

POSTED
2-20-79

DR 79-5 - 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

ACTION

	DATE
Cheney P.C. COMMITTEE	2-28-79
M.A.P.C.	3-1-79
B.C.C./B. CO. C.	3-28-79

Approved & Recommended

Approved & Recommended

Approved & Recommended

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

Case No. DR 79-5 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 S. 391st West is requested."

Location of Property: East of 391st Street West in an area approximately 1/2 mile north of 31st Street South.

Legal Description of Property:

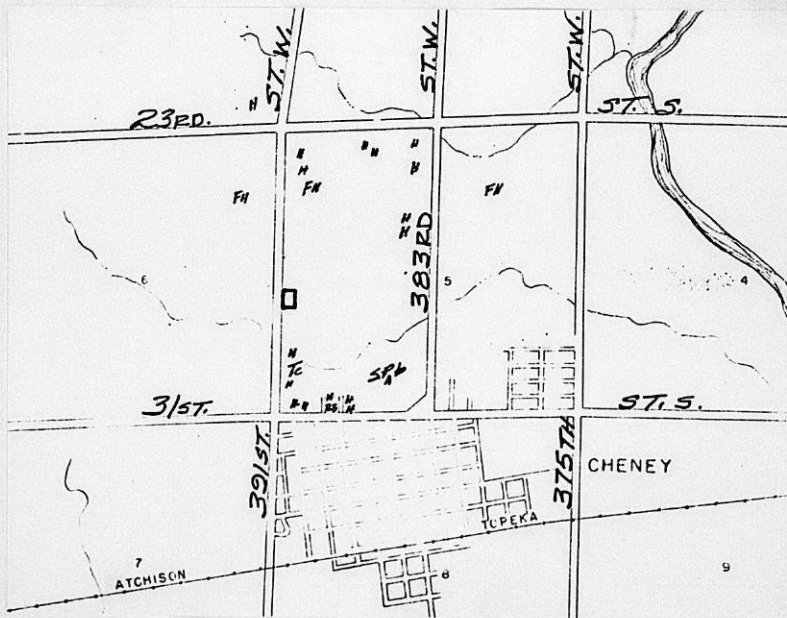
Tract in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5-28-4W, beg. at a point 1940.0 feet north of and 50 feet east of the SW corner of Section 5, said point being on East row line of County road; thence East parallel to North line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 65.0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

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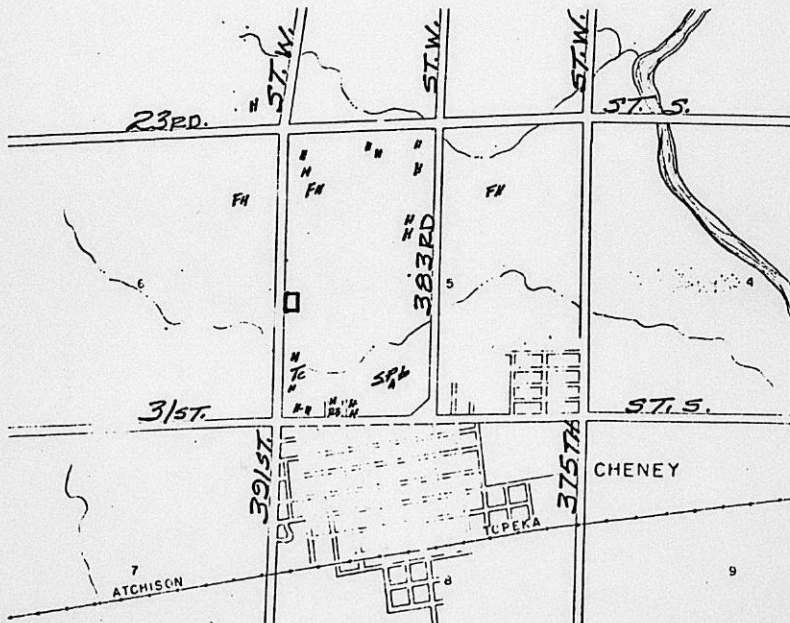
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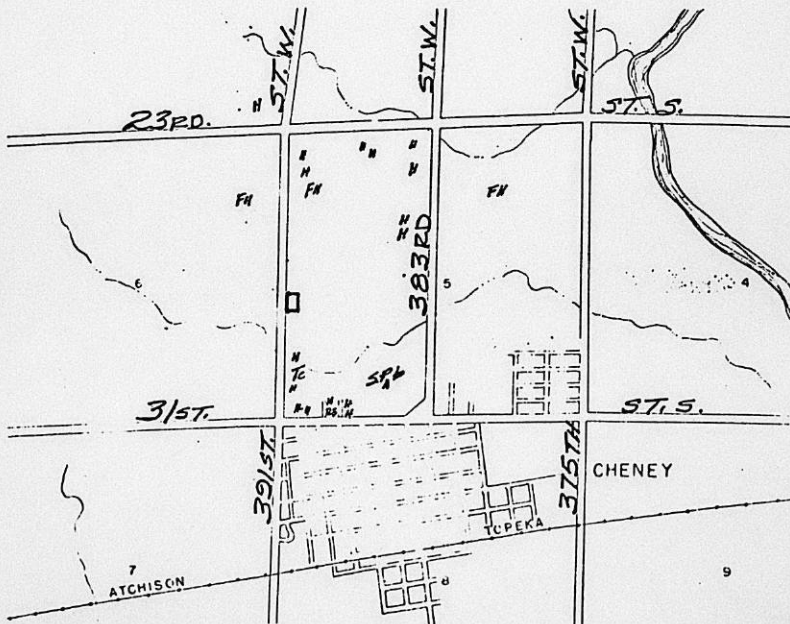
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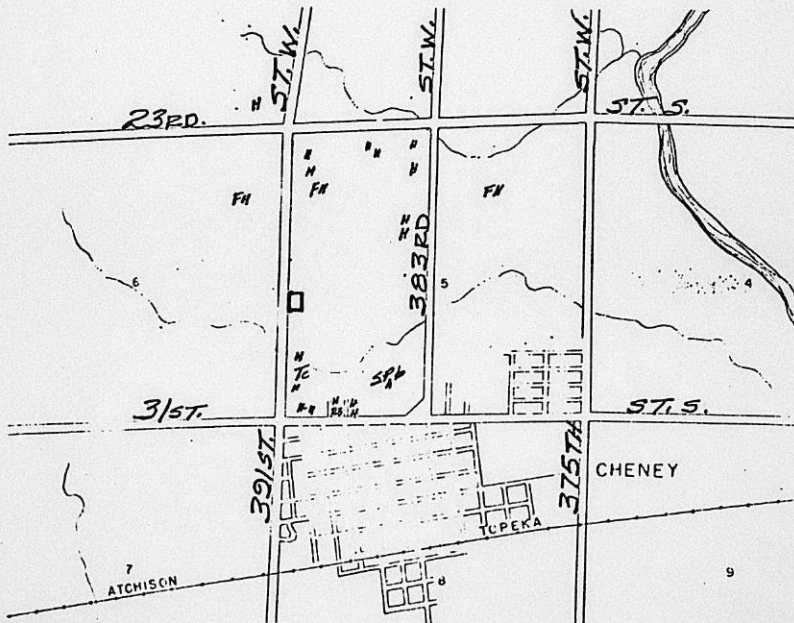
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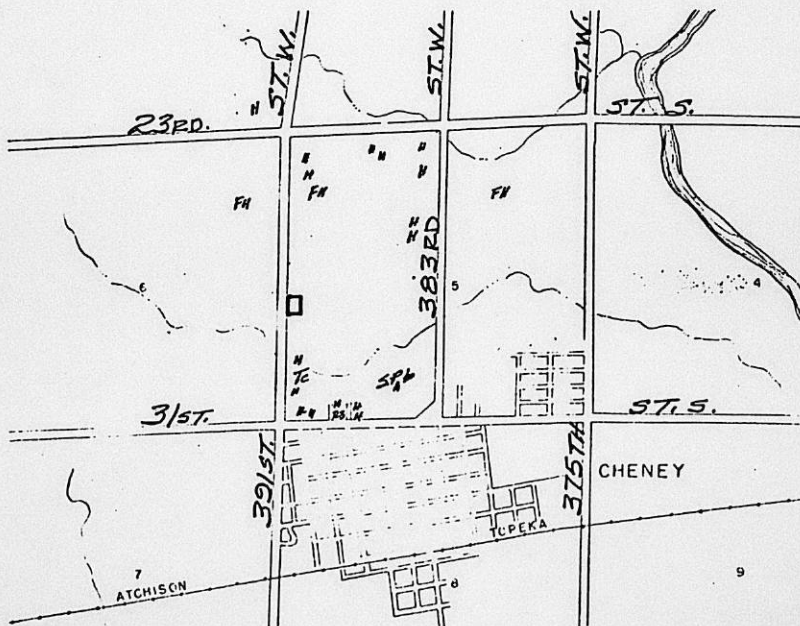
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AGENT FOR APPLICANT: Mayor Robert E. Taylor, City Hall, Cheney, Ks.

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Recommendation or comments by CPC:

1/2 mile north of 31st St. South _____ Address _____

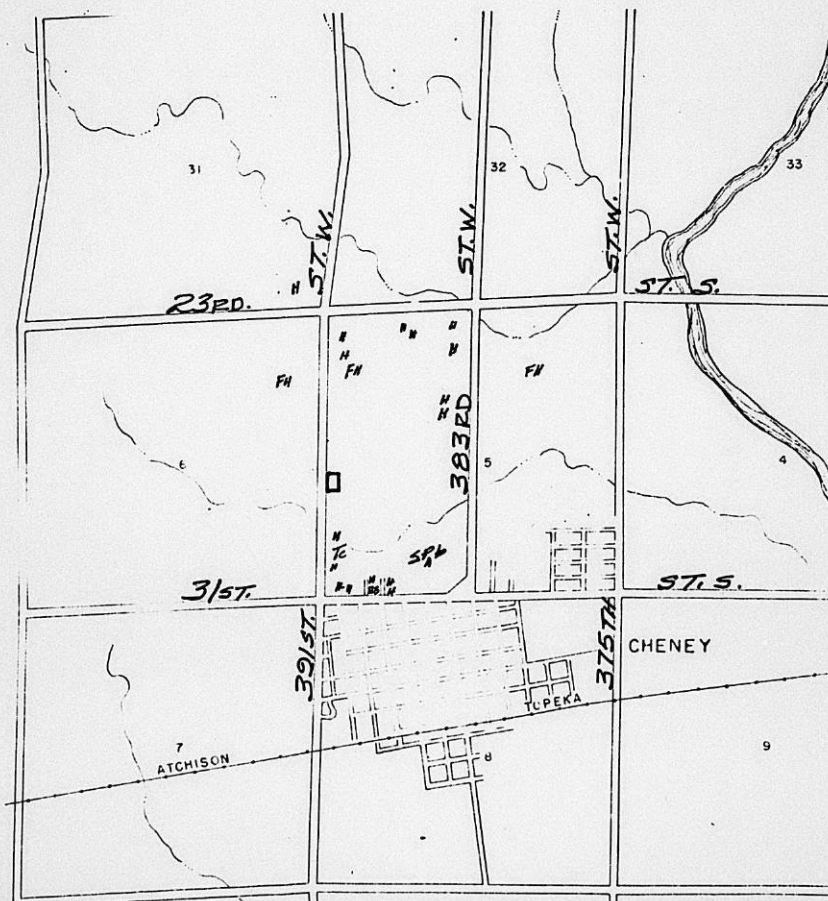
4. Proposed Use: Special Permit to allow the installation of a water well facility for the City of Cheney, Kansas.

AREA DATA:

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

PHOTO DATA:

Taken by _____ Date _____ Time _____



DEDICATION

Filed 362 Page 1494
Filed at 2:00 p.m. May 3, 1979
70-4 37497
Register of Deeds

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 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

April 20, 1979

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

Subject: D-0877 & D-0976.
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 E. Hill, County Counselor
G. C. McLure, Director, County Department
of Public Works
Dorothy A. White, County Clerk

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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 th 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

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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-0878

(Case DR 79-5)

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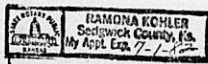
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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Ramona Kohler
Notary Public



My Commission Expires: 7-1-82

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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 - 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.

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 Officers

DR 79-5

12 Owners (see list)
1 City Admin.
1 McLure

2 owners (same
as #1)

+ 1 Reg. sent 2/16/79

17

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

DR 79-5

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

1 Adjoining property owner. received Notice only.
mailed 2/16/79

17 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 23, 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. DR 79-5

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

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 Street 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. DR79-5

Request: Special Permit to install
a water well facility.

Location: East of 391st Street West in an area approximately
1/2 mile north of 31st 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 Street 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 79-5
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

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2900 S 351 West

FILM 327 TAPE 1536

WARRANTY DEED (Kansas Statutory Form)

FORM 3

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
4 P.M.



SEP 22 1978

NO. 4 05396
BETTE F. McCART
REGISTER OF DEEDS

Pat Kettles
deputy

Original Compared
With Record

SELLER:
Ethel Rodman Smith, also known as
Ethel Rodman, a single person,

For a valuable consideration conveys and warrants to

BUYER:
The City of Cheney, Kansas, a municipal corporation

the following-described real estate:

A tract in the Northwest Quarter of the Southwest Quarter of
Section 5, Township 28 South, Range 4 West of the 6th Principal Meridian,
Sedgwick County, Kansas, beginning at a point 1940.0 feet North of and
50 feet East of the Southwest Corner of Section 5, said point being on the
East Right-of-Way line of County Road, thence East parallel to the North
line of Northwest Quarter of the Southwest Quarter a distance of 65.0 feet,
thence North parallel to the West line of the Northwest Quarter of the
Southwest Quarter a distance of 80.0 feet, thence West parallel to the
North line of the Northwest Quarter of the Southwest Quarter a distance
of 65.0 feet to said County Road Right-of-Way line, thence South 80.0 feet
to point of beginning;

RECORDED IN
SEDGWICK COUNTY
SEP 22 1978
REGISTER OF DEEDS

subject to the following:

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

Executed this August 31, 1978

Ethel Rodman Smith
Ethel Rodman Smith

STATE OF KANSAS, COUNTY OF SEDGWICK:

BE IT REMEMBERED, That on this 31st day of August, 1978,
before me, a notary public, in and for the county and state aforesaid, came

Ethel Rodman, a single person,

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.

John D. Marteney
Notary Public

My Commission Expires:



REALTY TITLE CO. INC.
914 S. BROADWAY - WICHITA, KANSAS 67211
(316) 262-8021 (316) 262-8248

5-00

City of Cheney, Kansas, the 67025



434 NORTH MAIN
 WICHITA, KANSAS 67202
 267-8371

OWNERSHIP LIST

Tract

Property Owner

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

The City of 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 above described tract conveyed to the City of Cheney

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

The SE $\frac{1}{4}$ of Section 6-28-4W except the South 294 feet of the East 910 feet of the East half of the SE $\frac{1}{4}$ of Section 6-28-4W

Merle Reno aka Murl Reno
 Address Unknown

none found.

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

*Use for
 legal*

A 200 foot radius of: [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.]

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.

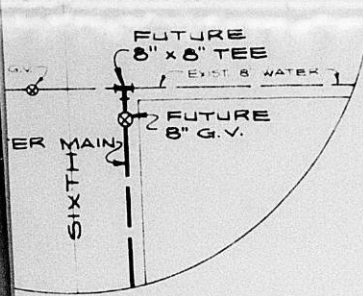
THE SECURITY ABSTRACT & TITLE CO., INC.

By

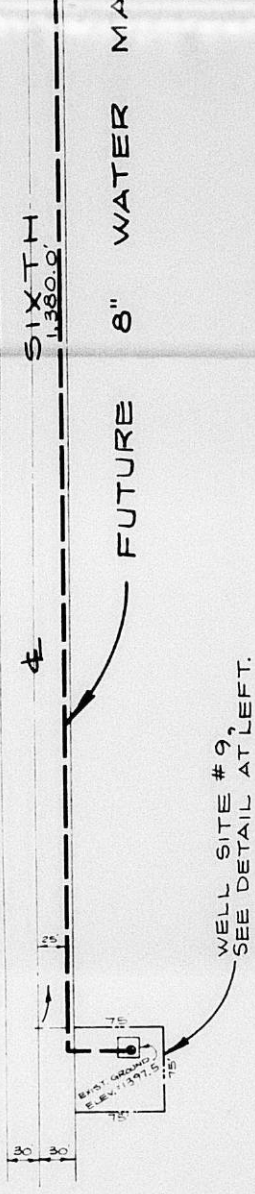
Mary Gable

Vice President

Order No. 273470
 wh



TAIL "A"
SCALE: 1"=50'



WELL SITE #9,
SEE DETAIL AT LEFT.

(REVISED SITE PLAN: 3-12-79)

LAYOUT PLAN
MUNICIPAL WATER WELLS & PIPING
1978 WATERWORKS IMPROVEMENTS
CHENEY, KANSAS

D.L. WINFREY ENGR. SVCS. APRIL 10, 1978 GODDARD, KS.