetual easement for the purpose of constructing, operating, maintaining, and repairing all public and/or franchised utilities, and any appurtenances thereto, over, along and under the following described real estate situated in Sedgwick County, Kansas to wit:

The south 20 feet of the west 10 feet of the vacated alley right-of-way abutting to the east of Lot 3, Block C, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

said Grantee and/or agents of the franchised utilities are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such utility, and any appurtenances thereto. And said Grantor agrees to not make any alteration to the ground in the described area that may adversely affect the local, natural drainage patterns.

IN WITNESS WHEREOF: The said Grantor has signed this document the day and year first written.

  
\_\_\_\_\_  
Jorge De La Torre

  
\_\_\_\_\_  
Jessica De La Torre

State of KANSAS

County of SEDGWICK

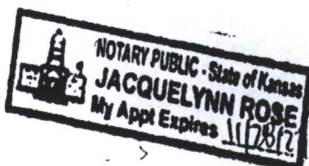
SS.

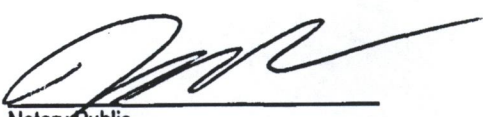
This instrument was acknowledged before me on

8/31/2024

by Jorge and Jessica De La Torre, as property owners of the aforementioned described property.

(seal)

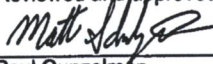


  
\_\_\_\_\_  
Notary Public

My Commission expires:

11/28/2027

Reviewed and approved by the City Engineer:

For  9/13/24  
Paul Gunzelman

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION OF A )  
PLATTED ALLEY )**

**GENERALLY LOCATED SOUTH OF WEST DOUGLAS )  
AVENUE, BETWEEN SOUTH DORIS STREET AND SOUTH )  
CLARA STREET )**

**VAC2024-00020**

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 8<sup>th</sup> day of October, 2024, comes on for hearing the petition for vacation filed by Jessica Lynn Palmer (f/k/a Jessica Lynn Owens) and Jorge and Jessica De La Torre (owners) praying for the vacation of a portion of a platted alley, to wit:

Portion of platted alley to be vacated:

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The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on April 18, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted alley and the public will suffer no loss or inconvenience thereby.
3. A dedication of a utility easement, by separate instrument, for the above-described area shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.
4. Restrictive Covenants, binding and tying the vacated portion of the above-described alley to the abutting properties shall be recorded with this Vacation Order with the Register of Deeds of Sedgwick County.

October 8, 2024  
VAC2024-00020

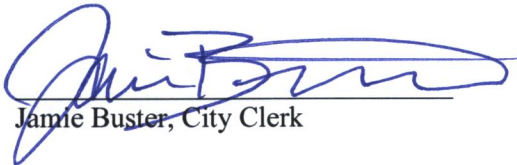


5. In justice to the petitioner, the prayer of the petitioner ought to be granted.
6. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
7. The vacation of the described portion of a platted alley should be approved.

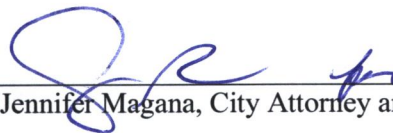
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8<sup>th</sup> day of October, 2024, ordered that the above-described portion of a platted alley is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order, the dedication of utility easement, and restrictive covenants to the Sedgwick County Register of Deeds for recording.

  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

**ATTEST:**

  
\_\_\_\_\_  
Jamie Buster, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

May 10, 2024

Jessica (Owens) Palmer  
5009 W. Douglas Ave.  
Wichita, KS 67209

Jorge and Jessica De La Torre  
5015 W. Douglas Ave.  
Wichita, KS 67209

**Ref: VAC2024-00020:** Vacation request in the City to vacate a of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (between 5009 and 5015 West Douglas Avenue).

