Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30251457
Receipt #: 2388380
Pages Recorded: 2
Recording Fee: $0.00
Authorized By:
Cashier: KVENATOR
Date Recorded: 07/17/2023 03:56:13 PM

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PLATTED DRAINAGE EASEMENT	)	
LOCATED ON THE SOUTH SIDE OF WEST US-54/400 AND WITHIN ONE-HALF MILE EAST OF SOUTH 263RD STREET WEST.	)	CASE NO. VAC2023-00010

VACATION ORDER

NOW on this 11th day of July 2023, at 9:00 o'clock A.M., comes the petition filed by Cory Honse and Stephen Burns (owners), praying for the vacation of the following-described platted drainage easement, to-wit:

Legally Describing the entirety of Platted Easement:
Beginning at the SE corner of Lot 1, Block A, Yoder Airport 5th Addition, Sedgwick County, Kansas; thence along the east property line of Lot 2, Block A, Yoder Airport 5th Addition, on a curve to the right with a delta of 21°25'43", a radius of 465 feet and a length of 25.25 feet; thence S 00°00'00" W, a distance of 542.20 feet, to the east line of the platted drainage reserve; thence N 32°32'53" W, a distance of 29.52 feet; thence N 08°19'23" W, a distance of 25.38 feet; thence N 00°00'00" E, a distance of 567.50 feet, to the east property line of said Lot 1; thence on a curve to the right with a delta of 21°25'43", a radius of 465 feet and a length of 25.10 feet, to the Point of Beginning.

UNOFFICIAL COPY

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 April 20, 2023; 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 11th day of May 2023 and recommended that the vacation petition herein be approved.

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

Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 11 day of July, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

SARAH LOPEZ
Commissioner, Second District

KIRK W. SPONSEL
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

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Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2023

Cory Honse
909 North Maize Rd. Unit 212
Wichita, KS 67212

Stephen Burns
PO Box 53
Colwich, KS 67030

RE: **VAC2023-00010:** Vacation request in the County of a drainage easement, between South 263rd Street West and South 231st Street West, on the South side of West US-54/400, at the intersection of US-54/400 and Bonanza Circle.

Dear Applicant;

At its regular meeting on **July 11, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BoCC was to **APPROVE** the request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2023

Cory Honse
909 N. Maize Rd
Unit 202
Wichita, KS 67212

Stephen Burns
1878 N. Kentucky
Wichita, KS 67235

Ref: VAC2023-00010: Vacation request in the County of a drainage easement, between South 263rd Street West and South 231st Street West, on the South side of the US 54, at the intersection of US 54 and Bonanza Circle.

Mr. Honse & Mr. Burns,

At the **Thursday, May 11, 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 County Stormwater, vacate the platted 50-foot centerline drainage easement. 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 Sedgwick County Board of County Commissioners for final action.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County 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 Sedgwick County Board of County Commissioners for final action.

(3) All improvements shall be according to County Standards and at the applicant's expense.

(4) 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 Wichita City Council at the first appropriate date after **May 25, 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,

E. Ebach

Eryn Ebach-Freund
Associate Planner

Public notice

(Published in The Ark Valley News April 20, 2023.)

MAPC May 11, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, May 11, 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.**

VAC2023-00010: Vacation request in the County of a drainage easement, between South 263rd Street West and South 231st Street West, on the South side of the US 54, at the intersection of US 54 and Bonanza Circle.

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.

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=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09

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/u/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 April 20, 2023 .
Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 20th day of April, 2023. with subsequent publications being made on the following dates:

_____, 2023 _____, 2023

_____, 2023 _____, 2023

_____, 2023 _____, 2023

Chris Strunk

Subscribed and sworn to before me this 20th day of April, 2023.

Notary Public

My commission expires SAK Strunk NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas.

Additional copies $ _____

Printer's fee $ _____

FILE COPY

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.2
May 11, 2023

STAFF REPORT

CASE NUMBER: **VAC2023-00010**- Request in the County to vacate a platted 50-foot centerline drainage easement.

APPLICANTS: Cory Honse and Stephen Burns (applicants)

LEGAL DESCRIPTION: Generally described as vacating a platted drainage easement located on Lot 1 and Lot 2, Block A, Yoder 5th Addition. (See attached legal).

LOCATION: Generally located between South 263rd Street West and South 231st Street West, on the South side of the US 54, at the intersection of US 54 and Bonanza Circle.

REASON FOR REQUEST: Removal of drainage easement to reflect new runoff route.

CURRENT ZONING: The subject area and all abutting properties are zoned RR Rural Residential District and area developed with large-lot single-family residences or agricultural uses or are undeveloped.



The applicant proposes to vacate a platted 50-foot centerline drainage easement on the shared line of Lot 1 and 2, Block A, Yoder 5th Addition. The subject properties are being developed with single-family residences and are generally located between South 263rd Street West and South 231st Street West, on the South side of the US 54, at the intersection of US 54 and Bonanza Circle, in unincorporated Sedgwick County.

The FEMA Floodplain Area A is located on the western portions of Lots 1 and 2. Drainage intended to for the subject easement has been rerouted south to the drainage ditch running along South Bonanza Circle. County Stormwater has reviewed and approved the drainage plan routing to the ditch, and has stated they support the proposed vacation.

Evergy has no equipment in the area and does not object to the requested vacation. Ennidh Allender is the area representative and can be contacted at 316-261-6359 regarding this item. Conditions #2 and #3 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 County 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 complete access control.

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 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 drainage 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 County Stormwater, vacate the platted 50-foot centerline drainage easement. 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 Sedgwick County Board of County Commissioners for final action.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County 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 Sedgwick County Board of County Commissioners for final action.

(3) All improvements shall be according to County Standards and at the applicant's expense.

(4) 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 County Stormwater, vacate the platted 50-foot centerline drainage easement. 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 Sedgwick County Board of County Commissioners for final action.

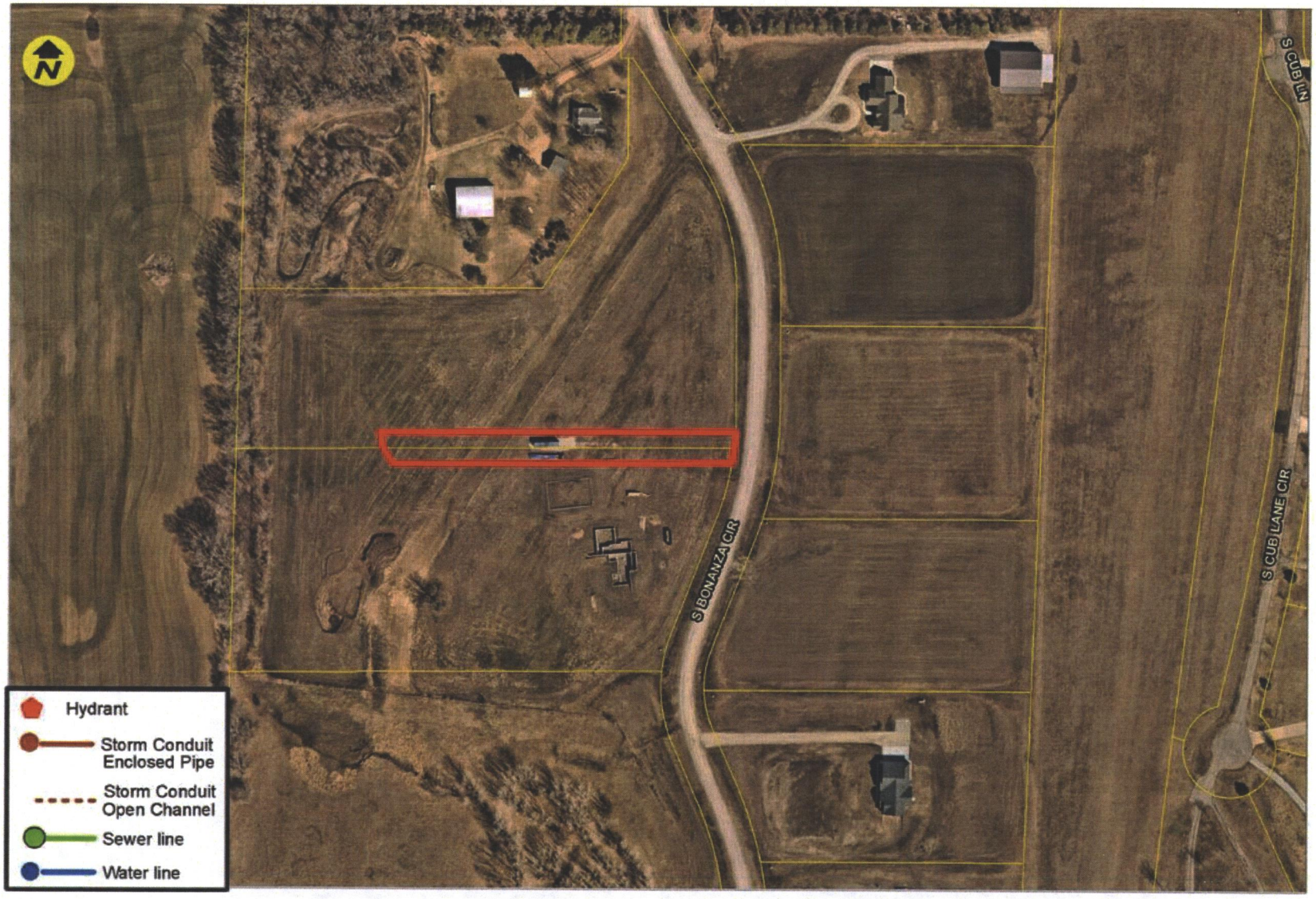
(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be to County Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case going to the Sedgwick County Board of County Commissioners for final action.

