



Wichita-Sedgwick County Metropolitan Area Planning Department

June 29, 2007

Yellow Book USA
Attn: Tony Tate, Sr. Mgr. Corp. Facilities
2560 Renaissance Boulevard
King of Prussia, PA 19406

Re: **VAC2007-00014** - Request to vacate a floodway, generally located west of Webb Road, north of 29th Street North, on the north side of Cypress Street.

Dear Mr. Tate:

At its regular meeting on Tuesday, June 26, 2007, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,

Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Scott Lindebak, Public Works Engineering, Mail Stop 1-71
Vicky Huang, Public Works Engineering, Mail Stop 1-71
MKEC Engineering Consultants Inc., c/o Brian Lindebak, 411 N. Webb Road, Wichita, KS 67206
Heartspring Inc., 8700 E. 29th St. N., Wichita, KS 67226
Vantage GSA LLC, Ste 350, 8301 E. 21st St. N. Wichita, KS 67206
Harvey D. Ellis Living Trust, 25 Stonebridge Cir., Wichita, KS 67230
Bachrodt Realty & Investment Company, Suite 630, 7701 E. Kellogg, Wichita, KS 67207
CMR Properties LLC, 2456 N. Woodlawn, Wichita, KS 67220
Mark A. Moxley DDS, 825 S. Hillside, Wichita, KS 67211
US Business Centers LLC, P.O. Box 21080, Wichita, KS 67208
Webb Road LLC, Ste 310, 818 N. Emporia, Wichita, KS 67214

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED FLOODWAY**

MAPD CASE NO.
VAC2007-000014

MORE FULLY DESCRIBED BELOW

NOW on this 26th day of June, 2007 comes on for hearing the petition for vacation filed by Yellow Book Sales & Distribution, c/o MKEC Engineering Consultants, Inc./Gene Rath praying for the vacation of the following described portion of platted floodway, to-wit:

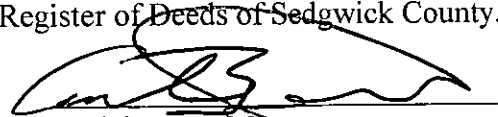
BEGINNING at the north common corner to Lots 8 and 9, said Block 2, said addition, being the south line of Reserve "A", said addition; thence along the common line to said Lots 8 and 9 on a measured basis of bearing S09°02'53"W, 160.00 feet; thence N22°02'29"W, 60.56 feet; thence N03°34'27"E, 70.01 feet; thence N21°50'05"W, 65.00 feet to the west line of a platted floodway easement; thence along said platted floodway easement N40°20'40"E, 25.00 feet to the north line of said Lot 8 being on a curve to the right; thence along said curve along said north line 70.00 feet, said curve having a central angle of 02°13'43", a radius of 1799.64 feet, and a long chord distance of 70.00 feet, bearing S47°23'26"E to the **POINT OF BEGINNING**.

Said tract **CONTAINS:** 6,542 square feet or 0.15 acres of land, more or less.

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, by publication in the Wichita Eagle and the Derby Reporter on April 26, 2007, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted floodway, and the public will suffer no loss or inconvenience thereby.
3. Retain all platted setbacks and platted utility easements or utility easements dedicated by separate instrument located within the described portions of the vacated and retained platted floodway.
4. The platlor's text description of the owner's responsibility will remain in effect on the described portion of the retained platted floodway.
5. In justice to the petitioner(s), the prayer of the petition ought to be granted.
6. 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.
7. The vacation of the described portion of the platted floodway described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 26th day of June 2007 ordered that the above-described portion of platted floodway is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carl Brewer, Mayor

ATTEST:

for 
Patsy Eichacker, Deputy
Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00014: Request to vacate platted floodway