John,

At the **Thursday, May 9, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

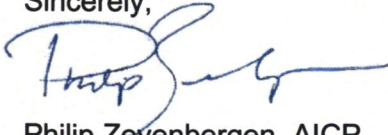
- (1) Dedicate a 20-ft wide utility easement running east and west, centered on the existing sanitary line with original signatures. This easement dedication must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**VAC2024-00020:** Vacation request in the City to vacate a of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (between 5009 and 5015 West Douglas Avenue).

Page 2

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **May 23, 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP  
Current Plans Division Manager

PZ:IJ





The Beaufort Gazette  
The Belleville News-Democrat  
Bellingham Herald  
Centre Daily Times  
Sun Herald  
Idaho Statesman  
Bradenot Herald  
The Charlotte Observer  
The State  
Ledger-Enquirer

Durham | The Herald-Sun  
Fort Worth Star-Telegram  
The Fresno Bee  
The Island Packet  
The Kansas City Star  
Lexington Herald-Leader  
The Telegraph - Macon  
Merced Sun-Star  
Miami Herald  
El Nuevo Herald

The Modesto Bee  
The Sun News - Myrtle Beach  
Raleigh News & Observer  
Rock Hill | The Herald  
The Sacramento Bee  
San Luis Obispo Tribune  
Tacoma | The News Tribune  
Tri-City Herald  
The Wichita Eagle  
The Olympian

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification                          | Order PO   | Amount   | Cols | Depth |
|-----------|--------------|-----------------------------------------|------------|----------|------|-------|
| 16399     | 542233       | Print Legal Ad-IPL01689480 - IPL0168948 | OCA 150004 | \$191.78 | 3    | 76 L  |

Attention: MANDY HEBERT  
CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004  
Published in The Wichita Eagle on April 18, 2024  
(One Time Only)  
MAPC/BZA May 9, 2024  
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 9, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. BZA2024-00014: Variance request in the City to eliminate parking lot screening requirement for south parking lot of new Patrol East Police Station on property zoned TF-3 Two-Family Residential, located on the south side of East Lincoln St and within one-block west of South Edgemoor St (5215 E. Lincoln).

BZA2024-00019: Variance Request in the City to reduce interior side setback from 6 feet to 6 inches to bring a shed into conformance, generally located on the west side of North Gentry Drive and within one-quarter mile south of East 25th Street North (2425 North Gentry Drive).

CON2024-00020: Conditional Use Amendment in the City to modify the existing CON2012-00021 and CU-523 to allow outside music/dancing and modify hours of operations, located approximately 700 feet east of Tyler Rd and north of 21st Street North (6558 West 21st Street North).

CUP2024-00011: Community Unit Plan in the City to create the Yellowstone Commercial CUP (with ZON2024-00020 for LC zoning) to allow for the development of a commercial development, located on the southeast corner of South 119th Street West and West Pawnee Avenue.

PUD2024-00005: Zone Change request in the City from GI General Industrial to PUD Planned Unit Development to permit a gravel surface under existing outdoor storage area and drive aisles; generally located within one-quarter mile south of East 37th Street North and on the east side of North Ohio Avenue (3518 North Ohio).

PUD2024-00006: To create and establish a PUD for the construction of a new substation; generally located south of East 9th Street, west of North Hillside Avenue and east of Chautauqua Avenue (3001 East Mossman Avenue).

PUD2024-00007: Zone Change request in the City from GC General Commercial to PUD Planned Unit Development to permit use of the site for outdoor display/sale but allow a gravel surface and adjust screening requirements; located on the north side of West Kellogg and within one-half mile west of South 135th Street West.

VAC2024-00019: Vacation request in the City to reduce platted street side setback from 15 feet to 6 feet to build a garage; generally located on the northwest corner of West 9th Street North and North Robin Road (1001 North Robin Road).

VAC2024-00020: Vacation request in the City to vacate a portion of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (alley located between 5009 and 5015 West Douglas Avenue).

