

STAFF REPORT

CASE NUMBER: VAC2020-00018 - Request to vacate a portion of platted floodway easement.

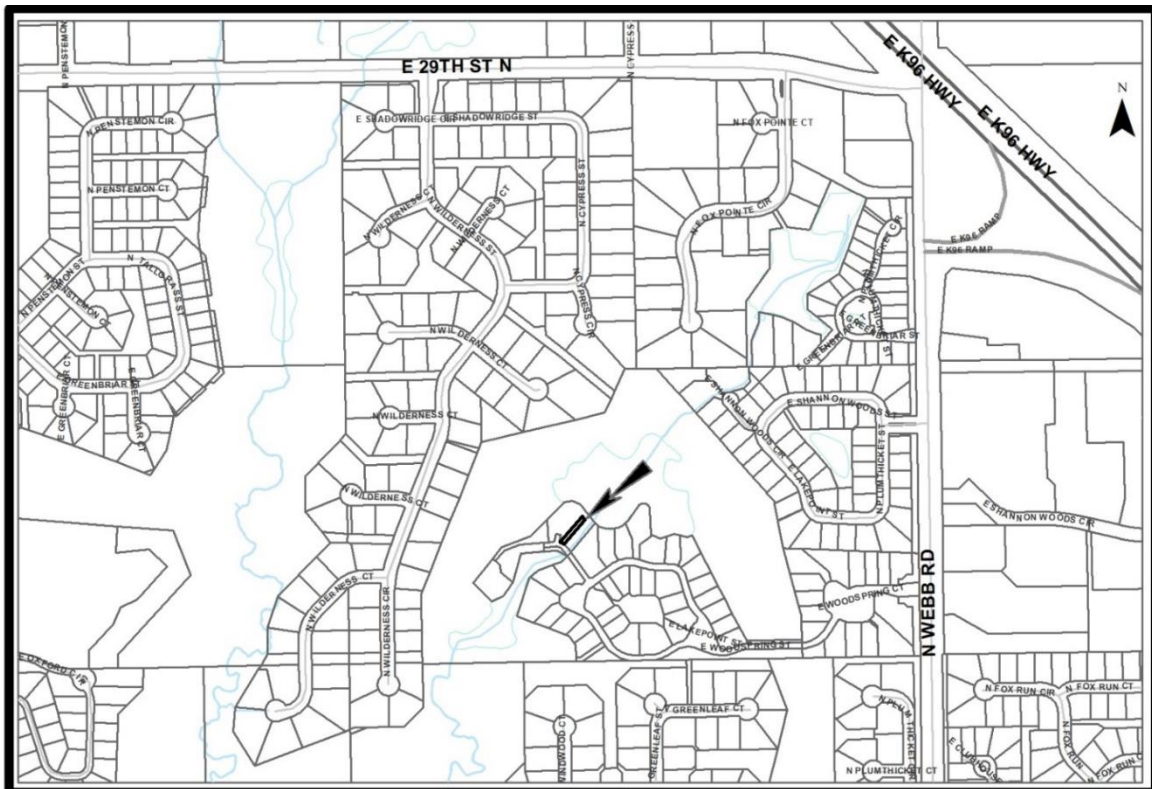
APPLICANT/AGENT: Lisa and Kenneth Schmiedbauer (applicants/owners)/ MKEC Engineering, Brian Lindebak (agent)

LEGAL DESCRIPTION: Generally described as vacating the westerly 20.00 of the platted 65 foot Floodway Easement, said westerly 20.00 feet being parallel with the westerly line of said easement and lying within Lot 1, Block 1, Woodspring 2nd Addition, Wichita, Sedgewick County, Kansas; EXCEPT the northerly 25.00 feet thereof, said northerly 25.00 feet being parallel with the northerly line of said Lot 1.

LOCATION: Generally located about a quarter mile west of North Webb Road and a half mile north of East 21st Street East (9032 East Lakepoint).

REASON FOR REQUEST: To vacate non-utilized easement on property and allow existing covered deck which encroached into the easement.

VICINITY MAP:



The applicant proposes to vacate a portion of a 65-foot platted floodway easement located on the southeast side of the 0.7-acre Lot 1, Block 1, Woodspring 2nd Addition. The plattor's text states the following regarding the platted floodway easement: "(t)he floodway easement shall be the responsibility of the individual lot owners. Provided further, that no structure shall be constructed on or within said floodway easement, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Wichita-Valley Center Flood Control Office or their successors of office." The applicant has constructed a covered deck which encroaches into the floodway. As seen on the floodway exhibit, the proposed vacated portion of the drainage reserve appears to be located outside of the current recognized FEMA flood plain for this area. A public sewer line is located on the southwest portion of the subject vacation area. However, the sewer line is within a 15-foot platted utility easement that overlaps the floodway easement and is not part of the vacation request and will remain. City Storm Water confirmed that this area is outside of the actual floodway. They do not feel a drainage easement is necessary. Everygy does not have any equipment in the area. Becky Thompson is the Area Construction Service Representative and can be contacted at 261-6320 with any questions. The Woodspring 2nd Addition was recorded with the Register of Deeds August 23, 1983.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted drainage reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 18, 2020 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted floodway easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

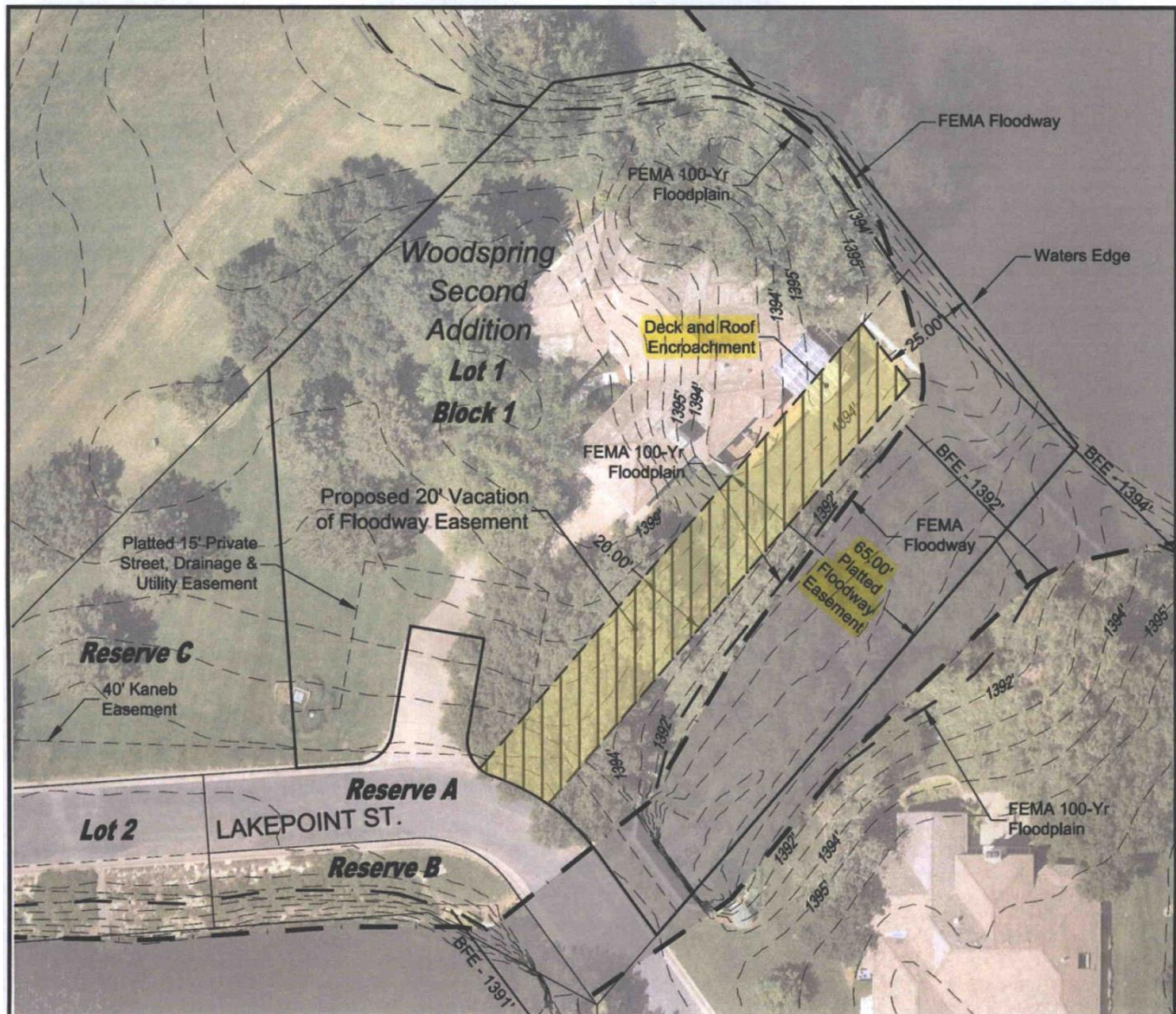
- (1) Vacate that portion platted floodway easement, as approved by City Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted drainage reserve on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All documents must be provided to Planning prior to the case going to the Wichita City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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.



SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

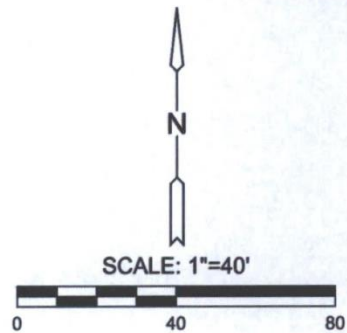
The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1) Aerial Map, 2) Site Plan 3) Floodway Exhibit





-  - Proposed 20' Vacation of Platted Floodway Easement
-  - FEMA Floodway



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EXHIBIT A FLOODWAY EASEMENT VACATION LOT 1, BLOCK 1, WOODSPRING SECOND ADD.		
PROJECT NO. 2001010314	DATE: MAY 2020	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: JGD	APPROVED BY: BDL
		1 OF 1

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