



Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 30205053

Receipt #: 2353226

Recording Fee: \$0.00

Pages Recorded: 3

Cashier: tmoeder  
Authorized By: *Tonya Buckingham*  
Date Recorded: 11/16/2022 03:43:55 PM



**Please do not remove this cover page, it has become part of this document**

Grantor	WICHITA CITY OF
Grantee	YODER AIRPORT 5TH ADDITION
Type of Document	PLAT.VORD
Recording Fees	\$0.00
Mtg Reg Tax	\$0.00
Total Amount	\$0.00
Return Address	COUNTY CLERK 6TH FLOOR

UNOFFICIAL COPY

BEFORE THE COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A )  
PLATTED DRAINAGE EASEMENT AND )  
EASEMENT BY SEPARATE INSTRUMENT )

LOCATED ON THE SOUTH SIDE OF WEST US- )  
54/400 AND WITHIN ONE-HALF MILE EAST OF )  
SOUTH 263<sup>RD</sup> STREET WEST. )

CASE NO. VAC2022-00027

VACATION ORDER

NOW on this 2nd day of November 2022, at 9:00 o'clock A.M., comes the petition filed by Cory Honse (owner), praying for the vacation of the following-described platted drainage easement and easement dedicated by separate instrument, to-wit:

Legally Describing the entirety of Platted Easement and Easement Dedicated by Separate Instrument (DOC#/ FLM-PG: 28660654):

Commencing at the NE Corner of Lot 1 Block A, Yoder Airport 5<sup>th</sup> Addition, Sedgwick County, Kansas; thence S32°47'06" E, a distance of 135.83 feet, to the Point of Beginning; thence S32°55'24" W a distance of 520.52 feet; thence S 57°04'19" E, a distance of 50.00 feet, thence N 32°55'24" E, a distance of 497.92 feet, thence N 32°47'06" W, a distance of 54.87 feet to the point of beginning.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Ark Valley News, such publication having occurred on , September 15, 2022; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 6<sup>th</sup> day of October 2022 and recommended that the vacation petition herein be approved.

A dedication of a drainage easement, by separate instrument shall be recorded with the Vacation Order at the Register of Deeds of Sedgwick County.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the platted drainage easement and easement dedicated by separate instrument, hereinabove described be the same and is hereby vacated. It is further ordered that County Clerk shall certify a copy of this Vacation Order to the Register of Deeds of Sedgwick County for recording.

Commissioners present and voting were:

PETER F. MEITZNER	<u>Ass</u>
SARAH LOPEZ	<u>Ass</u>
DAVID T. DENNIS	<u>Ass</u>
LACEY D. CRUSE	<u>Ass</u>
JAMES M. HOWELL	<u>Ass</u>

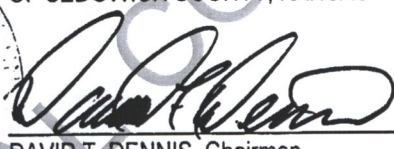
Dated this 2<sup>nd</sup> day of November, 2022.

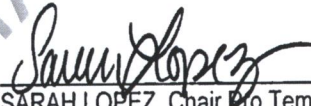
BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

  
KELLY B. ARNOLD, County Clerk

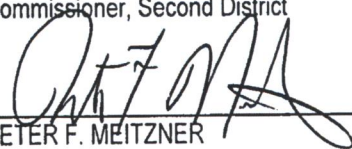


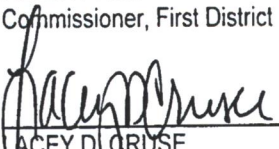
  
DAVID T. DENNIS, Chairman  
Commissioner, Third District

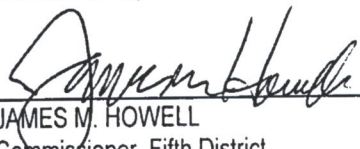
  
SARAH LOPEZ, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

  
Kirk W. Sponsel  
Assistant County Counselor

  
PETER F. MEITZNER  
Commissioner, First District

  
LACEY D. CRUSE  
Commissioner, Fourth District

  
JAMES M. HOWELL  
Commissioner, Fifth District



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

November 4, 2022

Cory Honse  
909 N Maize Rd. #212  
Wichita, KS 67212

**Ref: VAC2022-00027:** Vacation request in the County to vacate a platted drainage easement and drainage easement by separate instrument on property zoned RR Rural Residential, located on the south side of West US 54/400 and within one-half mile east of South 263<sup>rd</sup> Street West.

Cory,

At its regular meeting on [Wednesday, November 2, 2022](#), the Sedgwick County Board of County Commissioners considered the above-referenced request. The action of the Board was to **APPROVE** subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4421.

Sincerely,

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

Philip Zevenbergen  
Current Plans Division Manager

PZ:kw



## Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2022

Cory Honse  
909 N Maize Rd. #212  
Wichita, KS 67212

**Ref: VAC2022-00027:** Vacation request in the County to vacate a platted drainage easement and drainage easement by separate instrument on property zoned RR Rural Residential, located on the south side of West US 54/400 and within one-half mile east of South 263<sup>rd</sup> Street West.