VAC2024-00021: Vacation request in the city to vacate a portion of a 20-foot utility easement; generally located south of East 37th Street North and east of North Saint Francis Street.

ZON2024-00020: Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial (with CUP2024-00011); generally located on the southeast corner of South 119th Street West and West Pawnee Avenue.

ZON2024-00021: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Multi-Family Residential; generally located on the east side of South 119th Street West and within one-quarter mile south of West Pawnee Avenue. Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address:

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on April 18, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0168948

Apr 18 2024

In The STATE OF KANSAS  
In and for the County of Sedgwick

1 insertion(s) published on:

04/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/18/2024 to 04/18/2024.

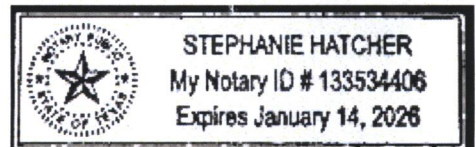
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 04/18/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



**METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 3.2**  
**May 9, 2024**

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00020— City vacation of alley right-of-way for access improvements.

**APPLICANTS:** Jorge & Jessica De La Torre, Jessica (Owens) Palmer, Danny L. Hand, Becky Hopkins

**LEGAL DESCRIPTION:** Platted 20-ft alley between Lots 2 and 3, Block C of Westbreeze 2<sup>nd</sup> Addition.

**LOCATION:** Generally located south of West Douglas Avenue between South Doris Street and South Clara Street (5009 & 5015 W. Douglas Ave.) (WCC IV)

**REASON FOR REQUEST:** Access Improvements

**CURRENT ZONING:** SF-5 Single Family Residential

**VICINITY MAP:**





The applicants are requesting the vacation of alley right-of-way to allow for access improvements on property located south of West Douglas Avenue between South Doris Street and South Clara Street. The alley is situated between the properties located at 5009 and 5015 West Douglas Avenue, consisting of Lots 2 and 3, Block C of Westbreeze 2<sup>nd</sup> Addition. The platted alley ends at the northern lot line of Lots 4 and 23, Block C of Westbreeze 2<sup>nd</sup> Addition. A 20-ft connected alley was platted running east-west along the south lot line of Lot 3 (5015 W Douglas Ave.). This east-west alley was previously vacated in 1950. The properties adjacent and to the south have access to public right-of-way, being S. Doris Street and S. Clara Street, via private drives. Therefore, the vacation of the alley will not deprive access to public right-of-way. All properties that abut the alley, including owners to the south, have signed the vacation petition indicating their consent to the vacation of the alley.

The owner of 5009 W. Douglas Ave. indicates that they would utilize the additional land resulting from the alley vacation as an entrance to their backyard. The owner of 5009 W. Douglas Ave. proposes moving their fence over which would allow better driving access to the backyard. The proposed fence will include an access gate in the front to allow access.

Public sewer line is located along the south lot line of 5009 and 5015 W Douglas Ave. Public Works and Utilities request 20' wide utility easement running east and west, centered on the existing sanitary line. The easement shall be dedicated by separate instrument.

Evergy has reviewed this vacation request and we have no objection, but we do have poles and OH primary line running east/west at the south end of the alley. Eric O'Donnell, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be contacted at (316) 261-6359. Standard language will apply; The applicant can either maintain the portion of the platted alley with Evergy equipment it as utility easement or they can discuss relocation or removal of existing Evergy equipment, but that will be at the applicant's expense.

Cox has no objection to this vacate. Cox has aerial lines in the area. Any relocation will be at the applicant's expense.

The alley is platted in Westbreeze 2<sup>nd</sup> Addition, recorded with the Register of Deeds November 8, 1949.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described alley right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
  1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 18, 2024, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of the alley public right-of-way and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Dedicate a 20-ft wide utility easement running east and west, centered on the existing sanitary line with original signatures. This easement dedication must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.



- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Aerial Map, 2) Applicant's Exhibit



# VAC2024-20

- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- - - Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains





