



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30309034

Receipt #: 2427094
Pages Recorded: 2

Recording Fee: \$0.00

Authorized By: *Tonya Buckingham*

Cashier: epage

Date Recorded: 05/16/2024 02:16:10 PM



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

IN THE MATTER OF THE VACATION OF A PORTION OF AN)
EASEMENT FOR DRAINAGE AND FLOODWAY RESERVE)
AGREEMENT DEDICATED BY SEPARATE INSTRUMENTS)

GENERALLY LOCATED WEST OF SOUTH OLIVER AVENUE) VAC2024-00015
AND WITHIN ONE-QUARTER MILE NORTH OF EAST 47TH)
STREET NORTH)

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of May 2024, comes on for hearing the petition for vacation filed by Spirit AeroSystems, Inc. (owner) praying for the vacation of a portion of the "Easement for Drainage" and the "Floodway Reserve Agreement", to wit:

Portion of "Easement for Drainage" (Film 400, Page 1080) and "Floodway Reserve Agreement" (Film 400, Page 1083) to be vacated:

COMMENCING at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence bearing S00°53'02"E, along the East line of said Northeast Quarter of the Southeast Quarter, a distance of 473.96 feet; thence bearing S88°35'18"W, a distance of 310.81 feet to the POINT OF BEGINNING; thence continuing bearing S88°35'18"W, a distance of 450.00 feet to the east line of vacated portion of "Easement for Drainage" and "Floodway Reserve Agreement" as described in Vacation Orders recorded in Doc.#/Flm-Pg:29680870 and Doc.#/Flm-Pg: 29683359, Sedgwick County, Kansas Register of Deeds; thence south along the east line bearing S01°24'42"E, a distance of 45 feet; thence bearing N88°35'18"E, a distance of 450.00 feet; thence N01°24'42"W, a distance of 45 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 March 21, 2024, which was at least 20 days prior to the public hearing.

May 14, 2024
VAC2024-00015

2. No private rights will be injured or endangered by the vacation of the described portion of the "Easement for Drainage" and the "Floodway Reserve Agreement" and the public will suffer no loss or inconvenience thereby.

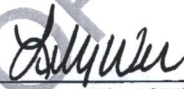
3. Because this vacation case is located in Sedgwick County, but within the City of Wichita's 3-Mile Subdivision Jurisdiction, it will proceed to the June 5, 2024, Sedgwick County Board of County Commissioner's meeting for final action, after today's recommendation by the Wichita City Council.

4. In justice to the petitioner, the prayer of the petitioner ought to be granted.

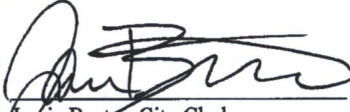
5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described portion of the "Easement for Drainage" and the "Floodway Reserve Agreement" should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of May 2024, ordered that the above-described portion of the "Easement for Drainage" and the "Floodway Reserve Agreement" are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the dedication of access control to the Sedgwick County Register of Deeds for recording.

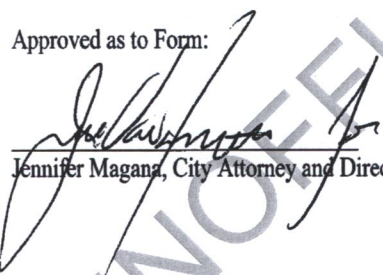

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

May 14, 2024
VAC2024-00015

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CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION OF AN)
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**GENERALLY LOCATED WEST OF SOUTH OLIVER AVENUE)
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May 14, 2024
VAC2024-00015

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4. In justice to the petitioner, the prayer of the petitioner 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 portion of the "Easement for Drainage" and the "Floodway Reserve Agreement" should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of May 2024, ordered that the above-described portion of the "Easement for Drainage" and the "Floodway Reserve Agreement" are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order and the dedication of access control to the Sedgwick County Register of Deeds for recording.

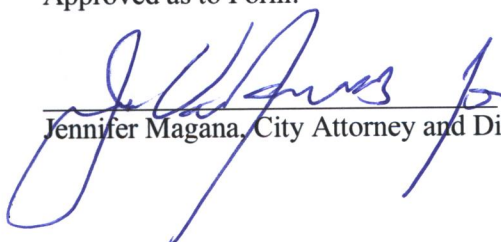

Lily Wu, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



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

June 10, 2024

Spirit AeroSystems, Inc.
3801 South Oliver Ave.
Wichita, KS 67210

Professional Engineering Consultants, P.A.
Attn: Charlie Brown
303 S. Topeka
Wichita, KS 67202

Ref: VAC2024-00015: Vacation request in the County (Wichita 3-mile ring) to vacate a portion of a drainage easement and floodway reserve agreement dedicated by separate instruments, located west of South Oliver Avenue and within one-quarter mile north of East 47th Street North (4401 South Oliver Ave.).

Dear Applicant,

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

Sincerely,

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

Philip Zevenbergen
Current Plans Division Manager

PZ:IJ



Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2024

Spirit AeroSystems, Inc.
3801 South Oliver Ave.
Wichita, KS 67210

Professional Engineering Consultants, P.A.
Attn: Charlie Brown
303 S. Topeka
Wichita, KS 67202

Ref: VAC2024-00015: Vacation request in the County (Wichita 3-mile ring) to vacate a portion of a drainage easement and floodway reserve agreement dedicated by separate instruments, located west of South Oliver Avenue and within one-quarter mile north of East 47th Street North (4401 South Oliver Ave.).

Dear Applicant;

At its regular meeting on **May 14, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

On June 5, 2024, the Sedgwick County Board of County Commissioners will also consider this item for final action. A final letter will be sent after this meeting with the action by the BoCC.

Sincerely,

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

Philip Zevenbergen, AICP
Current Plans
Division Manager



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

April 12, 2024

Spirit Aerosystems, Inc.
3801 South Oliver Ave.
Wichita, KS 67210

Professional Engineering Consultants, P.A.
Attn: Charlie Brown
303 S. Topeka
Wichita, KS 67202

Ref: VAC2024-00015: Vacation request in the County (Wichita 3-mile ring) to vacate a portion of a drainage easement and floodway reserve agreement dedicated by separate instruments, located west of South Oliver Avenue and within one-quarter mile north of East 47th Street North (4401 South Oliver Ave.).

To Whom It May Concern,

At the **Thursday, April 12, 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 drainage easement and floodway reserve agreement. Provide planning staff with legal descriptions of the approved vacated drainage easement and floodway reserve agreement 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.

VAC2024-00015: Vacation request in the County (Wichita 3-mile ring) to vacate a portion of a drainage easement and floodway reserve agreement dedicated by separate instruments, located west of South Oliver Avenue and within one-quarter mile north of East 47th Street North (4401 South Oliver Ave.).

April 12, 2024

Page 2

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for consideration and recommendation by the Wichita City Council at the first appropriate date after **April 25, 2024**, (end of the two-week protest period). After consideration by the Wichita City Council, it will be scheduled for final action by the Board of County Commissioners. 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 blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans Division Manager
PZ:IJ

Sedgwick Co. public notice

(Published in The Ark Valley News March 21, 2024.)

MAPC April 11, 2024 OFFICIAL HEARING NOTICE

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

ZON2024-00009: Zone change request in the County from SF-20 Single-family Residence to T1-3 Two-family Residential and MF-18 Multi-family Residential, generally located on the west side of Greenwich South Greenwich Road and within one-

quarter mile north of East Harry Street.

VAC2024-00015: Vacation request in the County for a portion of a drainage easement and the Floodway Reserve Agreement, generally located west of South Oliver Street and within one-half mile south of East MacArthur Road (4401 South Oliver Street).

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 March 21, 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 21st day of March, 2024.

with subsequent publications being made on the following dates:

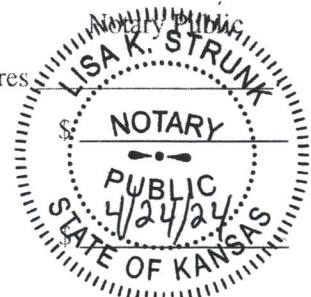
_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Subscribed and sworn to before me this 21st day of March, 2024.

My commission expires

Additional copies

Printer's fee



METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3.4

April 11, 2024

STAFF REPORT

CASE NUMBER:

VAC2024-00015- Request in the County to vacate a drainage easement and floodway reserve agreement dedicated by separate instruments.

APPLICANT/AGNET:

Spirit Aerosystems, Inc. (applicant)/ PEC Engineering, P.A. (agent)

LEGAL DESCRIPTION:

Generally described as vacating a 45-foot by 450-foot portion of a drainage easement and floodway reserve agreement (See attached legal description).

LOCATION:

Generally located west of South Oliver Avenue and within one-quarter mile north of East 47th Street North (4401 South Oliver Ave.).

REASON FOR REQUEST:

To permit building expansion.

CURRENT ZONING:

The subject site and all surrounding properties are zoned LI Limited Industrial District (LI) and developed with an aircraft manufacturing facility.



The applicant is requesting to vacate a portion of a drainage easement and floodway reserve agreement dedicated by separate instruments on property zoned LI and located on the west side of South Oliver Avenue and within one-quarter mile north of East 47th Street South. The purpose of the request is to permit Spirit Aerosystems the ability to construct a building addition. The "Easement for Drainage" is recorded on Film 400, Page 1080, and the "Floodway Reserve Agreement" is recorded on Film 400, Page 1083). Generally, the applicant is requesting to vacate a 45-foot by 450-foot area along the north portion of these easements.

In 2017, a portion of these easements was vacated just to the west of the subject site. County Public Works does not object to the vacation. There are no public utilities in the vacation area.

Neither Evergy nor Cox object to this vacation. They do not have any lines or equipment in the area. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

NOTE: Because the site is located in Sedgwick County, but within the City of Wichita's Three-Mile Subdivision Jurisdiction, both consideration and recommendation by the Wichita City Council, and consideration and final action by the Sedgwick County Board of County Commissioners are required.

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 drainage easement and floodway reserve agreement 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 March 21, 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 drainage easement and floodway reserve agreement 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) Per the approval of County Public Works, vacate the described portion of the drainage easement and floodway reserve agreement. Provide planning staff with legal descriptions of the approved vacated drainage easement and floodway reserve agreement 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

