

DR 79-4 - City of Cheney, Kansas
requests Special Permit to Allow
the Installation of a Water Well
Facility for the City of Cheney,
Kansas. Generally located on the
east side of 391st St. West, in an

*POSTED
2-28-79*

ACTION

	DATE
Cheney COMMITTEE <i>Approved & recorded</i>	<u>2-28-79</u>
M.A.P.C. <i>Approved under conditions</i>	<u>3-1-79</u>
B.C.C./B. CO. C. <i>Approved & recorded</i>	<u>3-28-79</u>

3044
 Map No. Book 6
 I-19-D
 Sec. 5
 Twp. 28S
 Range 4W

DATA SHEET

DR - 79-4
 Filed 12-13-79

APPLICATION REQUEST:

APPLICATION DATA:

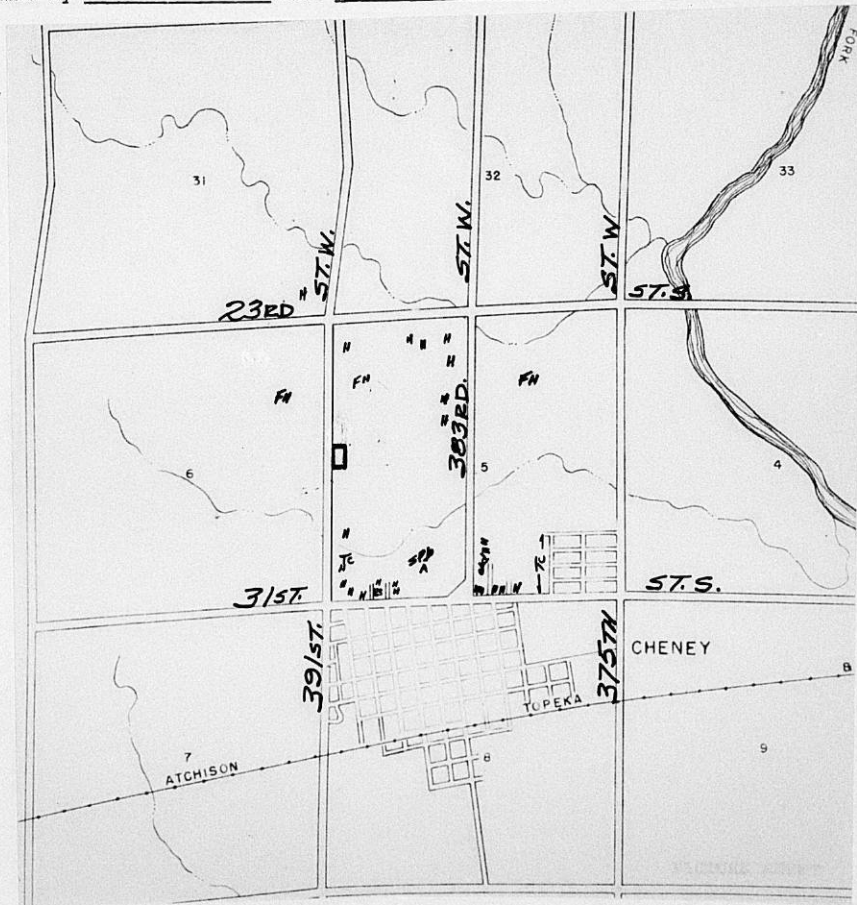
- Applicant: City of Cheney
 Address City Hall, Cheney, Ks. 67025 Phone 542-3622
- Agent: Mayor Robert E Taylor
 Address City Hall, Cheney, Ks. 67025 Phone 542-3622
- General Location: East side of 391st St. West in an area 1/2 mile south of 23rd St. South. Address _____
- Proposed Use: Special permit to allow the installation of a water well facility for the City of Cheney, Kansas.

AREA DATA:

- Acres: 0.1 (65 ft. by 80 ft.)
- Adjoining Zoning: E "R" S "R" W "R" N "R"
- Land Use: East UNDEVELOPED South UNDEVELOPED
 West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: _____
- Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION TO CHENEY PLANNING COMMISSION.

Case No. DR-79-4 To be Heard by the M.A.P.C. on 3-1-79

Request for: Special Permit to install a water well facility.

Reason for Request (as provided by petitioner): "The City of Cheney has a serious lack of water as documented by MAPD's "Water Systems and Supplies to Year 2000". Two wells are being installed to meet the needs of the city. We would request immediate consideration due to the urgency of the matter. The issuance of a building permit is contingent upon this permit. A permit for the well at 2762 South 391st West is requested."

Location of Property: East of 391st Street West in an area 1/2 mile south of 23rd Street South.

Legal Description of Property:

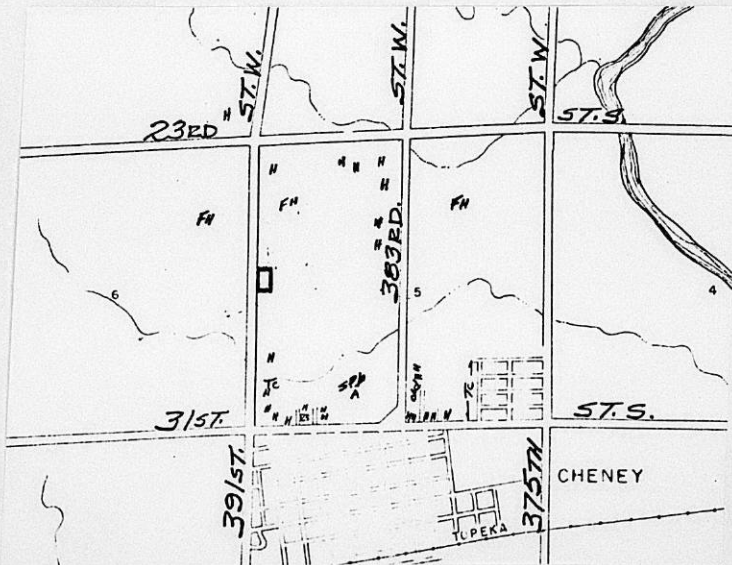
A tract of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Twp. 28S, R4W, described as beginning at a point on the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, which is 50 feet East of the SW corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ said point being on the East row line of the County Roadway lying in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet; thence east parallel to the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet; thence South parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet to the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5; thence West along the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet to point of beginning.

APPLICANT: City of Cheney

ADDRESS: City Hall, Cheney, Kansas

AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

Surrounding Land Use: North, East, South and West, undeveloped.



Recommendation or comments by CPC:

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING
COMMISSION TO CHENEY PLANNING COMMISSION.

Case No. DR-79-4 To be Heard by the M.A.P.C. on 3-1-79

Request for: Special Permit to install a water well facility.

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Location of Property: East of 391st Street West in an area 1/2 mile south of 23rd Street South.

Legal Description of Property:

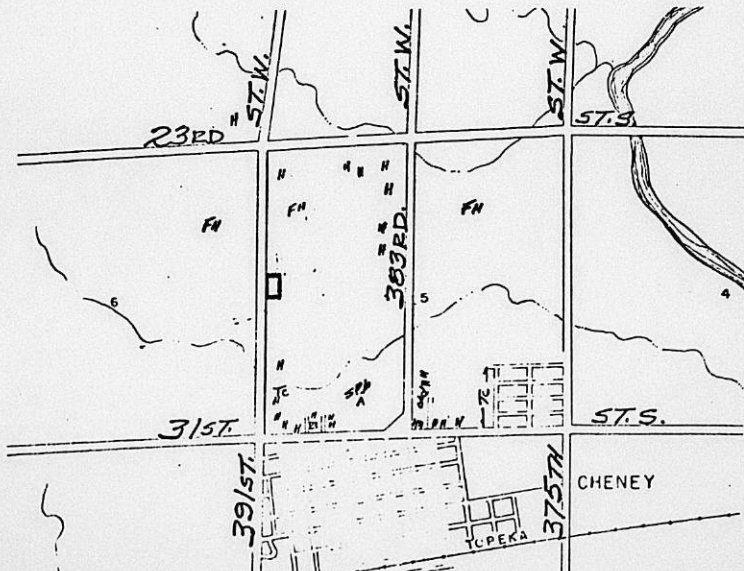
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APPLICANT: City of Cheney

ADDRESS: City Hall, Cheney, Kansas

AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

Surrounding Land Use: North, East, South and West, undeveloped.



Recommendation or comments by CPC:

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Case No. DR-79-4 To be Heard by the M.A.P.C. on 3-1-79

Request for: Special Permit to install a water well facility.

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Location of Property: East of 391st Street West in an area 1/2 mile south of 23rd Street South.

Legal Description of Property:

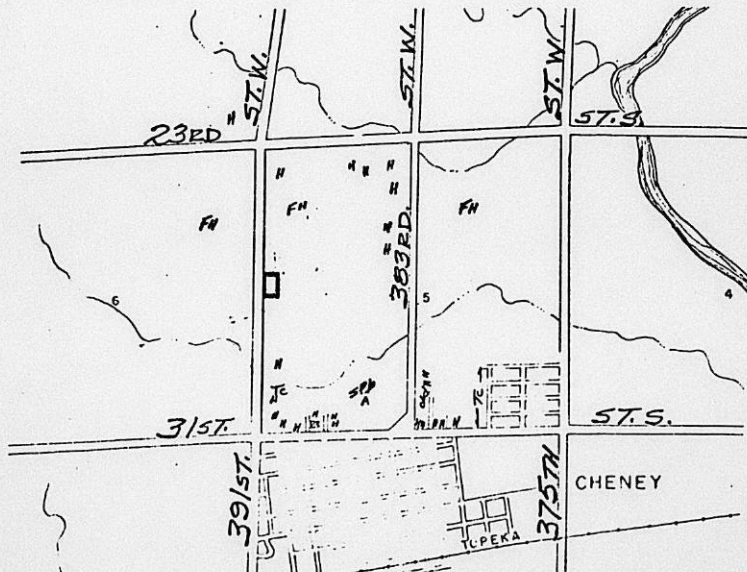
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APPLICANT: City of Cheney

ADDRESS: City Hall, Cheney, Kansas

AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

Surrounding Land Use: North, East, South and West, undeveloped.



Recommendation or comments by CPC:

of 23rd St. South Address _____

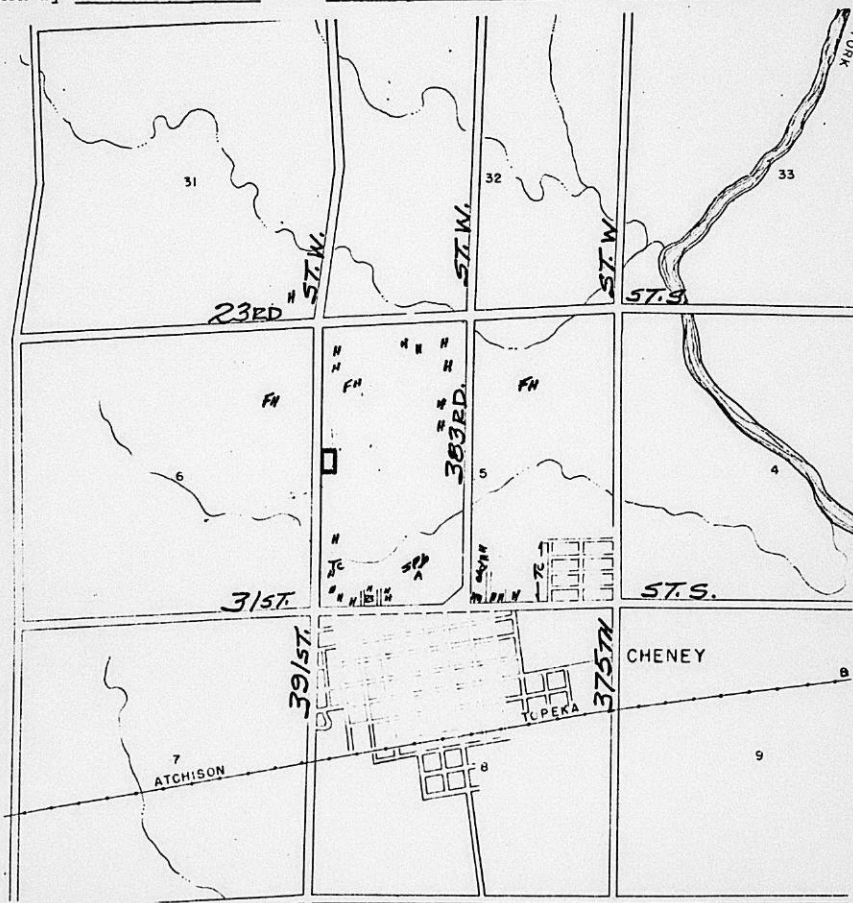
4. Proposed Use: Special permit to allow the installation of a water well facility for the City of Cheney, Kansas.

AREA DATA:

1. Acres: 0.1 (65 ft. by 80 ft.)
2. Adjoining Zoning: E "R" S "R" W "R" N "R"
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West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION TO CHENEY PLANNING COMMISSION.

Case No. DR-79-4 To be Heard by the M.A.P.C. on 3-1-79

Request for: Special Permit to install a water well facility.

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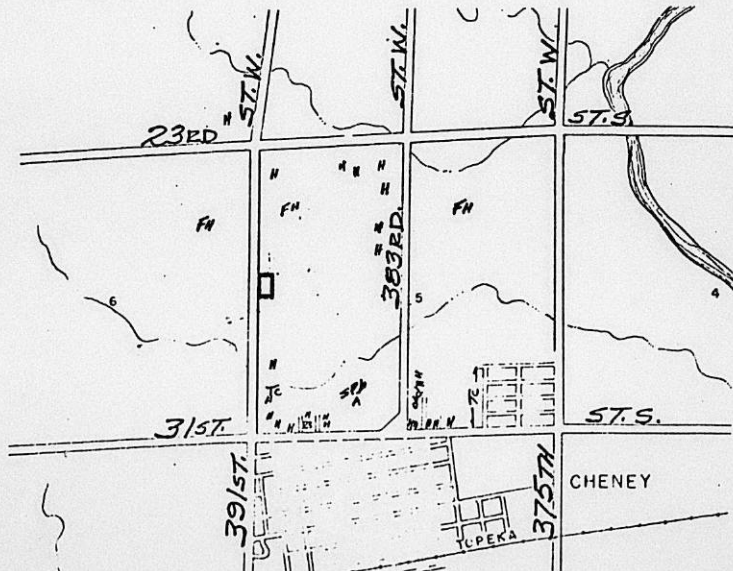
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APPLICANT: City of Cheney

ADDRESS: City Hall, Cheney, Kansas

AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

Surrounding Land Use: North, East, South and West, undeveloped.



Recommendation or comments by CPC:

DEDICATION

Subm 362 Page 1495
Filed with Register of Deeds
2:03 p.m. May 3, 1979
200. 4 37498

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, City of Cheney, Kansas

being the owner of the following described real estate in Sedgwick County, Kansas, to wit: The West 10 feet of the following tract:

A tract of land located in the SW¹/₄ of the NW¹/₄ of Section 5-28-4W, described as beg. at a point on the south line of the SW¹/₄ of the NW¹/₄ of Section 5, which is 50 feet east of th SW corner of said SW¹/₄ of NW¹/₄, said point being on the east row line of county road lying in the SW¹/₄ of the NW¹/₄, thence North parallel to the west line of said SW¹/₄ NW¹/₄ of Section 5, a distance of 80 feet, thence East parallel to the South line of said SW¹/₄ of the NW¹/₄ of Section 5, a distance of 65 feet, thence South parallel to the West line of said SW¹/₄ of the NW¹/₄ of Section 5, a distance of 80 feet to the South line of the SW¹/₄ of the NW¹/₄ of Section 5, thence West along the South line of said SW¹/₄ of the NW¹/₄ of Section 5, a distance of 65 feet to point of beginning do hereby dedicate the above described real estate to the public for

street right-of-way purposes.

Executed this 13th day of March 19 79.

Lois I. Martency
Lois I. Martency, City Clerk

Robert E. Taylor
Robert E. Taylor, Mayor

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 14th day of March,
came Lois I. Martency and Robert E. Taylor

to me personally known to be the same person S who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Ramona Kohler
Notary Public

My Commission Expires: 7-1-82

DR 79-4

April 20, 1979

Board of County Commissioners
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203

Subject: D-0877 & D-0378.
Street right-of-way dedica-
tions for 391st Street West,
in an area 1/2 mile north of
31st Street South.

Gentlemen:

On March 28, 1979, the board of County Commissioners approved special permits DR 79-4 and DR 79-5, for the City of Cheney, Kansas, to install a water well facility subject to the applicant dedicating 60 feet of half-street right-of-way for the east half of 391st Street East.

Enclosed are two right-of-way dedications for the east half of 391st Street West. These dedications should be placed on your agenda for the May 2, 1979 County Commission meeting for formal acceptance. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Theodore H. Hill, County Counselor
G. C. McClure, Director, County Department
of Public Works
Dorothy A. White, County Clerk

DEDICATION

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A tract in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5-28-4W, beg. at a point 1940.0 feet North of and 50 feet East of the SW corner of Section 5, said point being on the East row line of County Road, thence East parallel to the north line of NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 65.0 feet, thence North parallel to the west line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 80.0 feet, thence west parallel to the North line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 65.0 feet to said County road row line, thence South 80.0 feet to point of beginning.

do hereby dedicate the above described real estate to the public for street right-of-way purposes.

Executed this 13th day of March 19 79.

Lois I. Marteney
Lois I. Marteney, City Clerk

Robert E. Taylor
Robert E. Taylor, Mayor

STATE OF KANSAS)
SEDGWICK COUNTY)^{ss}

BE IT REMEMBERED, that on this 14th day of March,
came Lois I. Marteney and Robert E. Taylor

to me personally known to be the same person S who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Ramona Kohler
Notary Public

My Commission Expires: 7-1-82

DEDICATION

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Ramona Kohler
Notary Public

My Commission Expires: 7-1-82

March 28, 1979

Syd Werbin, Director of Building, Planning and Codes

Jack H. Galbraith, Chief Planner

- DR 79-4 - Special permit to allow installation of water well facility for the City of Cheney, Kansas; on the east side of 391st St. West, in an area 1/2 mile south of 23rd St. South. And;
- DR 79-5 - Special permit to allow installation of water well facility for the City of Cheney, Kansas; on the east side of 391st St. West, in an area approximately 1/2 mile north of 31st St. South.

The Board of County Commission on March 28, 1979 considered the above captioned requests. The action of the Board of County Commission was to approve both requests subject to the following conditions:

- A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
- B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

The dedications have been submitted and will soon be recorded; and enclosed are revised site plans for your files and information. If you have any questions, please call.

Jack H. Galbraith
Chief Planner

JHG:el
Enclosures

DEDICATION

D-0877

(Assoc. DR 79-4)

KNOW ALL MEN BY THESE PRESENTS:

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SEDGWICK COUNTY) ss

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to me personally known to be the same person S who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Ramona Kohler
Notary Public

My Commission Expires: 7-1-82

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR SPECIAL PERMITS

CASE NO.	DR 79-4 and DR 79-5	CONSIDERED BY CCPC:	2-28-79
		CONSIDERED BY MAPC:	3-1-79

REQUEST FOR: Special Permits

REASON FOR REQUEST (AS PROVIDED BY APPLICANT): "The City of Cheney has a serious lack of water as documented by MAPD's "Water Systems and Supplies to year 2000". Two wells are being installed to meet the needs of the city. We would request immediate consideration due to the urgency of the matter. The issuance of building permits is contingent upon these permits. Permits for the wells at 2762 S. 391st Street West and 2900 S. 391st Street West are

GENERAL LOCATION: requested."

East of 391st Street West, in an area 1/2 mile south of 23rd Street South.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of March 1, 1979.)

APPLICANT: City of Cheney

AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

PROTESTORS (LIST AGENT) IF ANY: None.

SURROUNDING ZONING: North, East, South and West, "R".

LAND USE: Existing, North, East, South and West, Undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That these applications be approved subject to the recommended conditions as shown in the attached excerpt from minutes of the Planning Commission, March 1, 1979. Bell moved, Barrier seconded and it carried unanimously. Hennessy and Jones were absent.

ACTION:

1. Approve the applications as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions of approval; or
2. Take such action as the County Commission desires.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 1, 1979:

24. Case No. DR 79-4 - The City of Cheney requests a Special Permit for a tract of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Twp. 28S, R4W, described as beginning at a point on the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, which is 50 feet East of the SW corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ said point being on the East row line of the County Roadway lying in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet; thence east parallel to the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet; thence South parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet to the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5; thence West along the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet to the point of beginning. Generally located on the east side of 391st St. West, in an area 1/2 mile south of 23rd St. South.
25. Case No. DR 79-5 - The City of Cheney requests a Special Permit for a tract in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5-28-4W, beg. at a point 1940.0 feet north of and 50 feet east of the SW corner of Section 5, said point being on East row line of County road, thence East parallel to North line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 65.0 feet; thence North parallel to the West line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 80.0 feet; thence West parallel to the North line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 65.0 feet to said County road row line; thence South 80.0 feet to pob. Generally located on the east side of 391st St. West, in an area approximately 1/2 mile north of 31st St. South.

JONES was excused from the meeting.

GALBRAITH showed slides of the area and surrounding areas and reviewed the following staff reports:

Case No. DR 79-4:

COMMENTS:

1. The City of Cheney, Kansas, is requesting a special permit under Section 11 F of the County Zoning Resolution in order to construct a water well facility on a 65 x 80 foot tract of land zoned "R" Rural Residential. The permit may be granted subject to whatever protective restrictions are deemed necessary.
2. The applicant has submitted a site plan with the application which indicates the location of the proposed facility on the site, security fencing and 50 feet of half-street right-of-way for 391st Street West. It should be pointed out that 391st Street West is an FAS road and requires 60 feet of half-street right-of-way.
3. In the event the Planning Commission recommends approval of this request, the following are recommended conditions of approval:
 - A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
 - B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

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 - A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
 - B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

GALBRAITH stated that when Cheney Planning Commission considered these two cases, they found no problems with the neighborhood, and recommended approval. He said that the Cheney City Manager stated that they would dedicate the additional right-of-way for the FAS road and would submit revised copies.

There was no one present in opposition to the applications.

MOTION: That the Planning Commission recommend to the County Commissioners that these special permit requests be approved subject to the following conditions:

- A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
- B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

Bell moved, Barrier seconded and it carried unanimously. Hennessy and Jones were absent.

CITY OF CHENEY

AREA CODE 316 542-3622 • CHENEY, KANSAS 67025

ROBERT E. TAYLOR, Mayor

HOWARD D. PARTINGTON
City Administrator

LOIS I. MARTENEY
City Clerk

DALE H. HOFFINE
Maintenance Supt.

Councilmen:
RAYMOND W. HOYT
DUANE VINER
JOHN MIES, JR.
CLYDE BRANINE
VERNON T. GERKEN



March 14, 1979

Mr. Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Hall - 10th Floor
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Galbraith:

Re: Cheney Special Permit

As per your request, I have enclosed two copies of the revised site plan as prepared by our city engineer, and a completed dedication form for the additional ten foot street right-of-way which was required. I understand that this is all that is required at this time.

If you have questions about the documents submitted, please contact me.

Sincerely,

Howard D. Partington
Howard D. Partington
City Administrator
City of Cheney
Cheney, Kansas 67025

HDP/lm
Enc.

March 2, 1979

Howard Partington
City Administrator
City Hall
Cheney, Kansas 67025

Re: DR 79-4 Special Permit
east side of 391st St.
West, in an area 1/2 mile
south of 23rd St. South
DR 79-5 Special Permit
east of 391st St. West in
an area approximately 1/2
mile north of 31st St.
South

Dear Mr. Partington:

At its regular meeting on March 2, 1979, the Metropolitan Area Planning Commission considered the above-captioned requests. The action of the Planning Commission was to recommend approval of these special permit requests subject to the following conditions:

- A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
- B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

It is my understanding you were furnished dedication forms. These executed dedications and the revised site plans should be submitted to our office by March 19, 1979 so that subject cases can be scheduled for consideration by the Board of County Commissioners on March 28, 1979. This meeting to take

March 2, 1979
Page 2
Howard Partington
Re: DR 79-4 and 79-5

place in Room 320, Sedgwick County Courthouse, commencing at
9:00 a.m.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bbc

cc: Mayor Robert E. Taylor, City Hall, Cheney 67025
Syd Werbin, County Zoning Officer

DR 79-4
2 copies (5 each)
1 City Administrator
1 McLure
2 owners - (Mayor)
2 copy sent 2/16/79
8

FOR CHENEY P.C. MEETING FEBRUARY 28, 1979 &
FOR MAPC MEETING MARCH 1, 1979

DR 79-4 &

The following received a copy of the Notice, Staff Report,
and Referral Sheet: Mailed 2/21/79

- 12 CHENEY P.C. Commissioners (including Secretary)
- 1 Howard Partington, City Administrator
- 1 Mayor Robert E. Taylor
- 1 Cheney City Hall
- 1 Grover McLure, County Engineer

2 Adjoining property owners received Notice only.
Mailed 2/16/79

18 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

February 15, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Wednesday, February 28, 1979 at 7:00 p.m., the CHENEY CITY PLANNING COMMISSION, Fire Station Community Room, Cheney, Kansas will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. DN 79-4

Special Permit to Allow the Installation of
a Water Well Facility
for the City of Cheney, Kansas

A tract of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Twp. 28S, R4W, described as beginning at a point on the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, which is 50 feet East of the SW corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; said point being on the East row line of the County Roadway lying in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence North parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet, thence east parallel to the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet, thence South parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet to the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, thence West along the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet to the point of beginning. Generally located on the East side of 391st St. West, in an area 1/2 mile south of 23rd St. South.

If this matter is not deferred for further hearings before the Cheney City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, March 1, 1979, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matter 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 Special Permit will be considered as by law provided.

Jack H. Galbraith
Assistant Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CCPC HEARING DATE: 2-28-79
MAPC HEARING DATE: 3-1-79

Case No. DR 79-4	Request: Special Permit to install a water well facility.
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Location: East of 391st Street West in an area 1/2 mile south of 23rd Street South

Reason: "The City of Cheney has a serious lack of water as documented by MAPD's "Water Systems and Supplies to year 2000". Two wells are being installed to meet the needs of the city. We would request immediate consideration due to the urgency of the matter. The issuance of a building permit is contingent upon this permit. A permit for the well at 2762 S. 391st West is requested."

Acres: 0.1	Size: 65' x 80'
------------	-----------------

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

Existing R/W - 391st St. West-half-30 feet	Platted: No
Proposed R/W - 391st St. West-half-60 feet	History: None

COMMENTS:

1. The City of Cheney, Kansas, is requesting a special permit under Section 11 F of the County Zoning Resolution in order to construct a water well facility on a 65 x 80 foot tract of land zoned "R" Rural Residential. The permit may be granted subject to whatever protective restrictions are deemed necessary.

Case No. DR 79-4
MAPC AGENDA
MARCH 1, 1979
PAGE TWO

2. The applicant has submitted a site plan with the application which indicates the location of the proposed facility on the site, security fencing and 50 feet of half-street right-of-way for 391st Street West. It should be pointed out that 391st Street West is an FAS road and requires 60 feet of half-street right-of-way.
3. In the event the Planning Commission recommends approval of this request, the following are recommended conditions of approval:
 - A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
 - B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CCPC HEARING DATE: 2-28-79
MAPC HEARING DATE: 3-1-79

Case No. DR 79-4

Request: Special Permit to install
a water well facility.

Location: East of 391st Street West in an area 1/2 mile south
of 23rd Street South

Reason: "The City of Cheney has a serious lack of water as
documented by MAPD's "Water Systems and Supplies to
year 2000". Two wells are being installed to meet
the needs of the city. We would request immediate
consideration due to the urgency of the matter. The
issuance of a building permit is contingent upon this
permit. A permit for the well at 2762 S. 391st West
is requested."

Acres: 0.1

Size: 65' x 80'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R"
East	Undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

Existing R/W - 391st St. West-half-30 feet	Platted: No
Proposed R/W - 391st St. West-half-60 feet	History: None

COMMENTS:

1. The City of Cheney, Kansas, is requesting a special permit under Section 11 F of the County Zoning Resolution in order to construct a water well facility on a 65 x 80 foot tract of land zoned "R" Rural Residential. The permit may be granted subject to whatever protective restrictions are deemed necessary.

Case No. DR 79-4
MAPC AGENDA
MARCH 1, 1979
PAGE TWO

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3. In the event the Planning Commission recommends approval of this request, the following are recommended conditions of approval:
 - A. Dedication, by separate instrument, of the necessary street right-of-way to provide for 60 feet of half-street right-of-way for 391st Street West.
 - B. Submission of two revised copies of the site plan indicating the 60 feet of half-street right-of-way and relocation of the facility in accordance therewith.

III. THIS PROPERTY IS LOCATED AT (ADDRESS) 2762 S. 351st West.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ NA _____ CORNER OF _____ NA _____ AND

_____ NA _____, OR

B. ON THE East SIDE OF 391st West (AVENUE)

In an area 1/2 mile south of 23rd Street South
STREET BETWEEN U.S. 54 Highway (AVENUE) STREET AND

_____ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED Rural Agric.
(ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:
The City of Cheney has a serious lack of water as documented by MAPD's "Water Systems and Supplies to year 2000". Two wells are being installed to meet the needs of the city. We would request immediate consideration due to the urgency of the matter. The issuance of a building permit is contingent upon this permit. A permit for the well at 2762 S. 391st West is requested.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

CITY OF CHENEY

BY Robert C Taylor
AUTHORIZED AGENT (IF ANY)
MAYOR

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

VII. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on _____ (day, month, year). It has been checked
and found to be complete and accompanied by required documents and
the appropriate fee of \$ _____.

_____ Name

_____ Title

WARRANTY DEED (Kansas Statutory Form)

FORM 3

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD
O.C.L.M.
SEP 22 1978

NO. 4 05397
BETIE F. McCART
REGISTER OF DEEDS

Pat Kettle
Original Compared
With Record

SELLER:

E. J. Krenke and Dorothy Krenke, husband and wife,

For a valuable consideration conveys and warrants to

BUYER:

The City of Cheney, Kansas, a municipal corporation,

the following-described real estate:

A tract of land located in the Southwest Quarter of the Northwest Quarter of Section 5, Township 28 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as beginning at a point on the South line of the Southwest Quarter of the Northwest Quarter of Section 5, which is 50 feet East of the Southwest Corner of said Southwest Quarter of the Northwest Quarter of Section 5, said point being on the East right-of-way line of the County Roadway lying in the Southwest Quarter of the Northwest Quarter, thence North parallel to the West line of said Southwest Quarter of the Northwest Quarter of Section 5, a distance of 80 feet, thence East parallel to the South line of said Southwest Quarter of the Northwest Quarter of Section 5, a distance of 65 feet, thence South parallel to the West line of said Southwest Quarter of the Northwest Quarter of Section 5, a distance of 80 feet to the South line of the Southwest Quarter of the Northwest Quarter of Section 5, thence West along the South line of said Southwest Quarter of the Northwest Quarter of Section 5, a distance of 65 feet to point of beginning;

subject to the following:

easements, restrictions, rights-of-way and encroachments of record.

Executed this August 31, 19 78.

E. J. Krenke
E. J. Krenke
Dorothy Krenke
Dorothy Krenke

STATE OF KANSAS, COUNTY OF SEDGWICK:

BE IT REMEMBERED, That on this 31st day of August, 19 78, before me, a notary public, in and for the county and state aforesaid, came

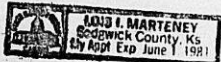
E. J. Krenke and Dorothy Krenke, husband and wife,

personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

L. D. Martney
Notary Public

My Commission Expires:



REALTY TITLE CO., INC.

914 S. BROADWAY - WICHITA, KANSAS 67211
(316) 262-8021 (316) 262-8248

City Hall, City of Cheney, Cheney, Kas 67025
Attn: Mayor Burlington 67025

5-00



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

OWNERSHIP LIST

Tract

Property Owner

A tract of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5-28-4W, described as beg. at a point on the south line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, which is 50 feet east of the SW corner of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$, said point being on the east row line of county road lying in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence North parallel to the west line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, a distance of 80 feet, thence East parallel to the South line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet, thence South parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet to the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, thence West along the South line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet to point of beginning

D The City of Cheney, Kansas
67025

The South 60 Acres of the NW $\frac{1}{4}$ of Section 5-28-4W except, beg. 17.8 feet west and 990 feet north of the center of Section 5, thence west 150 feet, south 74 feet more or less, east 150 feet, north 74 feet more or less to the point of beginning

✓ E. J. Krenke & Dorothy
411 N. Wolf Street
Cheney, Kansas 67025

Beginning 60 rods north of the SW corner of the SW $\frac{1}{4}$ of Section 5-28-4W, thence North 100 rods, East 30 rods, South 100 rods, West to beginning except a tract beg. 1940 ft. north and 50 ft east of SW corner of Section 5, thence East 65 ft, North 80 feet, west 65 feet, south 80 feet to point of beginning

✓ Ethel Rodman Smith
South 391st St. West
Cheney, Kansas 67025

The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6-28-4W

X Walter S. Ballard & Elsie
Address Unknown

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6-28-4W

X Merle Reno aka Murl Reno
Address Unknown

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: [A tract of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Twp. 28S, R4W, described as beginning at a point on the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, which is 50 feet East of the SW corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ said point being on the East row line of the County Roadway lying in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence North parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet, thence east parallel to the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet, thence South parallel to the West line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 80 feet to the South line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, thence West along the south line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, a distance of 65 feet to point of beginning.]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 5th day of February, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable
Vice President

Order No. 273471
wh

*Use for
Legal*