Cory,

At its regular meeting on **Thursday, October 6, 2022**, the Wichita-Sedgwick County Metropolitan Area Planning Commissioner considered the above-referenced request. The action of the Board was to recommend **APPROVAL** subject to the following conditions.

- (1) 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 County 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 Board of County Commissioners for final action.
- (2) All improvements shall be according to County Standards and at the applicants' expense.
- (3) Per the approval of Public Works, vacate the platted 50-foot drainage easement and easement dedicated by separate instrument recorded on DOC #/ FLM-PG: 28660654 located on Lot 1, Block A, Yoder Airport 5<sup>th</sup> Addition, Sedgwick County, Kansas.
- (4) Provide Planning with a legal description of the vacated 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 Board of County Commissioners for final action.
- (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.

If you have any questions about this matter, please call 268-4421.

Sincerely,

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

Philip Zevenbergen  
Current Plans Division Manager

PZ:kw

# Public notice

(Published in The Ark Valley News Sept. 15, 2022.)

## MAPC October 6, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2022, no earlier than 1:30 p.m., the Wichita Sedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom 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.

**CON2022-00036:** Conditional Use request in the County to allow an "Event Center in the County" on property zoned SF-20 Rural Residential; generally located approximately 625 feet west of South Hydraulic Avenue and East 79th Street South.

**VAC2022-00027:** Request in the County to vacate a platted drainage easement and a drainage easement dedicated by separate instrument on RR Rural Residential zoned property; generally located midway between South 263rd and South 247th Streets West, south of US 54 on the west side of South Bonanza Circle.

**ZON2022-00049:** Zone change request in the County from SF-20 Single-Family Residential to TF-3 Two-Family Residential for the development of duplexes; generally located approximately a quarter-mile north of East 39th Street South and South Rock Road (3646 South Rock Road).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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.

**PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:**

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Ronald Reagan Building (see below).

### 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](mailto: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

### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.  
United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.  
Dial in or type: 67.217.95.2 or [inroomlink.goto.com](https://inroomlink.goto.com)  
Meeting ID: 651 544 141  
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

### Attend In-Person

# Affidavit of Public

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes: That he is Publisher of The Ark Valley formerly The Valley Center Index, a weekly printed in the State of Kansas, and published in general circulation in Sedgwick County Kansas on a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a religious or fraternal publication.

Said newspaper is a weekly published approximately 50 times a year; has been so published continuously and uninterrupted in said county and state for more than five years prior to the first publication of said notice; and has been admitted at the post office as second class matter at the Valley Center in said County as second class.

That the attached notice is a true copy thereof as published in the regular and entire issue of said newspaper for 1 consecutive week of its first publication thereof being made as aforesaid on 15th day of September, 2022, with subsequent publications being made on the following dates:

\_\_\_\_\_ , 2022 \_\_\_\_\_  
\_\_\_\_\_ , 2022 \_\_\_\_\_  
\_\_\_\_\_ , 2022 \_\_\_\_\_

Subscribed and sworn to before me this 1 of September, 2022.

