



copy for file

Wichita-Sedgwick County Metropolitan Area Planning Department

October 26, 2020

AGV Corporation – P. John Eck, President
P.O. Box 377
Attica, KS 67009

M & L Land Company, LLC
% Marsha Meyersick, Co-Manager
15901 East 77th Street North
Benton, KS 67017

RE: CON2020-00026 - County Conditional Use to permit expansion of oil drilling on land zoned RR Rural Residential generally locate on the north side of East K-254 Highway and east of North 127th Street East.

Dear Applicants:

At its regular meeting on **October 10, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request as recommended by staff by a vote of 11 to 3.

This application was approved by the Board of County Commissioners on **Wednesday, November 20, 2019, beginning at 9:00 a.m.** by a vote of 4 to 1. The final action and conditions are included in the attached Resolution.

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

Sincerely,

A handwritten signature in red ink that reads 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD – Kelly Dixon
BCCC #1 Pete Meitzner, Chairman
Justin Waggoner

(150006) Published in The Derby Informer on September 30th, 2020
RESOLUTION NO. 124-2020

A RESOLUTION APPROVING A CONDITIONAL USE TO PERMIT OIL DRILLING EXPANSION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use Permit to allow oil drilling expansion on the lands legally described hereby are granted as follows:

Case No. CON2020-00026

Conditional Use Permit to allow oil drilling expansion on property described as:

PARCEL A:

That part of the W1/2 of the SW1/4 of Sec. 11, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, described as Beginning at a Point 300 feet North and 300 feet East of the S.W. Corner of the SW1/4 of said Sec. 11; thence North, parallel with the West line of the SW1/4 of said Sec. 11, 1583.6 feet; thence Northeasterly, 1113.9 feet more or less to a point on the East line of the W1/2 of said SW1/4, said point being 2325 feet North of the S.E. Corner of the W1/2 of said SW1/4; thence South, along the East line of the W1/2 of said SW1/4, 2025 feet to a point 300 feet North of the S.E. Corner of the W1/2 of said SW1/4; thence West, parallel with the South line of the W1/2 of the SW1/4 of said Sec. 11, 1023.9 feet more or less to the Point of Beginning.

Containing 42.42 Acres ±

PARCEL B:

That part of Sec 11, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, described as Beginning at a Point 300 feet North of the S.W. Corner of the E1/2 of the SW1/4 of said Sec. 11; thence North, along the West line of the E1/2 of said SW1/4, 2342.4 feet more or less to N.W. Corner of the E1/2 of the SW1/4 of said Sec. 11; thence East, along the line common to the SW1/4 and the NW1/4 of said Sec. 11, 300 feet; thence North, parallel with the West line of the E1/2 of the NW1/4 of said Sec. 11, 2341.8 feet more or less to a point 300 feet South of the North line of the NW1/4 of said Sec. 11; thence East, parallel with the North

line of the NW1/4 and the North line of the NE1/4 of said Sec. 11, 2056.1 feet more or less to a point 300 feet West of the East line of the W1/2 of the NE1/4 of said Sec. 11; thence South, parallel with the East line of the W1/2 of the NE1/4 of said Sec. 11, 1614.6 feet more or less to a point 729 feet North of the South line of the W1/2 of the NE1/4 of said Sec. 11; thence West, parallel with the South line of the W1/2 of the NE1/4 of said Sec. 11, 663.1 feet more to a point 300 feet West of the East line of the W1/2 of the NW1/4 of the SE1/4 of said Sec. 11, extended North; thence South, parallel with the East line of the W1/2 of the NW1/4 of the SE1/4 of said Sec. 11 and as extended, 2347.6 feet more or less to a point 300 feet South of the North line of the SW1/4 of the SE1/4 of said Sec. 11; thence East, parallel with the North line of the SW1/4 of the SE1/4 of said Sec. 11, 663.1 feet more or less to a point 300 feet West of the East line of the SW1/4 of the SE1/4 of said Sec. 11; thence South, parallel with the East line of the SW1/4 of the SE1/4 of said Sec. 11, 721.7 feet more or less to a point 300 feet north of the South line of the SE1/4 of said Sec. 11; thence West, parallel with the South line of the SE1/4 and the South line of the SW1/4 of said Sec. 11, 2350.5 feet more or less to the Point of Beginning.

Containing 201.10 Acres $\pm$

Subject property contains 243.52 Acres, more or less. Generally located east of North 127th Street East between K-254 Highway and East 69th Street North, Sedgwick County.

