



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30301663

Receipt #: 2422117
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR
Date Recorded: 04/11/2024 01:58:47 PM
Authorized By: *Tonya Buckingham*

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

**IN THE MATTER OF THE VACATION OF A PLATTED
UTILITY EASEMENT**

**GENERALLY LOCATED LESS THAN ONE-HALF MILE
NORTH OF EAST 21ST STREET NORTH AND ONE-BLOCK
WEST OF INTERSTATE 135**

VAC2023-00007

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 9th day of April 2024, comes on for hearing the petition for vacation filed by RRM Properties, LLC (owner) praying for the vacation of a platted utility easement, to wit:

A tract of land lying in a portion of Lot 2, Block A, Cornejo Industrial District, Wichita, Sedgwick County, Kansas as prepared by Baughman Co. P.A., CLS 58, surveyors, in aforesaid county and state, on March 2, 2023, described as Commencing at a deflection point in the northwest boundary of said Lot 2, said deflection point also being the northeast corner of Lot 6, Block 1, in the North Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas; THENCE S00°43'29"E, coincident with the westerly east line of said Lot 2, a distance of 40.00 feet, for a Point of Beginning; THENCE continuing S00°43'29"E, a distance of 202.50 feet, to a deflection point in said Lot 2, said point also being the southwest corner of Lot 5, Block 1, in said North Industrial Park Fourth Addition; THENCE S00°45'10"E, coincident with the east line of a 30 foot Utility Easement as platted in said Cornejo Industrial District, a distance of 274.68 feet, to the north line of a 60 foot Utility Easement as platted in said Cornejo Industrial District; THENCE S89°14'33"W, coincident with said 60 foot Utility Easement, a distance of 30 feet, to the west line of said 30 foot Utility Easement; THENCE N00°45'10"W, coincident with said platted 30 foot Utility Easement, a distance of 274.72 feet; THENCE N00°37'42"W, coincident with said platted 30 foot Utility Easement, a distance of 153.96 feet; THENCE N74°32'21"W, coincident with said platted 30 foot Utility Easement, a distance of 76.88 feet, to a point 40 feet normally distant to the northwest boundary of said Lot 2; THENCE N70°59'47"E, parallel with and 40 feet normally distant to the southeast of said northwest boundary, a distance of 84.75 feet; THENCE N89°08'08"E, parallel with and 40 feet

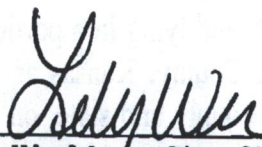
April 9, 2024
VAC2023-00007

normally distant to the south of said northwest boundary, a distance of 23.61 feet, to the point of beginning.

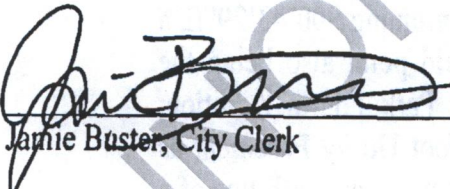
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 20, 2023, 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 platted utility easement and the public will suffer no loss or inconvenience thereby.
3. Dedicate a utility easement, by separate instrument for the relocation of utilities. This easement shall be recorded along with the Vacation Order at the Sedgwick County Register of Deeds.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the described platted utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described platted utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the Dedication of a Utility Easement to the Register of Deeds of Sedgwick County for recording.

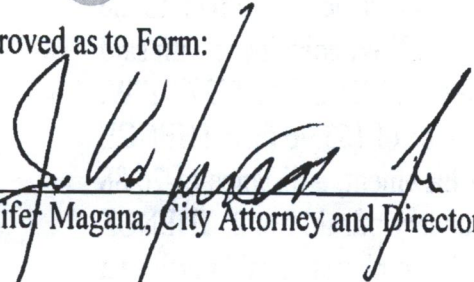

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

April 9, 2024/
VAC2023-00007



Sedgwick County
Register of Deeds - Tonya Buckingham

Doc. #/Flm-Pg: 30261630

Receipt #: 2395154
Pages Recorded: 2

Recording Fee: \$38.00

Cashier: KVENATOR

Authorized By: *Tony Buckingham*

Date Recorded: 09/01/2023 03:10:16 PM



TERMINATION AND RELEASE OF EASEMENT

THIS TERMINATION AND RELEASE OF EASEMENT ("Termination") is made and entered into as of August 31, 2023, by R.R.M. Properties, L.L.C., ("RRM") successor in interest as current owner of former Lots 1, 2, 5, 6, 7, and 8, Block 1, North Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas ("Property"), to the Owners as stated in the Easement, Film 345, Page 261, filed on January 8, 1979.

WHEREAS, Derby Refining Company, a Delaware corporation granted the Owners a perpetual easement for drainage of uncontaminated surface water along and over the following described real estate situated in Sedgwick County, Kansas, to-wit: Vacated Cleveland Avenue from the South line of vacated 23rd Street extended west to a line 50 feet North of the center of 21st Street, Wichita, Sedgwick County, Kansas; subject to fire lane easement, utility easement and access easement to emergency and maintenance personnel and vehicles of public agencies reserved by the City of Wichita in the vacation of said portion of Cleveland Avenue (Case #V-0836).

WHEREAS, pursuant to the Cornejo Industrial District, Wichita, Sedgwick County, Kansas plat filed in Doc. #/Flm-Pg: 30120508 on December 2, 2021, RRM is the owner of all of the Property.

WHEREAS, the Property is now legally described as:

Lot 1, Block A; Lot 2, Block A; Lot 1, Block B; and Lot 1, Block C, Cornejo Industrial District, Wichita, Sedgwick County, Kansas

WHEREAS, Derby Refining Company was merged out of existence on November 4, 1954 and RRM states that no refining activities are currently occurring on the Property, nor have any refining activities occurred on the Property since RRM's ownership beginning on May 13, 2020.

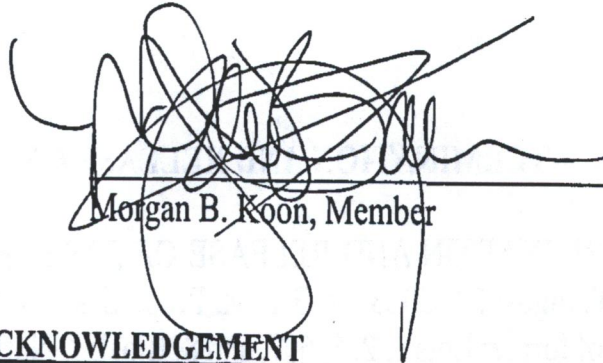
WHEREAS, RRM does not need any rights contained in the Easement and desires the Easement be terminated.

NOW, THEREFORE, in consideration of the above and foregoing, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, RRM agrees that the Easement, and all rights granted thereunder, are hereby terminated and released in all

respects, and that the Easement is hereby null and void and no longer of any further force and effect.

IN WITNESS WHEREOF, I have hereunto caused this Termination and Release of Easement to be executed on the day and year first above written.

R.R.M. Properties, L.L.C.

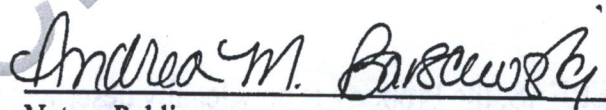

Morgan B. Koon, Member

ACKNOWLEDGEMENT

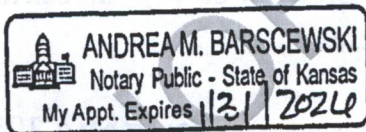
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

On this 31st day of August, 2023, before me personally appeared Morgan B. Koon, to me known to be the person described in and who executed the foregoing instrument, who, being by me duly sworn, did say that he is a Member of R.R.M. Properties, L.L.C., a Kansas limited liability company, and that this instrument was signed on behalf of said limited liability company and said officer acknowledged said instrument to be executed for the purposes therein stated and as a free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public

(SEAL)





Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Fil-Pg: 30226661

Receipt #: 2372079
Pages Recorded: 3

Recording Fee: \$35.00

Cashier: KVENATOR

Authorized By: Tonya Buckingham

Date Recorded: 03/15/2023 01:54:23 PM



UTILITY EASEMENT

THIS EASEMENT made this 8 day of MARCH, 2023, by and between, R.R.M. Properties, L.L.C., a Kansas limited liability 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 other 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:

See attached *EXHIBIT A* for legal description.

And 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.

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

R.R.M. PROPERTIES, L.L.C.

By: 2010 Ronald J. Cornejo Irrevocable Family
Trust Agreement, Member

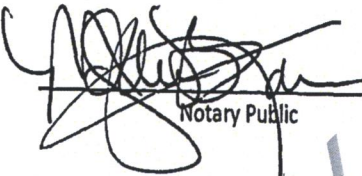
By: [Signature]
Ronald J. Cornejo, Trustee

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

This instrument was acknowledged before me on March 8, 2023,
by Ronald J. Cornejo, Trustee of the 2010 Ronald J. Cornejo Irrevocable Family Trust Agreement,
Member of R.R.M. Properties, L.L.C., a Kansas limited liability company.

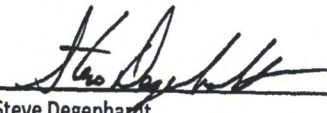


(seal)


Notary Public

(My Appointment Expires: 8/25/2024)

Reviewed and approved by the City Engineer:


Steve Degenhardt

UNOFFICIAL COPY

EXHIBIT A

Legal Description of Utility Easement

A tract of land lying in a portion of Lot 2, Block A, Cornejo Industrial District, Wichita, Sedgwick County, Kansas as prepared by Baughman Co. P.A., CLS 58, surveyors, in aforesaid county and state, on February 21, 2023, described as Beginning at a deflection point in the northwest boundary of said Lot 2, said deflection point also being the northeast corner of Lot 6, Block 1, in the North Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas; THENCE S00°43'29"E, coincident with the westerly east line of said Lot 2, a distance of 40.00 feet; THENCE S89°08'08"W, a distance of 23.61 feet; THENCE S70°59'47"W, parallel with and 40 feet normally distant to the south of said northwest boundary, a distance of 100.82 feet; THENCE S00°43'29"E, a distance of 18.97 feet; THENCE S89°08'08"W, a distance of 33.89 feet; THENCE S47°12'41"W, a distance of 134.54 feet; THENCE S89°08'08"W, a distance of 11.38 feet; THENCE S30°34'58"W, parallel with and 40 feet normally distant to the southeast of the northwest boundary of said Lot 2, a distance of 337.73 feet; THENCE S01°23'04"E, parallel with and 40 feet normally distant to the east of the northwest boundary of said Lot 2, a distance of 47.78 feet, to the north line of a 60 foot Utility Easement; THENCE S89°14'33"W, coincident with said north line, a distance of 31.88 feet, to a deflection point in said north line; THENCE N54°56'39"W, coincident with the northerly line of said Utility Easement, a distance of 10.10 feet, to the northwest boundary of said Lot 2; THENCE N01°23'04"W, coincident with the northwest boundary of said Lot 2, a distance of 52.89 feet, to a point of deflection in said northwest boundary; THENCE N30°34'58"E, coincident with the northwest boundary of said Lot 2, a distance of 371.61 feet, to a point of deflection in said northwest boundary; THENCE N89°08'08"E, coincident with the northwest boundary of said Lot 2, a distance of 18.48 feet, to a point of deflection in said northwest boundary, said point of deflection also being the southwest corner of said Lot 6; THENCE N47°12'41"E, coincident with the northwest boundary of said Lot 2, a distance of 134.70 feet, to a point of deflection in said northwest boundary; THENCE N89°08'08"E, coincident with the northwest boundary of said Lot 2, a distance of 8.00 feet, to a point of deflection in said northwest boundary; THENCE N00°43'29"W, coincident with the northwest boundary of said Lot 2, a distance of 10.00 feet, to a point of deflection in said northwest boundary; THENCE N89°08'08"E, coincident with the northwest boundary of said Lot 2, a distance of 8.00 feet, to a point of deflection in said northwest boundary; THENCE N70°59'47"E, coincident with the northwest boundary of said Lot 2, a distance of 128.48 feet, to a point of deflection in said northwest boundary; THENCE N89°08'08"E, coincident with the northwest boundary of said Lot 2, a distance of 30.00 feet, to the point of beginning.

Subject easement contains 29,483.65 sq. ft or 0.67 acres.

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

IN THE MATTER OF THE VACATION OF A PLATTED UTILITY EASEMENT	)	
	)	
	)	
	)	
	)	
GENERALLY LOCATED LESS THAN ONE-HALF MILE NORTH OF EAST 21ST STREET NORTH AND ONE-BLOCK WEST OF INTERSTATE 135	)	VAC2023-00007
	)	
	)	
	)	

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 9th day of April 2024, comes on for hearing the petition for vacation filed by RRM Properties, LLC (owner) praying for the vacation of a platted utility easement, to wit:

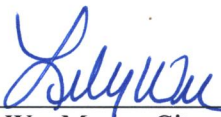
A tract of land lying in a portion of Lot 2, Block A, Cornejo Industrial District, Wichita, Sedgwick County, Kansas as prepared by Baughman Co. P.A., CLS 58, surveyors, in aforesaid county and state, on March 2, 2023, described as Commencing at a deflection point in the northwest boundary of said Lot 2, said deflection point also being the northeast corner of Lot 6, Block 1, in the North Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas; THENCE S00°43'29"E, coincident with the westerly east line of said Lot 2, a distance of 40.00 feet, for a Point of Beginning; THENCE continuing S00°43'29"E, a distance of 202.50 feet, to a deflection point in said Lot 2, said point also being the southwest corner of Lot 5, Block 1, in said North Industrial Park Fourth Addition; THENCE S00°45'10"E, coincident with the east line of a 30 foot Utility Easement as platted in said Cornejo Industrial District, a distance of 274.68 feet, to the north line of a 60 foot Utility Easement as platted in said Cornejo Industrial District; THENCE S89°14'33"W, coincident with said 60 foot Utility Easement, a distance of 30 feet, to the west line of said 30 foot Utility Easement; THENCE N00°45'10"W, coincident with said platted 30 foot Utility Easement, a distance of 274.72 feet; THENCE N00°37'42"W, coincident with said platted 30 foot Utility Easement, a distance of 153.96 feet; THENCE N74°32'21"W, coincident with said platted 30 foot Utility Easement, a distance of 76.88 feet, to a point 40 feet normally distant to the northwest boundary of said Lot 2; THENCE N70°59'47"E, parallel with and 40 feet normally distant to the southeast of said northwest boundary, a distance of 84.75 feet; THENCE N89°08'08"E, parallel with and 40 feet

normally distant to the south of said northwest boundary, a distance of 23.61 feet, to the point of beginning.

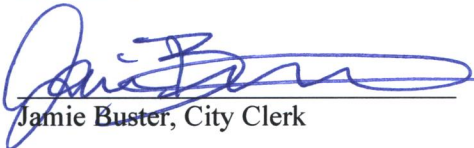
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 20, 2023, 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 platted utility easement and the public will suffer no loss or inconvenience thereby.
3. Dedicate a utility easement, by separate instrument for the relocation of utilities. This easement shall be recorded along with the Vacation Order at the Sedgwick County Register of Deeds.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the described platted utility easement should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2024, ordered that the above-described platted utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the Dedication of a Utility Easement to the Register of Deeds of Sedgwick County for recording.

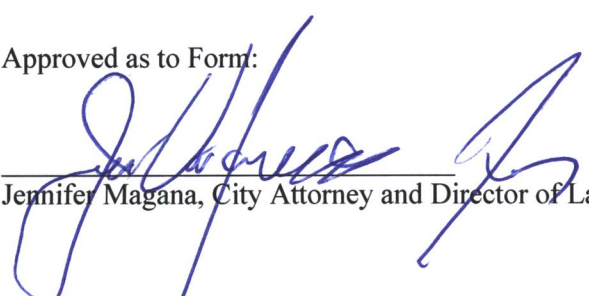

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

April 9, 2024
VAC2023-00007



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2024

Baughman Company, P.A.
Attn: Phil Meyer
315 S. Ellis
Wichita, KS 67211

RE: VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

Dear Applicant;

At its regular meeting on April 9, 2024, 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

cc: RRM Properties, LLC, 800 E. 21st Street North, Wichita, KS 67214



Wichita-Sedgwick County Metropolitan Area Planning Department

April 14, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

R.R.M. Properties, LLC
800 E. 21st Street North
Wichita, KS 67214

Ref: VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

Dear applicants,

At the Thursday, April 13, 2023 meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Per the approval of City Public Works, vacate the platted 30-foot utility easement on Lot 2, Block A, Cornejo Industrial District. Provide planning staff with legal descriptions of the approved vacated easement on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Wichita City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the Wichita City Council for final action.
- (3) Provide Planning with a utility easement dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the County Commission for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to the Wichita City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall 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.

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 Sedgwick County Commission at the first appropriate date after April 27, 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,

A handwritten signature in cursive script, appearing to read "E. Ebach".

Eryn Ebach
Associate Planner



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	398642	Print Legal Ad-IPL01149060 - IPL0114906		\$231.52	3	92 L

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

LEGAL PUBLICATION

OGA 150004
Published in The Wichita Eagle on March 23, 2023
(One Time Only)
MAPC/SEA April 13, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 13, 2023, no earlier than 1:30 p.m., the WichitaSedgwick 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).
BZA2023-00013: Variance request in the City to allow an off-site sign in the 20-foot west front setback on property zoned GI General Industrial; generally located west of North Hydraulic Avenue and approximately one-quarter-mile north of East 37th Street North (4035 N. Hydraulic).

CON2023-00005: Conditional Use request in the City to permit expansion of existing bar with live entertainment (defined as Night Club in the City) on property zoned LC Limited Commercial; located on the south side of East 17th Street and within one block east of North Hillside Avenue (3227 East 17th Street North).

DER2023-00006: WichitaSedgwick County Unified Zoning Code (UJC) amendment to include Short-Term Rental businesses.

FUD2023-00001: Zone change request in the City from LI Limited Industrial District with PO #162 to FUD Planned Unit Development for mixed-use development; generally located on the northwest corner of East 29th Street North and North Greenwich Road.

FUD2023-00002: Zone change request in the City from B Multi-Family Residential to FUD Planned Unit Development for duplex development with flexible development standards; generally located west of North Wellington Street and approximately 300 feet north of West 11th Street North.

VAC2023-00004: Request in the County to vacate a portion of platted access control located along East 71st Street South, within one block east of South 145th Street East.

VAC2023-00005: Request in the County to vacate a platted 70-foot contingent street dedication between Lots 6 and 7, Downs County Estates Addition, on properties zoned SF-20 Single-Family Residential; located within one-quarter mile northwest of South Webb Road and East 47th Street South (8314 and 9207 E Cherish).

VAC2023-00006: Request in the County to vacate a floodway reserve easement dedicated by separate instrument; generally located one-half-mile south of West 125th Street North and east of North Seneca (10th) Street West (12220 North Seneca).

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

ZON2023-00007: Zone change in the City from SF-5 Single-Family Residential District to GO General Office District to allow GO uses including duplexes; generally located east of South Maize Road and north of West Kellogg Drive.

ZON2023-00008: Zone change request in the City from SF-5 Single Family Residential to LC Limited Commercial to build a commercial building with drive-through; located at South Seneca Street and South Walnut Street, within one block South of West 31st Street South (3234 Seneca Street ramp; 3241 South Walnut Street).

ZON2023-00009: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northwest corner of North Fairview Avenue and West 31st Street North (3205 North Fairview).

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 WichitaSedgwick 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=a0k3bW0ySjBibnFjQTQ0YV0xPVdEXUJOT9>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,4089866967#,,,,*094136# US (San Jose)

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

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/uc65codfb1>

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 WichitaSedgwick 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 WichitaSedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.853.7764

WITNESS MY HAND on March 23, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0114906

Mar 23 2023

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

1 insertion(s) published on:

03/23/23

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 03/23/2023 to 03/23/2023.

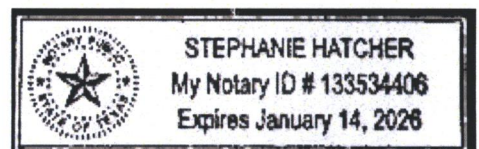
M. Hayley

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

DATED: 03/23/2023

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. 3.4
April 13, 2023

STAFF REPORT

CASE NUMBER: VAC2023-00007- Request in the City to vacate a plated 30-foot utility easement on property zoned GI General Industrial

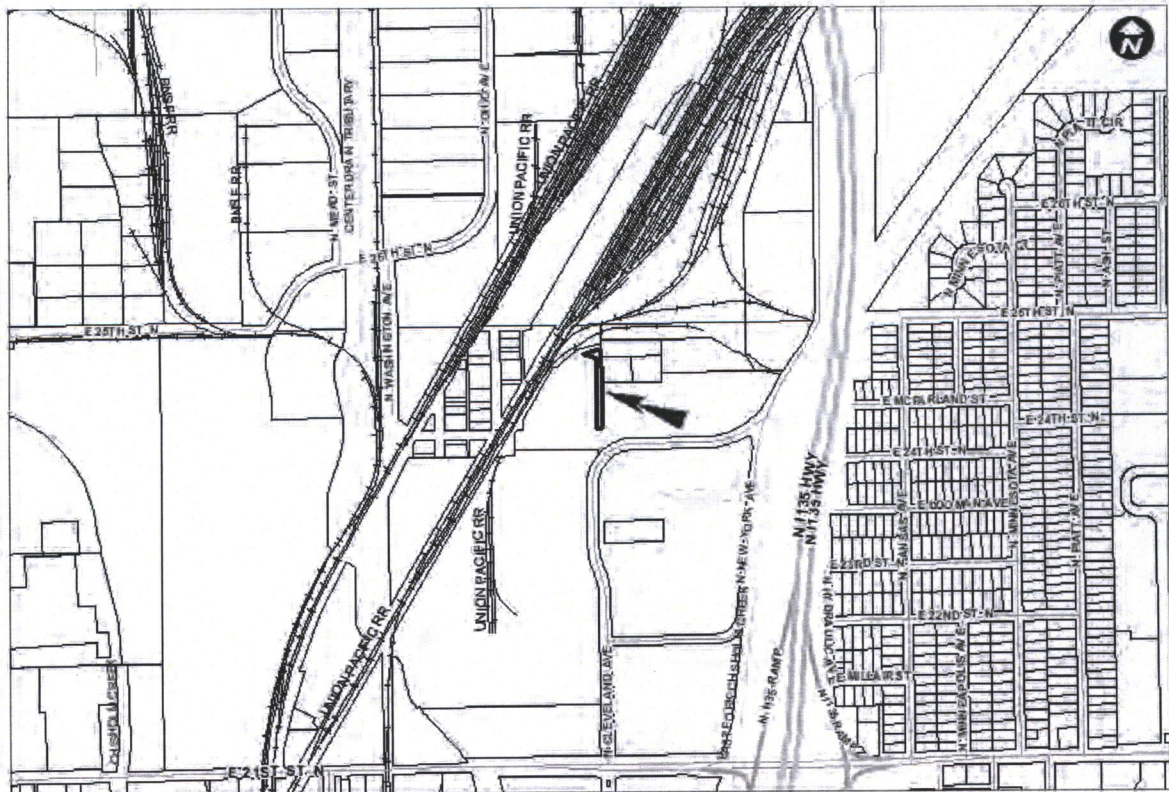
APPLICANTS: RRM Properties, LLC (applicant); Baughman Company (agent)

LEGAL DESCRIPTION: Generally described as vacating a 30-foot utility easement See attached legal).

LOCATION: Generally located north of North Cleveland Avenue and west of North New York Avenue.

REASON FOR REQUEST: Site development

CURRENT ZONING: The subject area and all abutting properties are zoned GI General Industrial District and are developed with industrial uses.



The applicant proposes to vacate the platted 30-foot utility easement, generally located north of North Cleveland Avenue and west of North New York Avenue for industrial site development. In 2021, the subject property was platted as Lot 2, Block A, Cornejo Industrial District. Lot 2 is approximately 47.5-acres in size and is zoned GI General Industrial District.

The City and franchise utilities have existing equipment in the requested area of vacation. A City water line runs down the center of the easement, and Evergy poles are parallel to its western edge. Approval of this request would require the applicant/owner to dedicate a new utility easement and have the utilities relocated at their expense.

Should this request be approved, the applicant intends to dedicate a 40-foot utility easement along the north and west lines of this portion of Lot 2 (See attachment 2, Applicant's Exhibit).

Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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 March 20, 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 utility easement 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. Per the approval of City Public Works, vacate the platted 30-foot utility easement on Lot 2, Block A, Cornejo Industrial District. Provide planning staff with legal descriptions of the approved vacated easement on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Wichita City Council for final action.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the

Wichita City Council for final action.

3. Provide Planning with a utility easement dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the County Commission for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to the Wichita City Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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 subject to the following conditions:

1. Per the approval of City Public Works, vacate the platted 30-foot utility easement on Lot 2, Block A, Cornejo Industrial District. Provide planning staff with legal descriptions of the approved vacated easement on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to the Wichita City Council for final action.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the Wichita City Council for final action.
3. Provide Planning with a utility easement dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the County Commission for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to the Wichita City Council for final action.
4. All improvements shall be according to City Standards and at the applicant's expense.
5. Per MAPC Policy Statement #7, all conditions shall 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.

VAC2023-00007: Request in the City to vacate a platted 30-foot utility easement on property zoned GI General Industrial; generally located north of North Cleveland Avenue and west of North New York Avenue.

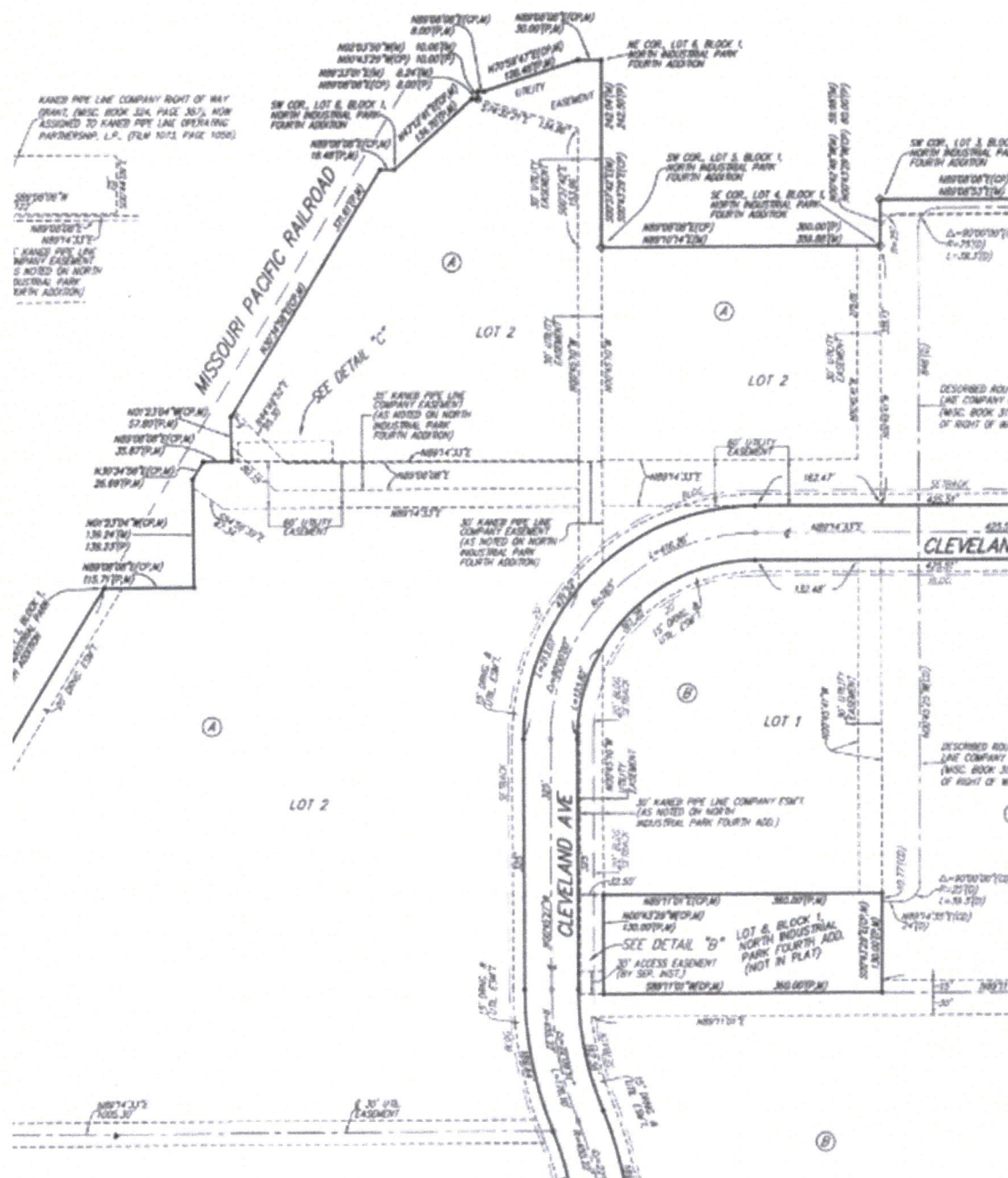
April 13, 2023

Page 4

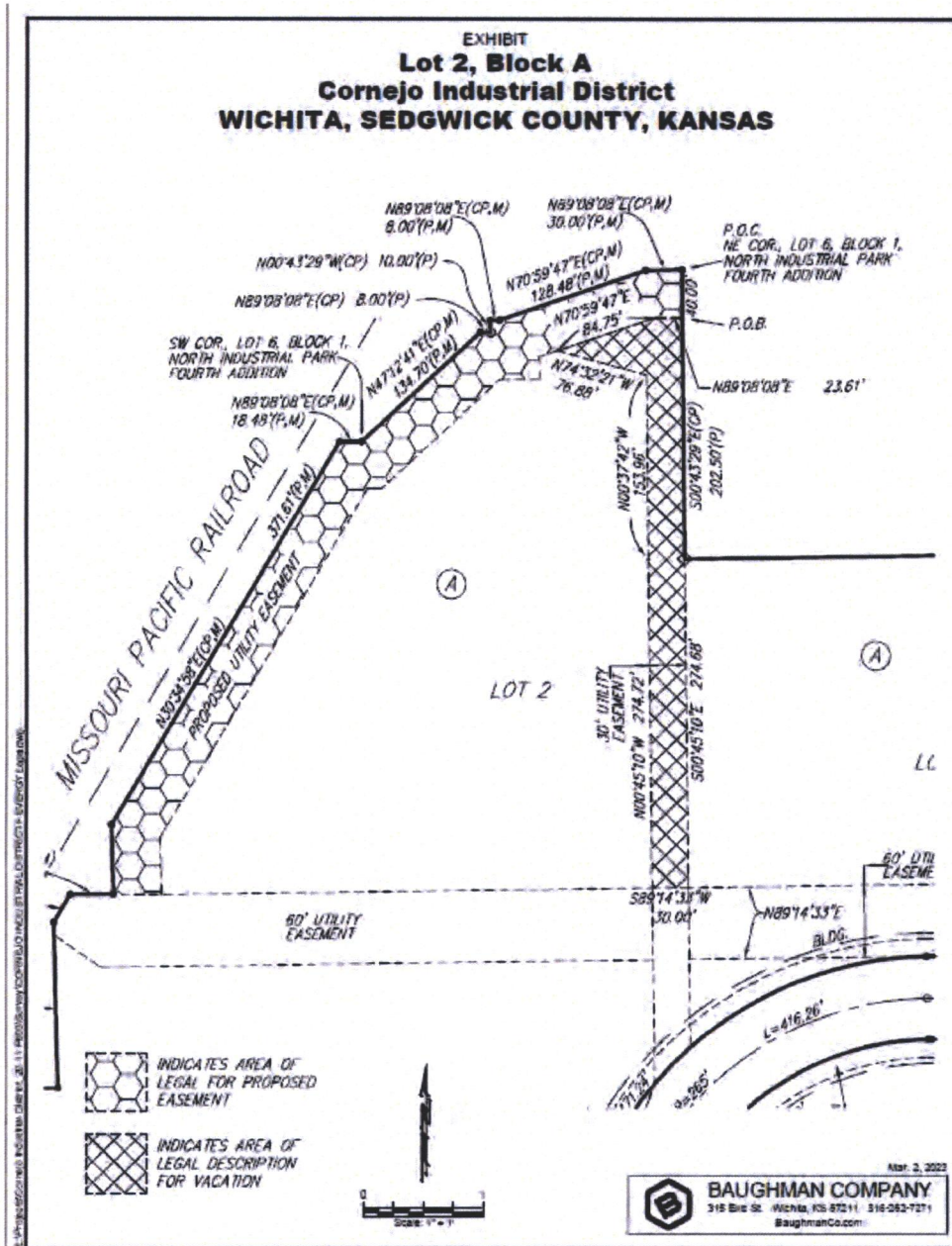
Attachments:

1. Excerpt from Cornejo Industrial District
2. Applicant's Exhibit
3. Aerial Map
4. Site Photos
5. Legal Description

Page 5



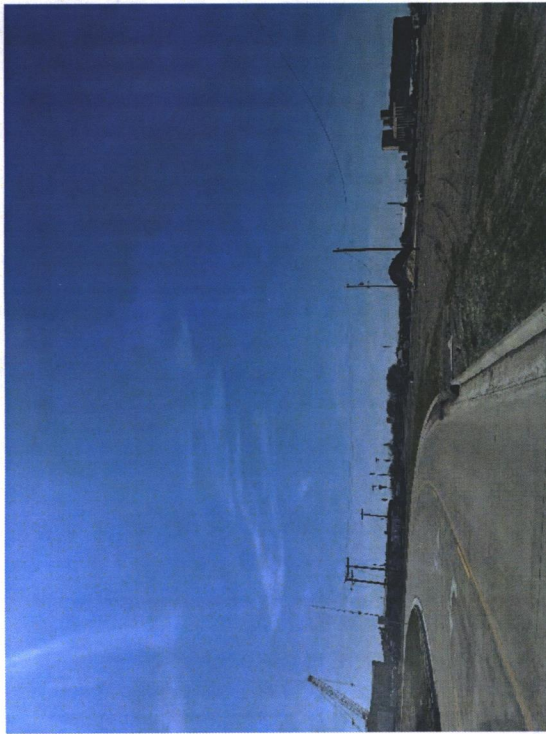
Attachment 2. Applicant's Exhibit



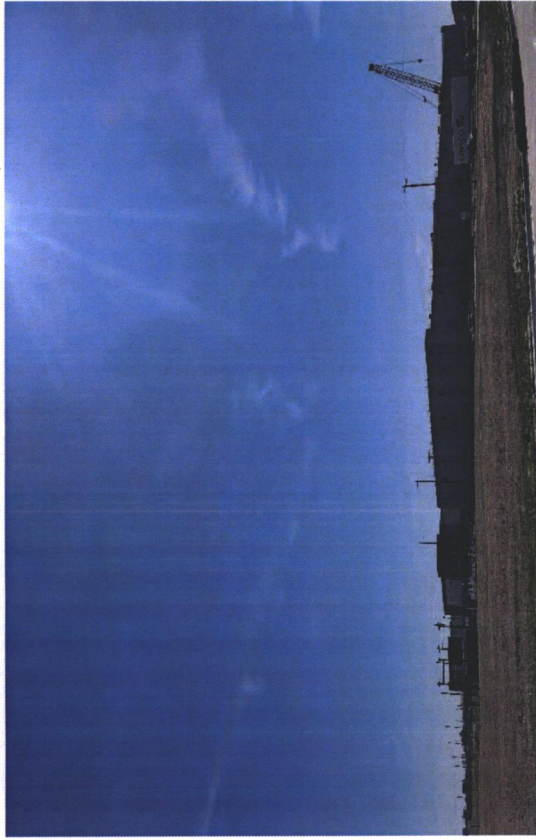
Attachment 3. Aerial Map



Attachment 4. Site Photos



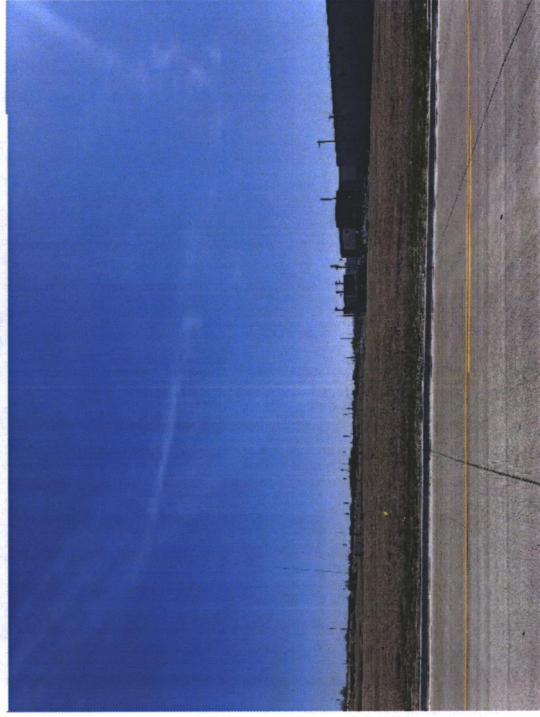
The subject area.



Development south of the subject area.



Development south of the subject area.



Southeast of the subject area.



March 2, 2023

Cornejo Industrial District

Lot 2, Block A, Easement Vacation

A tract of land lying in a portion of Lot 2, Block A, Cornejo Industrial District, Wichita, Sedgwick County, Kansas as prepared by Baughman Co. P.A., CLS 58, surveyors, in aforesaid county and state, on March 2, 2023, described as Commencing at a deflection point in the northwest boundary of said Lot 2, said deflection point also being the northeast corner of Lot 6, Block 1, in the North Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas; THENCE S00°43'29"E, coincident with the westerly east line of said Lot 2, a distance of 40.00 feet, for a Point of Beginning; THENCE continuing S00°43'29"E, a distance of 202.50 feet, to a deflection point in said Lot 2, said point also being the southwest corner of Lot 5, Block 1, in said North Industrial Park Fourth Addition; THENCE S00°45'10"E, coincident with the east line of a 30 foot Utility Easement as platted in said Cornejo Industrial District, a distance of 274.68 feet, to the north line of a 60 foot Utility Easement as platted in said Cornejo Industrial District; THENCE S89°14'33"W, coincident with said 60 foot Utility Easement, a distance of 30 feet, to the west line of said 30 foot Utility Easement; THENCE N00°45'10"W, coincident with said platted 30 foot Utility Easement, a distance of 274.72 feet; THENCE N00°37'42"W, coincident with said platted 30 foot Utility Easement, a distance of 153.96 feet; THENCE N74°32'21"W, coincident with said platted 30 foot Utility Easement, a distance of 76.88 feet, to a point 40 feet normally distant to the northwest boundary of said Lot 2; THENCE N70°59'47"E, parallel with and 40 feet normally distant to the southeast of said northwest boundary, a distance of 84.75 feet; THENCE N89°08'08"E, parallel with and 40 feet normally distant to the south of said northwest boundary, a distance of 23.61 feet, to the point of beginning.

Subject easement contains 15,987.31 sq. ft or 0.37 acres.

