Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30314309
Receipt #: 2430540
Pages Recorded: 2
Recording Fee: $0.00
Authorized By
Cashier: bjackson
Date Recorded: 06/11/2024 11:08:54 AM

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED PIPELINE EASEMENT	)	
LOCATED ON WEST OF SOUTH OLIVER AVENUE AND WITHIN ONE-QUARTER MILE NORTH OF EAST 47TH STREET SOUTH	)	CASE NO. VAC2024-00017

VACATION ORDER

NOW on this 5th day of June 2024, at 9:00 o'clock A.M., comes the petition filed by Cody and Michelle Gorges ("Petitioners"), praying for the vacation of the following-described portion of a platted pipeline easement from the face of the plat recorded on Doc#/Film Page: 2869-8007, but the easement shall remain as recorded on Misc. Book 371, Page 494, to-wit:

> COMMENCING at the Northwest corner of Lot 1, Timber Hill Addition; thence East along the North line of said Lot 1, Timber Hill Addition, a distance of 218.60 feet to the POINT OF BEGINNING; thence S89°42'21"E along the North line of said Lot 1, a distance of 94.22 feet; thence S50°09'46"E, a distance of 404.98 feet to the South line of said Lot 1; thence N89°42'21"W along the South line of said Lot 1, a distance of 94.22 feet; thence N50°09'46"W, a distance of 404.98 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, April 4, 2024; 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 Petitioners, the petition's prayer should be granted.

UNOFFICIAL COPY

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 25th day of April 2024, 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 portion of a platted pipeline easement as described above is hereby vacated. It is further ordered that Sedgwick 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 5th day of June, 2024.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

SAMANTHA SEANG 5/17/24
SAMANTHA SEANG
Assistant County Counselor

PETER F. MEITZNER
Commissioner, First District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

UNOFFICIAL COPY

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2024

Cody and Michelle Gorges
5130 N. 247th Street West
Andale, KS 67001

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

Ref: VAC2024-00017: Vacation request in the County to vacate a portion of a platted pipeline easement on property zoned RR Rural Residential; Generally located 950 feet east of North 147th Street West and within one-half mile south of West 53rd Street North.

Cody and Michelle,

At the **Wednesday, June 5, 2024**, meeting of the Sedgwick County Board of County Commissioners (BOCC), the above-referenced vacation request was approved.

Sincerely,

Philip Zevenbergen
Current Plans Division Manager

PZ:IJ

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 26, 2024

Cody and Michelle Gorges
5130 N. 247th Street West
Andale, KS 67001

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

Ref: VAC2024-00017: Vacation request in the County to vacate a portion of a platted pipeline easement on property zoned RR Rural Residential; Generally located 950 feet east of North 147th Street West and within one-half mile south of West 53rd Street North.

Cody and Michelle,

At the **Thursday, April 25, 2024**, 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 Public Works, vacate the described portion of the platted pipeline easement. Provide planning staff with legal descriptions of the approved pipeline 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 Sedgwick County Board of County Commissioners at the first appropriate date after **May 9, 2024,** (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, AICP
Current Plans Division Manager

PZ:IJ

Sedgwick Co. public notice

(Published in The Ark Valley News April 4, 2024.)

MAPC April 25, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 25, 2024, no earlier than 1:30 p.m.,** the Wichita Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **If you have any questions regarding the meeting or items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

CON2024-00017: Conditional Use in the County to allow an event center on property zoned RR Rural Residential located south along East 95th Street South and 850-feet east of South Broadway Avenue (615 E 95th St S).

VAC2024-00017: Vacation request in the County for an abandoned pipeline easement, generally located on the east side of North 247th Street West and one-half mile south of West 53rd Street North (5130 North 247th Street West).

VAC2024-00018: Vacation request in the County for a portion of South Fairland Drive and the front setback, generally located on the west side of South Fairland Drive and within one-quarter mile south of East Kellogg Drive (725 South Fairland Drive).

ZON2024-00015: Amendment to Protective Overlay in the County to PO-87 to allow an off-premises sign on the property, located on the northeast corner of 143rd St E and 61st St N (14004 E 61st St N).

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:

1) **Attend In-Person** at the Ronald **Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5:00 PM, 3 days prior to the meeting.

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

Email Planning@wichita.gov
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: **Scott Wadle**
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

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

Option to View Remotely (Not Participate)

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

WITNESS MY HAND on April 4, 2024
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 4th day of April, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

_____

Subscribed and sworn to before me this 4th day of April, 2024.

_____
Notary Public

My commission expires

Additional copies $

Printer's fee

LISA K. STRUNK NOTARY PUBLIC 4/24/24 STATE OF KANSAS

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.2
April 25, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00017**- Request in the County to vacate a platted pipeline easement.

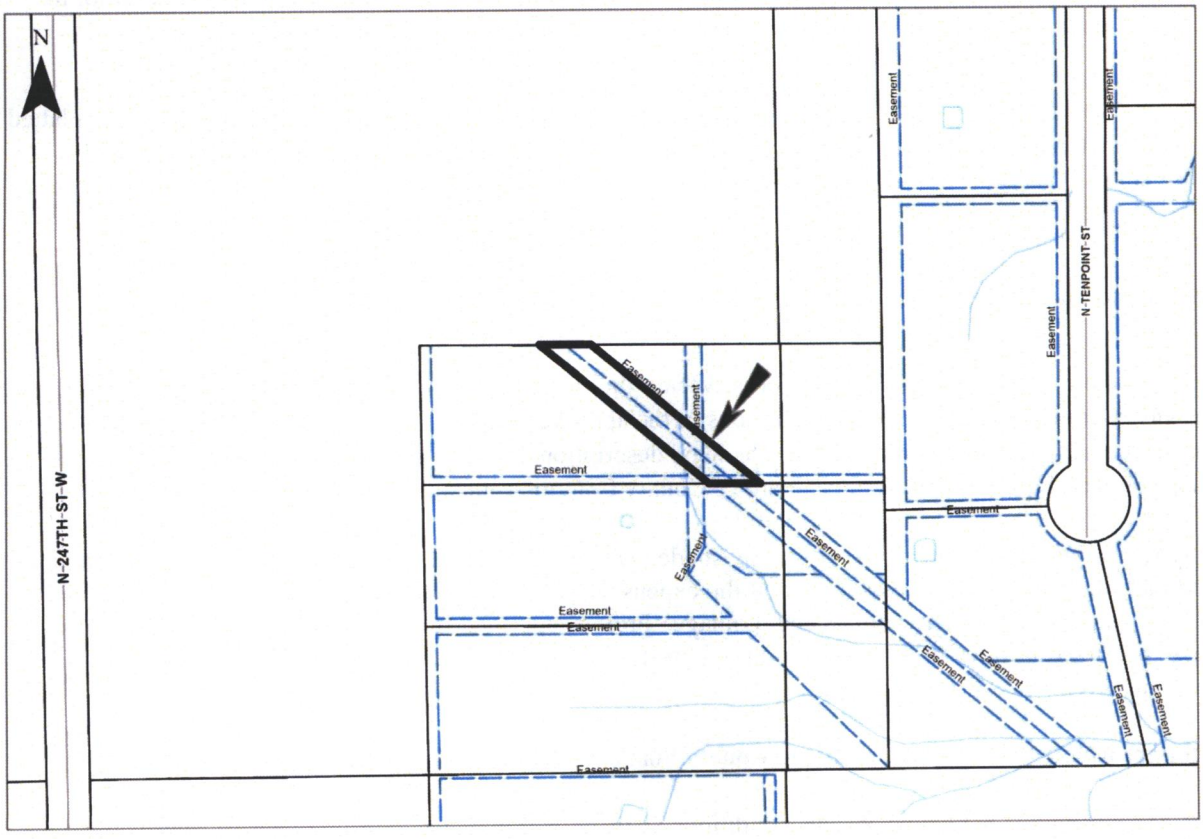
APPLICANT/AGNET: Cody and Michelle Gorges (applicant)/ K.E. Miller Engineering (agent)

LEGAL DESCRIPTION: Generally described as vacating a 60-foot by 405-foot portion of a platted pipeline on Lot 1, Block A, Timber Hill Addition, Sedgwick County, Kansas. (See attached legal description).

LOCATION: Generally located 950 feet east of North 247th Street West, and within one-half mile south of West 53rd Street North (5130 N. 247th Street West).

REASON FOR REQUEST: To permit building construction.

CURRENT ZONING: The subject site and all surrounding properties are zoned RR Rural Residential District and are developed with large lot residential and/or agricultural fields.



The applicant is requesting to vacate a 60-foot by 405-foot portion of a platted pipeline easement on property zoned RR Rural Residential District (RR), located 950 feet east of North 247th Street West and within one-half mile south of West 53rd Street North. The purpose of the request is to permit the applicant to construct a building. The property is developed with a single-family dwelling and a lagoon. The "Seminole Transportation & Gathering Inc. Easement" is recorded on Misc. Book 371, Page 494, but it was reflected on the Timber Hill plat. The purpose of the vacation is to vacate it from the face of the plat, but the original easement by separate instrument will remain. The applicant has been working with the owner of the pipeline. They want to keep the easement for any possible future use. however, they are willing to give the applicant an encroachment agreement. The vacation is to allow the applicant to pull a building permit since they are not able to submit plans showing encroachment into a platted easement.

The subject pipeline has been abandoned and the easement. However, as stated above, the owner of the pipeline wishes to retain the easement by separate instrument for any possible future use. Sedgwick County Public Works and Sedgwick County Fire have no objection to the vacation request. Neither Every nor Cox have equipment in the vacation area. The area is outside Evergy territory. 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 portion of the pipeline easement dedicated by separate instrument.

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 4, 2024, which was at least 20 days prior to this public hearing.

2. That no private rights will be injured or endangered by vacating the described portion of the platted pipeline 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 Public Works, vacate the described portion of the platted pipeline easement. Provide planning staff with legal descriptions of the approved pipeline 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 per staff recommendations.

Attachments:
1. Aerial Map
2. Vacation Exhibit with legal description

VAC2024-00017

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

N

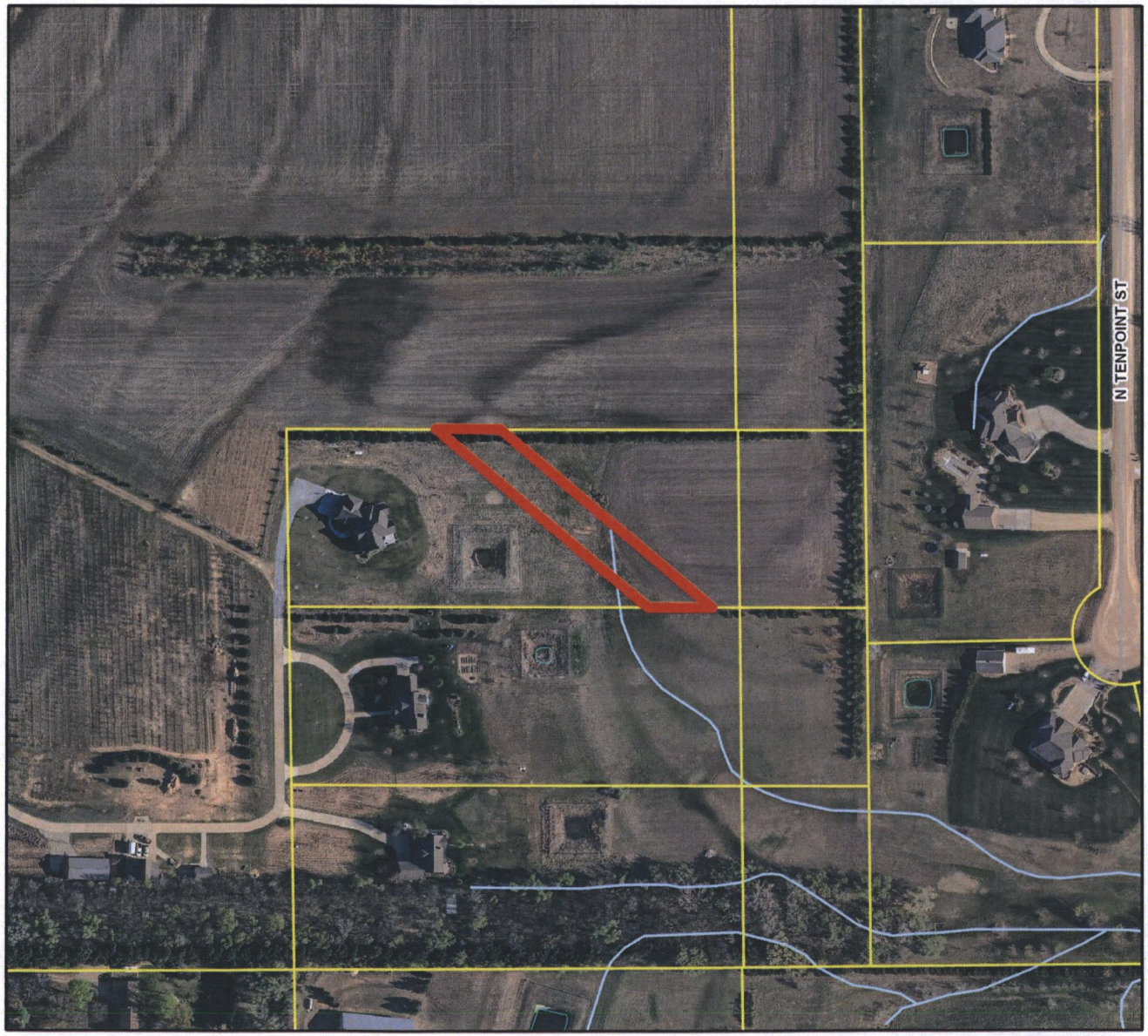
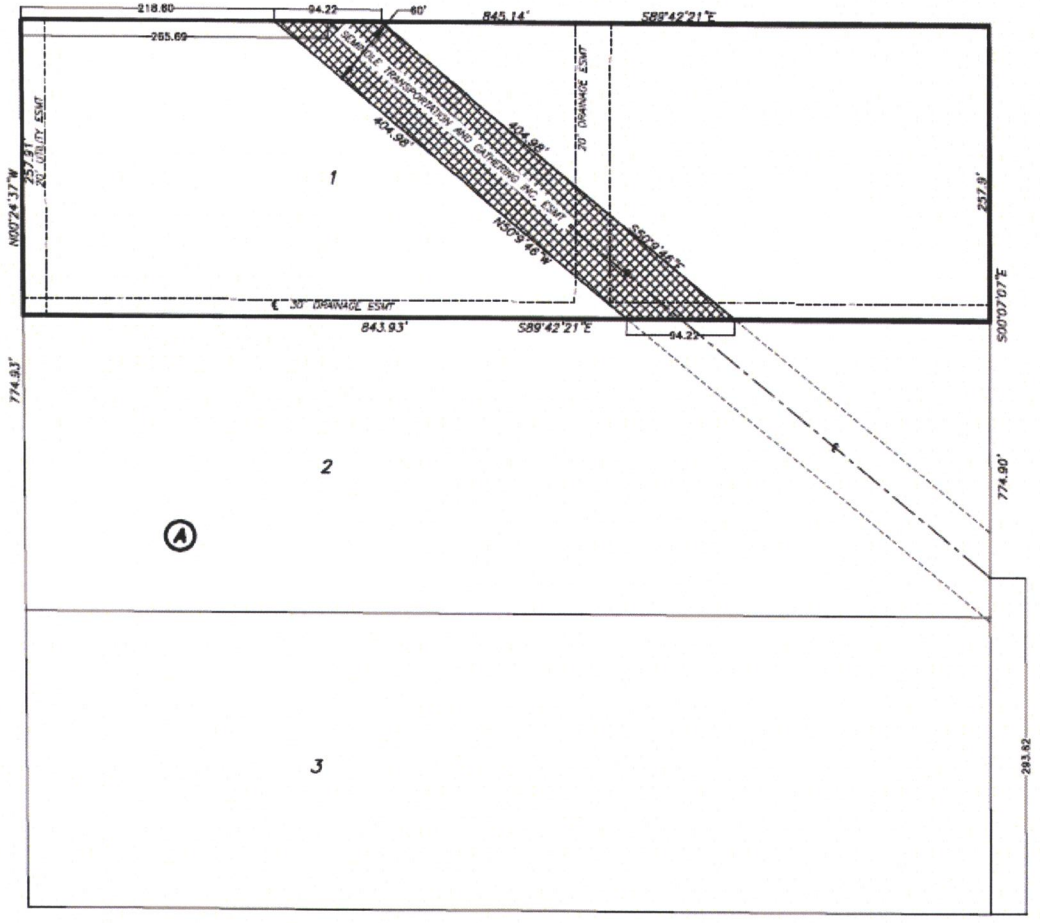


EXHIBIT "A"

EASEMENT VACATION EXHIBIT

Lot 1 Timber Hill Addition

SEDGWICK COUNTY, KANSAS



Vacation Legal Description:
Commencing at the Northwest corner of Lot 1 Timber Hill addition, thence East along the North line of said Lot 1 Timber Hill addition at a distance of 218.60 feet to the point of beginning; thence S89°42'21"E along the North line of said Lot 1 at a distance of 94.22 feet; thence S50°9'46"E at a distance of 404.98 feet to the South line of said Lot 1; thence N89°42'21"W along the South line of said Lot 1 94.22 feet; thence N50°9'46"W at a distance of 404.98 feet to the point of beginning.

PARCEL 1:
All of the following described real estate, situated in the County of Sedgwick and the State of Kansas known and described as follows, to wit: Lot 1, Timber Hill, an Addition to Sedgwick County, Kansas, except the East 185.49 feet.

DATE: 3.4.2024

KEMILLER ENGINEERING
117 E Lewis Wichita, KS 67202 (316)264-0242