APPLICANT/OWNER: Yellow Book Sales & Distribution

AGENT: MKEC Engineering Consultants Inc c/o Gene Rath

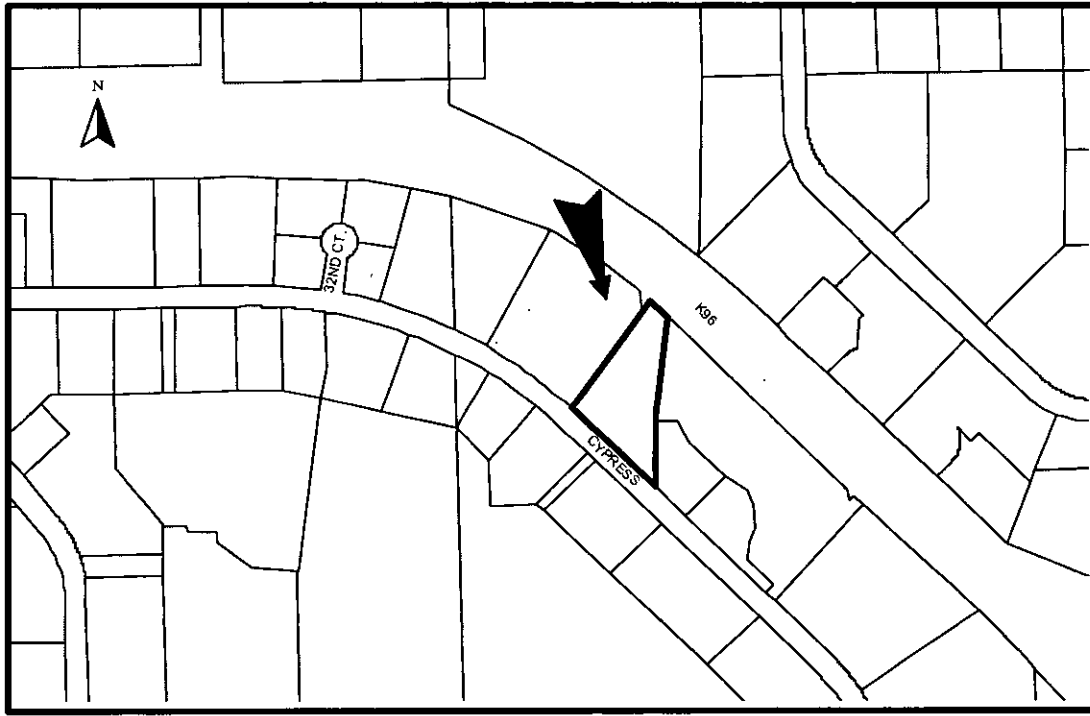
LEGAL DESCRIPTION: Generally described as the platted floodway as recorded on Lot 8, Block 2 Mediterranean Plaza Addition, Wichita, Sedgwick County Kansas.

LOCATION: Generally located northwest of the 29th Street North – K-96 interchange, and northeast of the Cypress Street – 29th Street North intersection.

REASON FOR REQUEST: Development of the site

CURRENT ZONING: Subject property and properties to the west, east and north are zoned "LI" Limited Industrial. Property to the south is zoned "GO" General Office.

VICINITY MAP:



The applicant is requesting consideration to vacate the described platted floodway. The platlor's text states that "The floodway shall be the responsibility of the owner's until such time as the governing body elects to assume the responsibility for the for the maintenance and improvement of the drainage, provided further that no structure shall be constructed within said floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the City Engineer." A 50-foot wide portion of the platted floodway that was located on the abutting Lot 9, Block 2, Mediterranean Plaza Addition was vacated in 2003: VAC2003-35. There was also an associated Lot