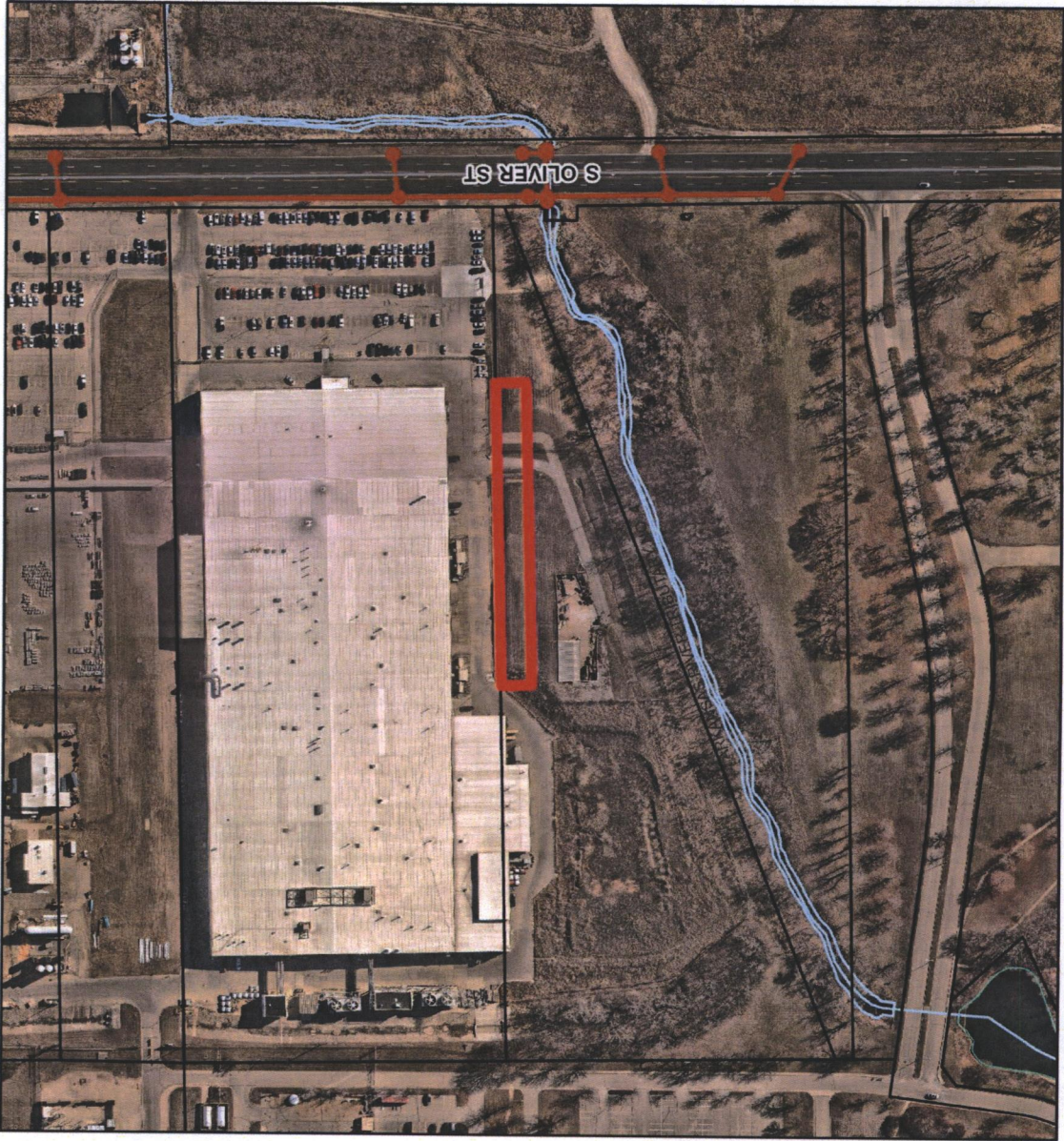
The Subdivision Committee recommends approval per staff recommendations.

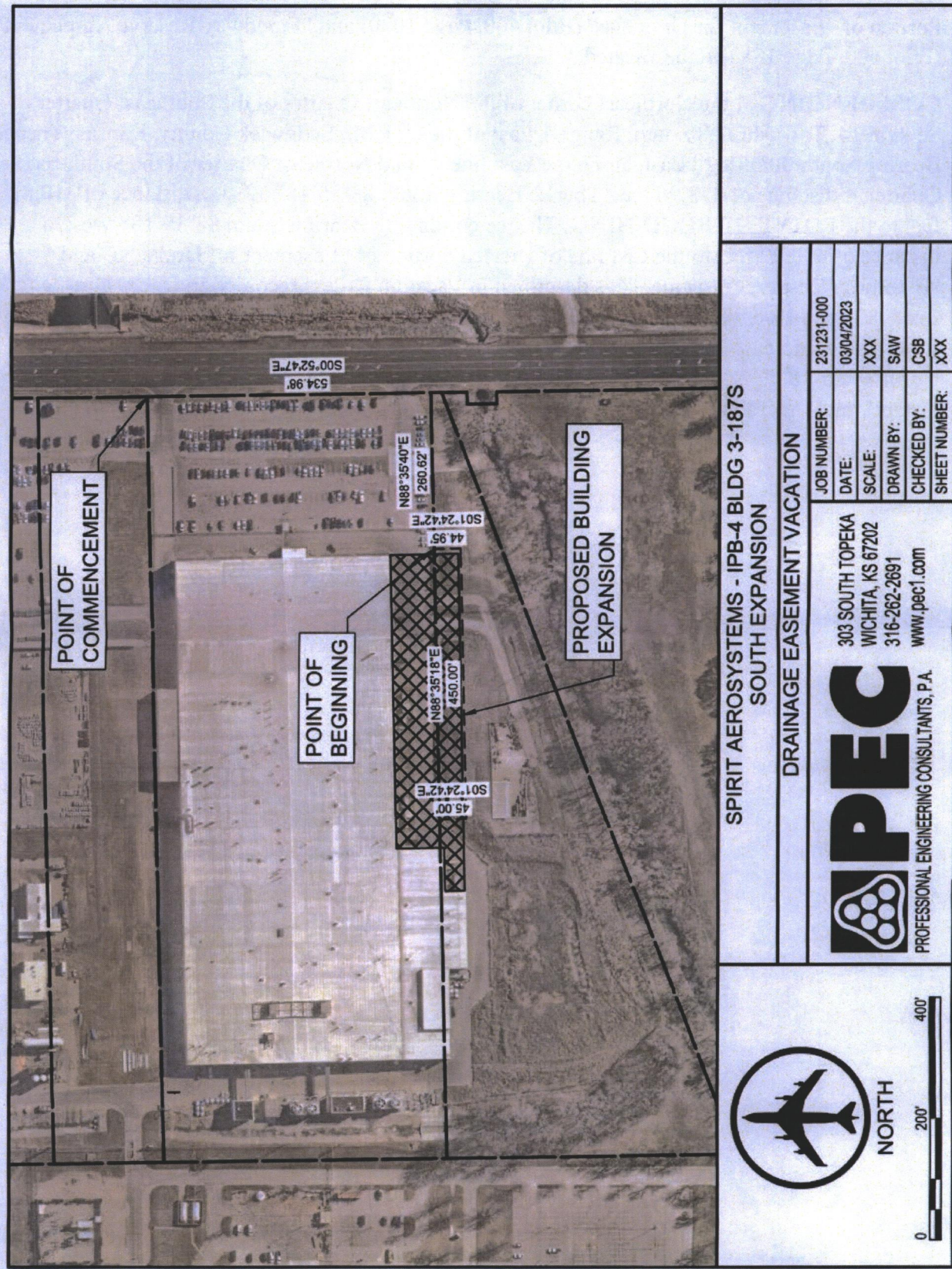
Attachments:

1. Aerial Map
2. Vacation Exhibit
3. Legal Description

VAC2024-00015

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





Legal Description

Portion of "Easement for Drainage" (Film 400, Page 1080) and "Floodway Reserve Agreement" (Film 400, Page 1083) to be vacated:

COMMENCING at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; Thence Bearing South 00°53'02" East, along the East line of said Northeast Quarter of the Southeast Quarter, a distance of 473.96 feet; Thence Bearing South 88°35'18" West, a distance of 310.81 feet to the **POINT OF BEGINNING**; Thence continuing Bearing South 88°35'18" West, a distance of 450.00 feet to the east line of vacated portion of "Easement for Drainage" and "Floodway Reserve Agreement" as described in Vacation Orders recorded in Doc.#/Flm-Pg: 29680870 and Doc.#/Flm-Pg: 29683359, Sedgwick County, Kansas Register of Deeds; Thence south along said east line Bearing South 01°24'42" East, a distance of 45 feet; Thence Bearing North 88°35'18" East, a distance of 450.00 feet; Thence Bearing North 01°24'42" West, a distance of 45 feet to the **POINT OF BEGINNING**.