The Conditional Use Permit is approved, subject to the following conditions:

- A. The Conditional Use permits "oil and gas drilling" that is developed and operated in substantial compliance with the approved site plan and any associated documents, licenses or permits detailing drilling and completion activities used to obtain Conditional Use approval.
- B. Any new oil wells, disposal wells, oil storage tanks, water and oil separators, pumping units, a water tank at the disposal well, electric generators or other oil production equipment located on the site after the final approval by the MAPC or the governing body must conform to the setbacks per the Unified Zoning Code.
- C. All oil wells put into production on the subject property shall utilize electric motors on the pump jacks only. All wells put into production south of the creek on the subject property shall have underground pipes laid to send all oil to the existing tank batteries along the southern portion of the property. Said tanks batteries may be enlarged in the case of future need; however, their location shall remain generally the same.
- D. The applicant shall obtain all applicable permits, licenses and/or inspections from Sedgwick County, the State of Kansas or the federal government, including but not limited to, the Wichita-Sedgwick County Metropolitan Area Building and Construction Department, Sedgwick County Environmental Resources, Sedgwick County Fire Department,

Sedgwick County Public Works (including, but not limited to any required drainage plans), the Kansas Department of Health and Environment and the Kansas Corporation Commission. Prior to moving equipment into Sedgwick County, the applicant shall obtain any applicable permits required to move or transport oversized equipment on Sedgwick County public right-of-way.

- E. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use Permit approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication.

Commissioners present and voting were:

PETER F. MEITZNER
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

Aye
Aye
Aye
NO
Aye

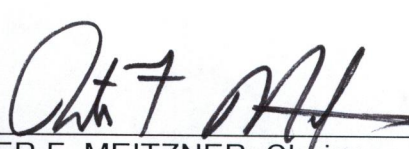
Dated this 16 day of September, 2020.

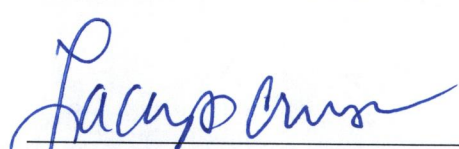
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

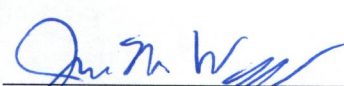

KELLY B. ARNOLD, County Clerk

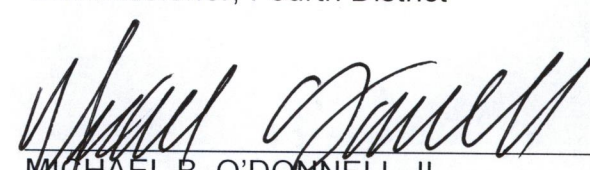


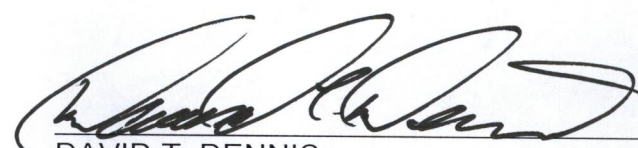

PETER F. MEITZNER, Chairman
Commissioner, First District

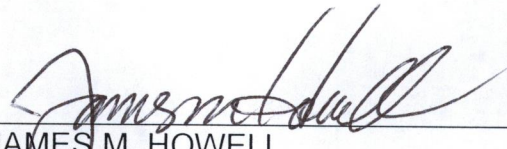

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER
Assistant County Counselor


MICHAEL B. O'DONNELL, II
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Jennifer Perryman, being first duly sworn, deposes and says:

That he/she is Legal Manager of

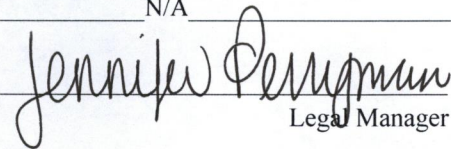
The Derby Informer

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 weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

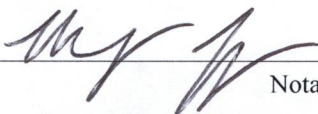
Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

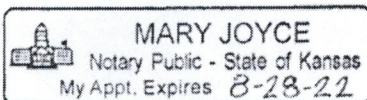
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 30th day of September 2020, with subsequent publications being made on the following dates:

N/A


Legal Manager

Subscribed and sworn to before me this
30th day of September, 2020.


Notary Public



Resolution No. 124-2020

Printer's Fee: \$65.24

Additional copies: \$ _____

Legal Publication

(Published in The Derby Informer on September 30, 2020)

(150006) Published in The Derby Informer
on
RESOLUTION NO. 124-2020

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tion Department, Sedgwick County Environmental Resources, Sedgwick County Fire Department, Sedgwick County Public Works (including, but not limited to any required drainage plans), the Kansas Department of Health and Environment and the Kansas Corporation Commission. Prior to moving equipment into Sedgwick County, the applicant shall obtain any applicable permits required to move or transport oversized equipment on Sedgwick County public right-of-way.

E. If the Zoning Administrator finds that there is a violation of any of the provisions or conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication.

Commissioners present and voting were:

PETER F. MEITZNER	AYE
MICHAEL B. O'DONNELL, II	AYE
DAVID T. DENNIS	AYE
LACEY D. CRUSE	NO
JAMES M. HOWELL	AYE

Dated this 16th day of September, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

MICHAEL B. O'DONNELL, II
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

ATTEST:

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor