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# Sedgwick County

525 North Main Street 3rd  
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Wichita, KS 67203

## Legislation Details (With Text)

**File #:** 14-1181      **Version:** 1      **Name:** Wichita Airport Authority Right of Entry Agreements

**Type:** Consent      **Status:** Consent Agenda

**File created:** 3/17/2014      **In control:** Board of Sedgwick County Commissioners

**On agenda:** 4/2/2014      **Final action:**

**Title:** Two right of entry agreements with the Wichita Airport Authority (WAA) for construction of R324, 45th St. North from Webb Road to Greenwich Road.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. R 324 ROE Agreement (WAA) REVISED Legal Approval, 2. R 324 ROE Agreement (Other) REVISED Legal Approval

Date	Ver.	Action By	Action	Result
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### Two right of entry agreements with the Wichita Airport Authority (WAA) for construction of R324, 45th St. North from Webb Road to Greenwich Road.

Recommended Action: Approve the agreements and authorize the Chairman to sign.

Public Works has been actively working to acquire right of way from the Wichita Airport Authority for over a year. The WAA owns property on both the north and south sides of 45th St. North. The south side of the road is within the actual Colonel James Jabara Airport facility. They hold property on the north side of the road to protect the runway approach path. Because Federal funds have been used to develop the airport property, all land transactions (including easements) must be approved by the FAA. The process is quite lengthy and has required professional appraisals, review appraisals, cultural surveys and archaeological surveys that all must be reviewed by the FAA prior to approval.

The process has been further complicated by the fact that the City of Wichita recently dropped a planned purchase one tract from the WAA that contains one of our right of way parcels from the WAA. Until that point the plan was to acquire that parcel from the City after they acquired the parent tract from the WAA. The WAA now advises that the process will have to be restarted for that one parcel.

Upon execution of the right of entry agreements, two public utilities will be advised that they can begin to relocate their facilities in the area covered by the agreements. This utility relocation work must be accomplished before the County's construction project can begin. If final easements are never able to be obtained, there is some risk that the County would have to pay these utilities to relocate back off of the airport property. There has been no indication that the WAA won't be able to complete the acquisition process. Public Works feels that there is infinitesimal risk that this situation would occur. If it were to occur, the cost of relocation is expected to be less than \$100,000.

Public Works recommends the use of the Right of Entry Agreements because 1) the project has already been delayed significantly, 2) the actual final cost of right of way will be controlled by the FAA

approval and isn't expected to be any different a year from now than it is today, and 3) we can expect the cost of construction to increase if we delay the project another year. The Wichita City Council, acting as the Wichita Airport Authority, approved the agreements at their meeting on March 18, 2014.

**Alternatives:** Delay the project for a year while the Wichita Airport Authority, the Federal Aviation Administration and Sedgwick County finalize the valuation process and full acquisition of the required easements.

**Financial Considerations:** There is no cost for the right of entry agreements themselves but they set up an agreement to pay the WAA for actual right of way easements within 2 years based on appraised market values that are approved by the Federal Aviation Administration. Based on appraisals in hand for 5 of the 6 parcels, Public Works estimates that the approved values will be between \$100,000 and \$150,000 for all six parcels. Sufficient budget exists in CIP project R-324 to fund the cost of purchase.

**Legal Considerations:** The Board of County Commissioners is authorized to purchase and hold real property for use of the county under K.S.A. 19-101 second; to make all contracts in relation to the property and concerns of the county under K.S.A. 19-101 fourth; and to perform such duties as required by law concerning roads under K.S.A. 19-212 Ninth. This easement is similar in terms and conditions to prior right of way easements approved by the Board of County Commissioners for this purpose.

**Policy Considerations:**