(3) All improvements shall be according to County Standards and at the applicant's expense.

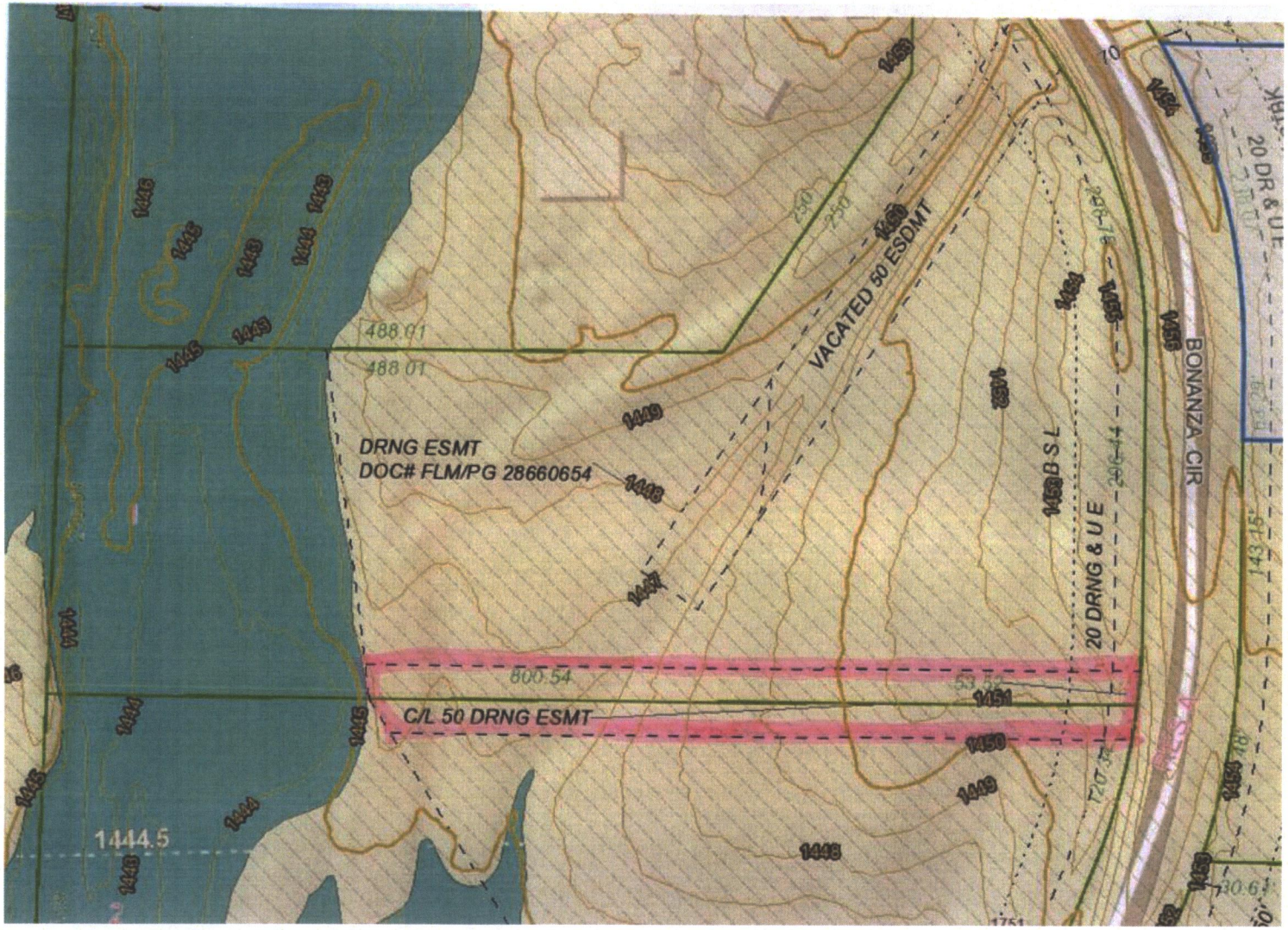
(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC, or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council, or the Sedgwick County Board of County Commissioners have taken 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.

Attachments:
1. Aerial Map
2. Applicant's Exhibit
3. Site Photos
4. Legal Description

Attachment 1. Aerial Map



Attachment 2. Applicant's Exhibit



Attachment 3. Site Photos



Lots 1 and 2 (facing northwest).



Lot 2.



The southeast end of the Bonanza Circle cul-de-sac

Legal Description:

The 50-foot centerline drainage easement on Lot 1 and Lot 2, Block A, Yoder 5th Addition to Sedgwick County, Kansas.