hbs

Notary Public  
My commission expires \_\_\_\_\_

Additional copies \_\_\_\_\_

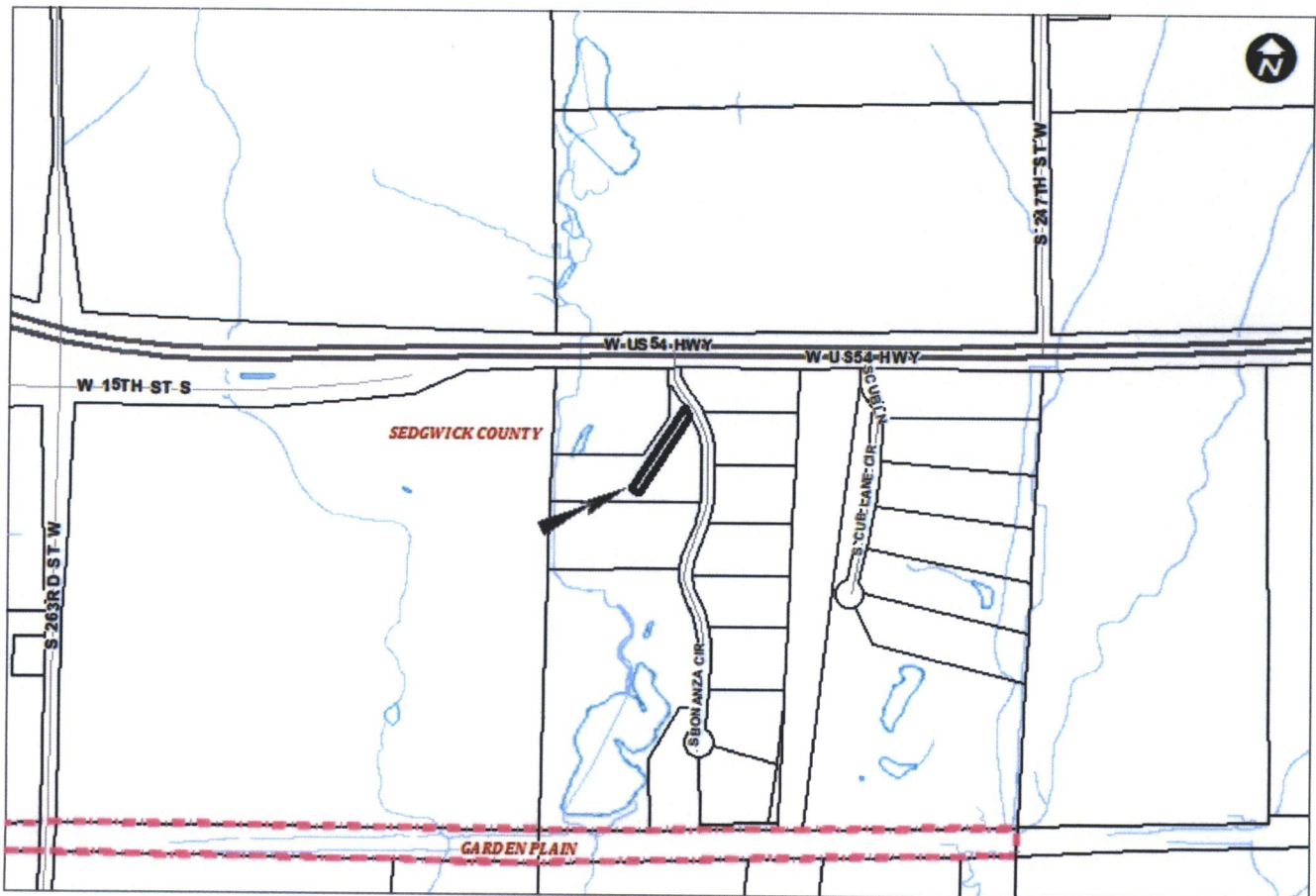
Printer's fee \_\_\_\_\_



**STAFF REPORT**

- CASE NUMBER:** VAC2022-00027 - Request to vacate a platted drainage easement and an drainage easement dedicated by separate instrument.
- OWNER/APPLICANT:** Cory Honse (owner)
- LEGAL DESCRIPTION:** Generally described as vacating a platted 50-foot drainage easement located on Lot 1, Block A, Yoder Airport 5<sup>th</sup> Addition, Sedgwick County, Kansas
- LOCATION:** Generally located on the south side of West US54/400 and within on-half mile east of South 263<sup>rd</sup> Street West.
- REASON FOR REQUEST:** To allow improvements on the property.
- CURRENT ZONING:** The site is zoned RR Rural Residential District. All abutting properties are also zoned RR Rural Residential District.

**VICINITY MAP:**



The applicant proposes to vacate a platted 50-foot drainage easement and an drainage easement extension dedicated by separate instrument located on Lot 1, Block A, Yoder Airport 5<sup>th</sup> Addition, see legal description and exhibits. The property is generally located on the south side of West US 54/400 and within one-half mile east of South 263<sup>rd</sup> Street West. If approved the vacation will allow the owners to make additional improvements to the property. The northeast majority of the drainage easement was originally platted as part of the Yoder Airport 3<sup>rd</sup> Addition. This portion of that addition was platted and included in the Yoder Airport 5<sup>th</sup> Addition and an extension of the drainage easement was dedicated by separate instrument on DOC # / FLM-PG: 28660654.

The easements were placed over a natural channel that permits water to flow southwest toward the middle branch of the Clearwater Creek on the west side of this property. This low channel is clearly visible from aerial images. Even though the channel continues southwest over property lines onto Lot 2, Block A, Yoder Airport 5<sup>th</sup> Addition, the subject drainage easements are contained solely on Lot 1.

As shown on the attached exhibit, the applicant proposed to relocate the 50-foot drainage easement to run along the northern property line of Lot 1 and terminate at the boundary of the platted drainage reserve. The platted drainage reserve exists to cover the 100-year floodplain of the middle branch of Clearwater Creek. Essentially, the new drainage easement will permit water to flow toward the drainage reserve as the current drainage easements do. By relocating the drainage easement, the applicant consolidates the buildable area on his lot for more efficient use of the acreage.

The Sedgwick County Floodplain Technician and Sedgwick County Public Works have reviewed this request and do not object. Everygy does not have any equipment in the area and does not object to the request. The Yoder Airport 5<sup>th</sup> Addition was recorded December 13, 2018.

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 portions of the platted 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 September 15, 2022, 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 platted drainage easement and 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) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to Board of County Commissioners 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 Board of County Commissioners for final action.

- (2) 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 County 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 Board of County Commissioners for final action.
- (3) All improvements shall be according to County Standards and at the applicants' expense.
- (4) Per the approval of Public Works, vacate the platted 50-foot drainage easement and easement dedicated by separate instrument recorded on DOC #/ FLM-PG: 28660654 located on Lot 1, Block A, Yoder Airport 5<sup>th</sup> Addition, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the vacated 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 Board of County Commissioners 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.

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

The Subdivision Committee recommends approval per staff recommendations.

#### Attachments:

1. Aerial Map
2. Plat Excerpt
3. Vacation Exhibit
4. New Easement Location Exhibit
5. Floodplain Exhibit