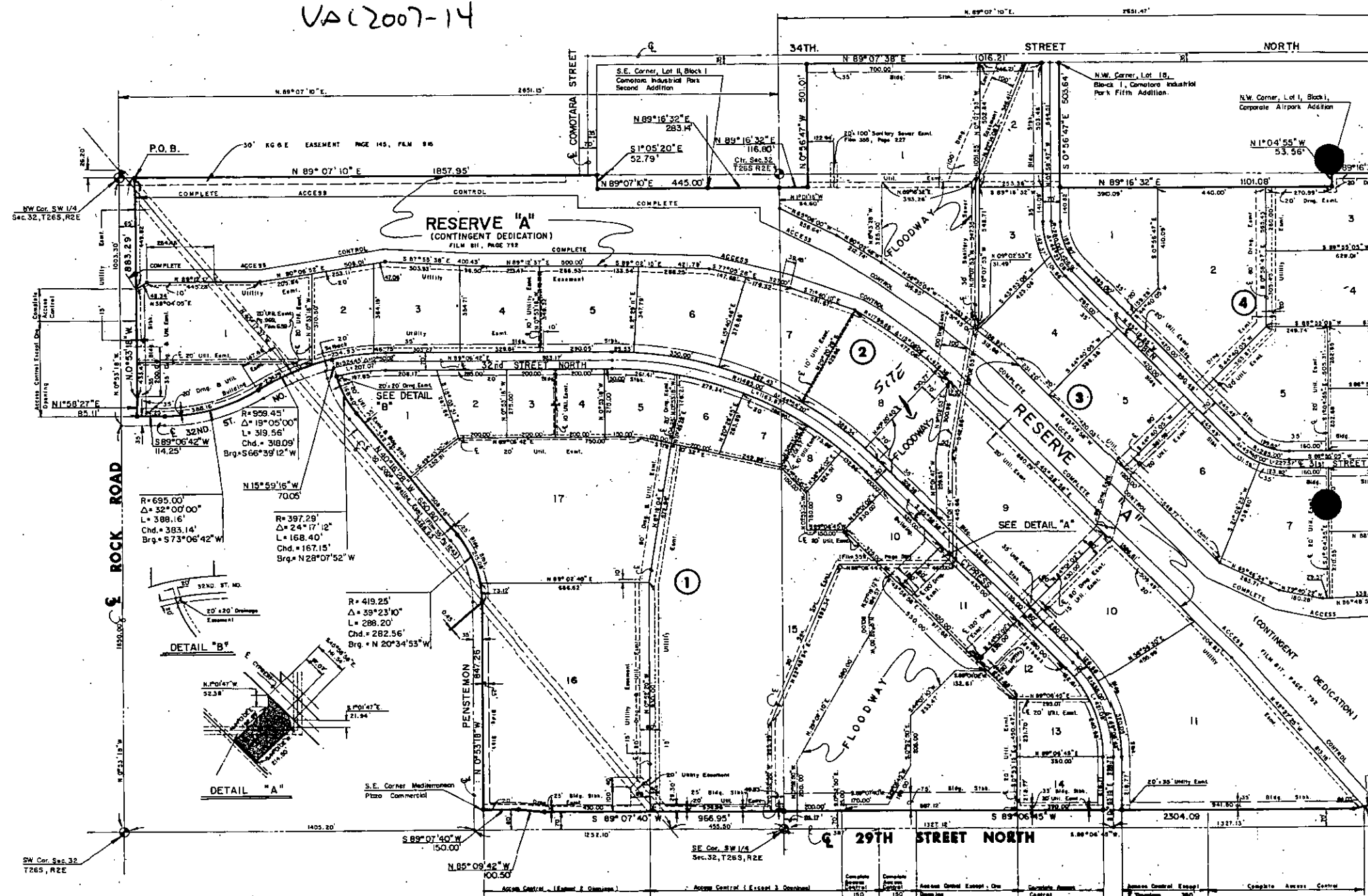
Split, SUB2003-38, with VAC2003-35, which required a Restrictive Covenant that establishes ownership of a required (condition of VAC2003-35) floodway reserve and the responsibility of maintenance of the reserve. A 30-foot sanitary sewer easement abuts the east portion of the platted floodway. The applicant has provided e-mails from Kansas Gas Service, Westar, Cox, and AT&T, which state that they have no utilities in the platted floodway. The site is in neither a FEMA Floodway nor FEMA Flood zone. The Mediterranean Plaza Addition was recorded in 1988.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works and other utility representatives, Planning Staff recommends approval to vacate that portion of platted floodway as described in the legal description with conditions.

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant and at the applicant's expense.
- (2) All improvements shall be according to City Standards and at the expense of the applicant, including any drainage improvements/infrastructure. If necessary provide all plans needed by Public Works/Storm Water and any guarantees to Public Works to ensure improvements will be completed.
- (3) If needed provide a floodway reserve per the approval of Public Works/Storm Water and provide a Restrictive Covenant that establishes ownership of the floodway reserve and the responsibility of maintenance of the reserve.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

VA(2007-14



VAC 2007-14

