



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Film-Pg: 30270867

Receipt #: 2401298
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: vbunch

Authorized By: Tonya Buckingham

Date Recorded: 10/19/2023 02:10:50 PM



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

**IN THE MATTER OF THE VACATION OF A DRAINAGE)
AND UTILITY EASEMENT DEDICATED BY SEPARATE)
INSTRUMENT)**

**GENERALLY LOCATED ON THE NORTH SIDE OF)
EAST 34TH STREET NORTH AND WITHIN ONE-HALF)
MILE WEST OF NORTH WEBB ROAD)**

VAC2023-00028

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17th day of October 2023, comes on for hearing the petition for vacation filed by GOKO, LLC (owner) praying for the vacation of a drainage utility easement dedicated by separate instrument, to wit:

Drainage and Utility Easement Retained by Vacation Case Film 2347, Page 18:

The east 60 feet of Lot 1, Comotara Industrial Park Fifth Addition to Wichita, Sedgwick County, Kansas, EXCEPT, BEGINNING at the northeast corner of said Lot 1; thence along the East line of said Lot 1 on a platted bearing of S00°56'53"E, 113.82 feet; thence S89°03'07"W, 139.78 feet; thence N33°33'17"W, 20.56 feet to a point on the North line of said Lot 1; thence along said North line of said Lot 1, N56°26'43"E, 179.08 feet to the POINT OF BEGINNING.
CONTAINING: 23,179 square feet or 0.53 acre more or less.

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 August 3, 2023, which was at least 20 days prior to the public hearing.

October 17, 2023
VAC2023-00028

2. No private rights will be injured or endangered by the vacation of the described drainage and utility easement dedicated by separate instrument and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

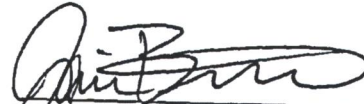
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described drainage and utility easement dedicated by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described drainage and utility easement dedicated by separate instrument is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

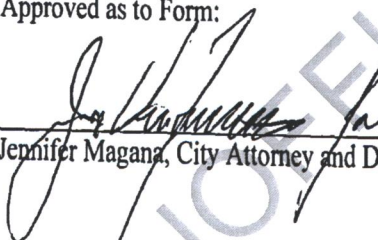

Brandon J. Whipple, Mayor, City of
Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

October 17, 2023
VAC2023-00028

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October 17, 2023
VAC2023-00028

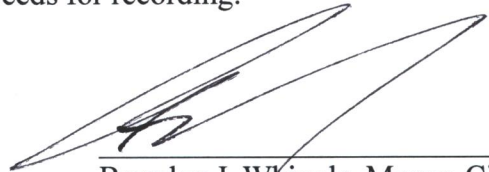
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4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described drainage and utility easement dedicated by separate instrument should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of October 2023, ordered that the above-described drainage and utility easement dedicated by separate instrument is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.



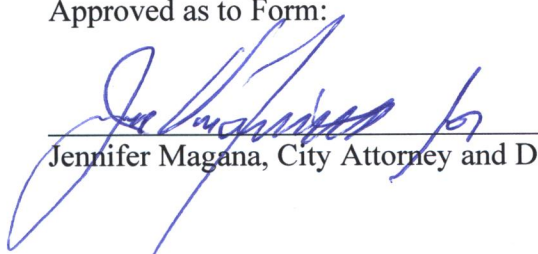
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:



Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law





Wichita-Sedgwick County Metropolitan Area Planning Department

October 18, 2023

Timothy Nelson
GOKO, LLC
100 East English Street
Wichita, KS 67202

Jared Hothan
Fagron Sterile Services
8710 East 34th Street North.
Wichita, KS 67226

Brian Lindebak
MKEC Engineering, Inc.
411 North Webb Rd.
Wichita, KS 67206

RE: VAC2023-00028: Request in the City to vacate a drainage utility easement dedicated by separate instrument on property zoned LI Limited Industrial; generally located on the north side of East 34th Street North, within one-half mile west of North Webb Road.

Dear Applicant;

At its regular meeting on October 17, 2023, the Wichita City Council considered the above captioned request. The action of the City Council was to APPROVE the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



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

FILE COPY

August 24, 2023

MKEC Engineering, Inc.
Attn: Brian Lindebak
411 N. Webb Road
Wichita, KS 67206

Ref: VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement, generally located 2750 feet west of East 34th Street North and North Webb Road.

Brian,

At the Thursday, August 24, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the 60-foot drainage and utility easement located on Lot 1, Comotara Industrial Park 5th Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) 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.

VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement, generally located 2750 feet west of East 34th Street North and North Webb Road.

August 24, 2023

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 **September 7, 2023**, (end of the two-week protest period). 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,



Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: GOKO LLC, Timothy B Nelson, 100 E English St, Wichita KS 67202
Fagron Sterile Services, Jared Hothan, 8710 E 34th St N, Wichita KS 67226



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	450498	Print Legal Ad-IPL01335930 - IPL0133593		\$213.88	3	85 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle on August 3, 2023
(One Time Only)
MAPC/BZA August 24, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, August 24, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). 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. CON2023-00033: Conditional Use request in the City to permit a Car Wash; generally located on the northwest corner of East Funston Street and South Rock Road (1717 South Rock Road). CON2023-00037: Conditional Use request in the City for Utility, Major on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street, within 1500 feet north of U.S. Highway 54. PUD2023-00006: PUD Amendment in the City to PUD #95 to amend the existing PUD boundary to include the approved platted boundary of the Courtyards at the Moorings Second Addition; generally located on the west side of Meridian Avenue, north of 42nd Street. VAC2023-00027: Vacation request in the City to vacate a portion of a platted access control on property zoned TF-3 Two-Family Residential District; generally located on the east side of 167th Street West, 1500 feet north of U.S. Highway 54. VAC2023-00028: Vacation request in the City to vacate a retained Utility and Drainage Easement from a vacated platted railroad easement; generally located 2750 feet west of East 34th Street North and North Webb Road. ZON2023-00044: Zone change request in the City from LI Limited Industrial District to SF-5 Single-Family Residential District to allow residential development; generally located on the northeast corner of East 59th Street South and South Midland Avenue (5950 South Midland Avenue). ZON2023-00045: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District for multi-family development; generally located on the east side of North Florence Street, within 200 feet north of West Douglas Avenue. ZON2023-00046: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District and LC Limited Commercial District for residential and commercial development; generally located on the southwest corner of 53rd Street North and Seneca Street (5355 North Seneca St). ZON2023-00047: Zone change request in the City from SF-5 Single-Family and TF-3 Two-Family to GC General Commercial, subject to Protective Overlay #416, for expansion of existing automotive repair and body shop facility; located between North Hoover Avenue and Highway Interstate 235 (721 North Hoover). 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 (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbFJQTDFvO0xPVDEUXU09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16899006833, 4089866967#... *094136# US (San Jose)

+17193594580, 4089866967#... *094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff 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.

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

WITNESS MY HAND on August 3, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0133593

Aug 3 2023

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

1 insertion(s) published on:

08/03/23

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, 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 08/03/2023 to 08/03/2023.

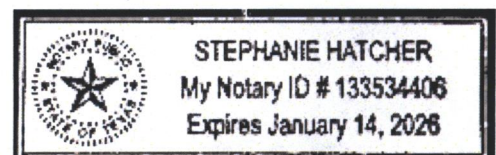
M. Hayley

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

DATED: 08/03/2023

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 REPORT NO. 3.2
August 24, 2023

STAFF REPORT

CASE NUMBER: VAC2023-00028 - Request to vacate a drainage utility easement dedicated by separate instrument.

OWNER/APPLICANT: GOKO, LLC (Applicant/Owner)/ Fagron Sterile Services (Applicant/Tenant)/ MKEC Engineering, Inc. (Agent)

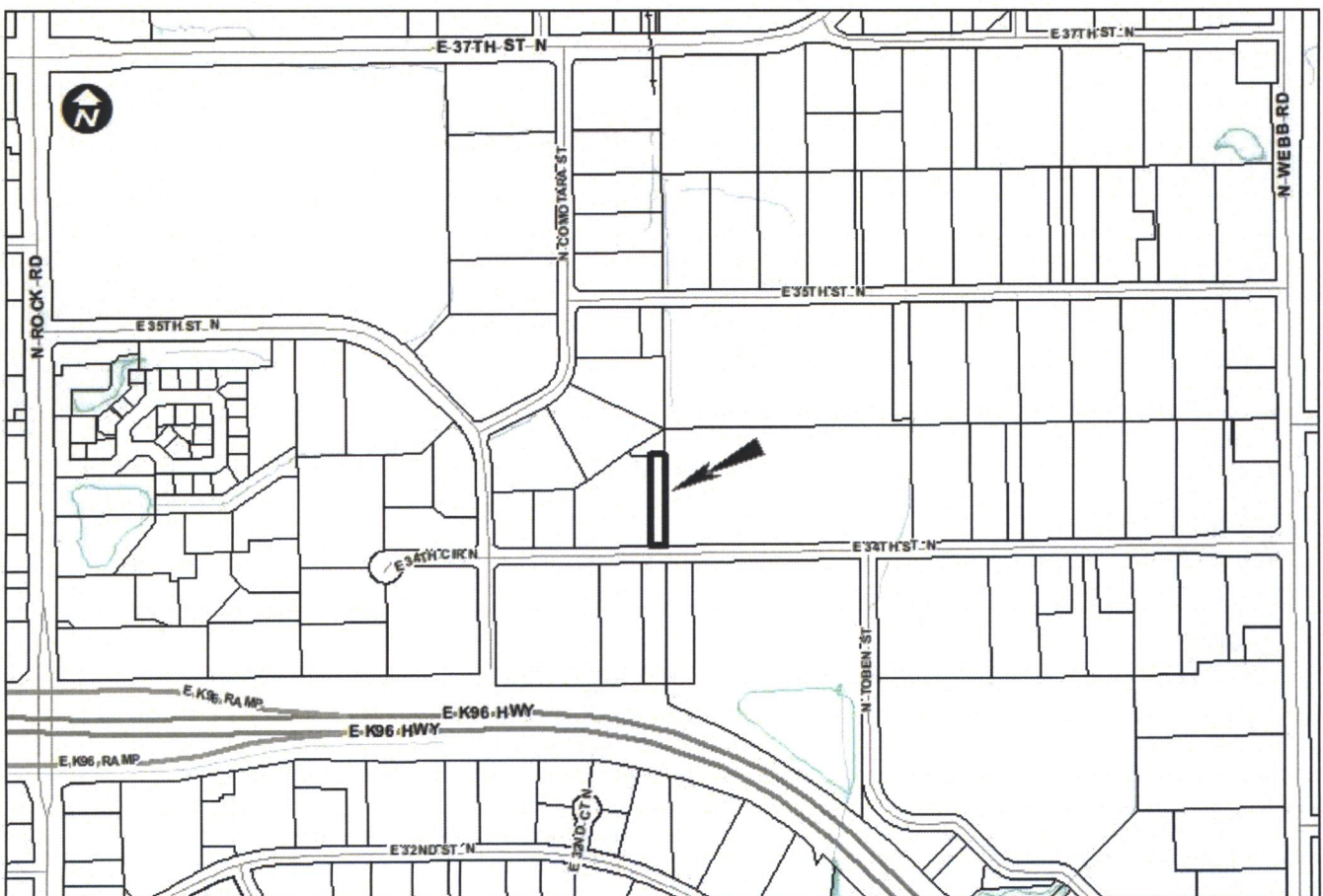
LEGAL DESCRIPTION: Generally described as vacating a drainage and utility easement dedicated by separate instrument encompassing the east 60 feet of Lot 1,

LOCATION: Generally located on the north side of East 34th Street North and within one-half mile west of North Webb Rd. (WCC II)

REASON FOR REQUEST: Release property for additional development.

CURRENT ZONING: The site and all surrounding properties are zoned LI Limited Industrial and developed with manufacturing, warehousing, and other commercial uses.

VICINITY MAP:



The applicant proposes to vacate an unused 60-foot drainage and utility easement dedicated by separate instrument on Film 2347, Page 18 with the Sedgwick County Register of Deeds. The easement is located on Lot 1, Comotara Industrial Park 5th Addition, see legal description and exhibits. If approved the vacation will allow the owners to develop the property over top of the subject easement location. There are no public utilities in the subject easement being vacated. The subject easement was established in 2001 upon the vacation of a former railroad right-of-way (VAC2001-00033)

Wichita Public Works and Utilities does not object to the vacation as there is a 30-foot easement dedicated by separate instrument on the property abutting to the east that covers the utilities in the area. Wichita Storm Water does not object as long as existing drainage patterns are maintained. Wichita Traffic Engineering does not object, provided the company can provide the needed parking for their business. The business is working with the Planning Department on the review of a parking study that allows workers in this building to park in available parking at the Fagron facility to the south and east.

Comments from franchised utilities are as follows:

- Everygy has reviewed this vacation request and we have no objection to vacating a 60-foot Drainage & Utility easement the applicant is wanting to vacate, but Everygy just completed a rebuild of our Comotara 12-34 line and equipment in adjoining 30-foot City of Wichita utility easement noted in the staff report and would not want that line included in this request. Conditions 1-5 will cover Everygy. Steven Chronister, Design Representative, will be the contact for this vacation request and any project associated with it. he can be reached at (785) 508-2682. If any existing Everygy equipment or lines are in conflict the applicant can either maintain that portion as easement or relocate or remove their expense
- Cox has several Fiber lines on E 34th St at the southern border of the locate area. Both aerial and underground. Care must be taken to not damage these lines. Any relocation or the repair of these lines will be at the expense of the applicant.

The Comotara Industrial Park 5th Addition was recorded on December 20, 1978.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 drainage and utility easement.

- 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 August 3, 2023, 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 drainage and utility easement by separate instrument 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
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- (6) 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. Vacation Exhibit
3. Legal Description

VAC2023-00028 - Request to vacate a drainage and utility easement dedicated by separate instrument.

August 24, 2023

Page 4



- VAC2023-00028 Storm Structures
- Enclosed Gravity Pipe
- Force Main
- - - Open Channel
- Siphon
- Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



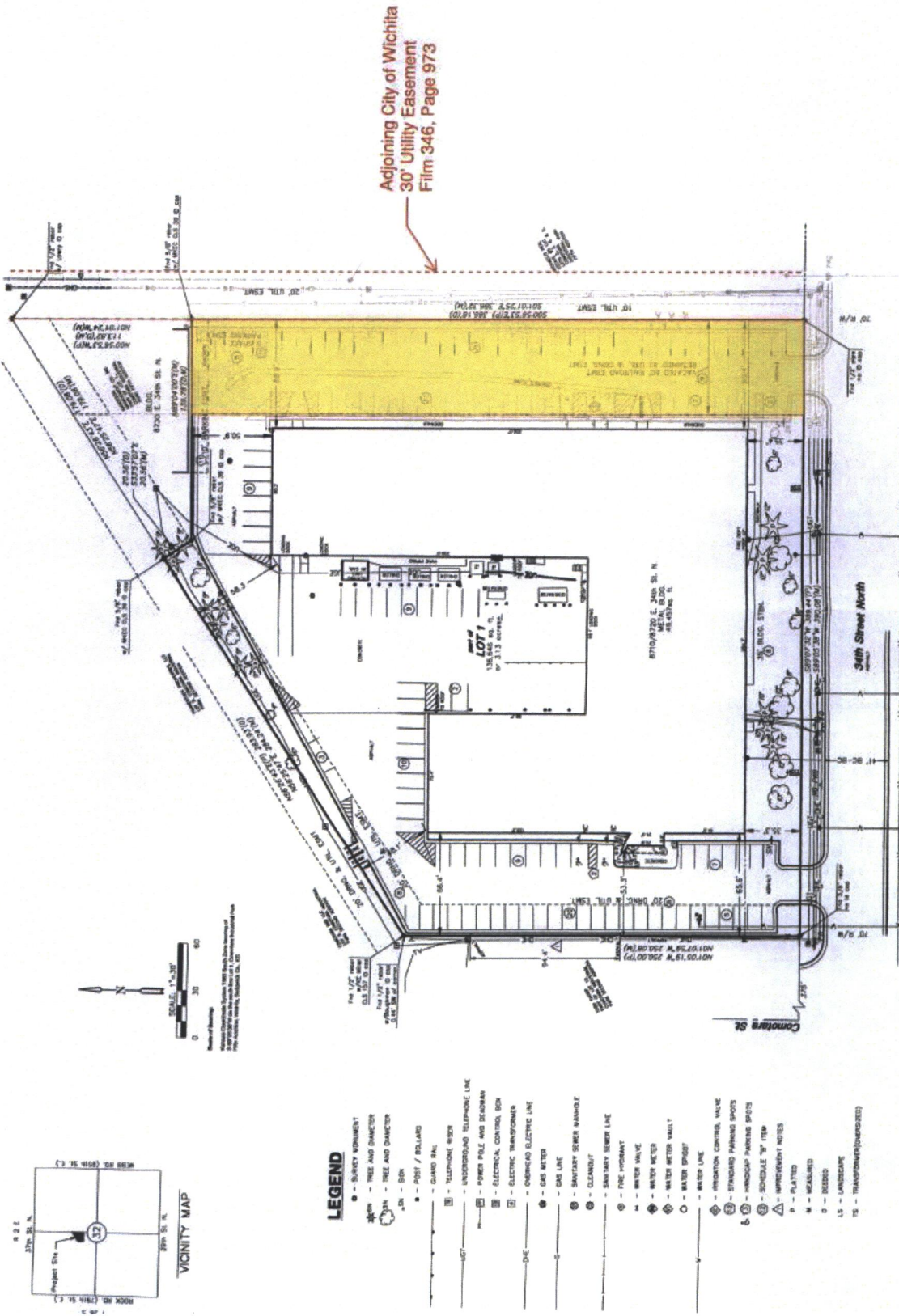
Software: ArcGIS

Map Data Sources:
City of Wichita
Sedgwick County

Prepared: 7/21/2023

It is understood that while the City of Wichita Data Center has made every effort to ensure the accuracy of the information incorporated in this map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the accuracy or data displayed on this map. No public property represented on this map is not intended to be inclusive.

VAC2023-00028 - Request to vacate a drainage and utility easement dedicated by separate instrument.
August 24, 2023
Page 5



**DESCRIPTION OF
VACATION CASE**

*Utility and Drainage Easement Retained by Vacation Case
Film 2347, Page 18*

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