

STAFF REPORT

CASE NUMBER: VAC2020-00039 - Request to vacate a portion of platted floodway easement

APPLICANT/AGENT: Matthew and Lauren Morris (applicant/owner)

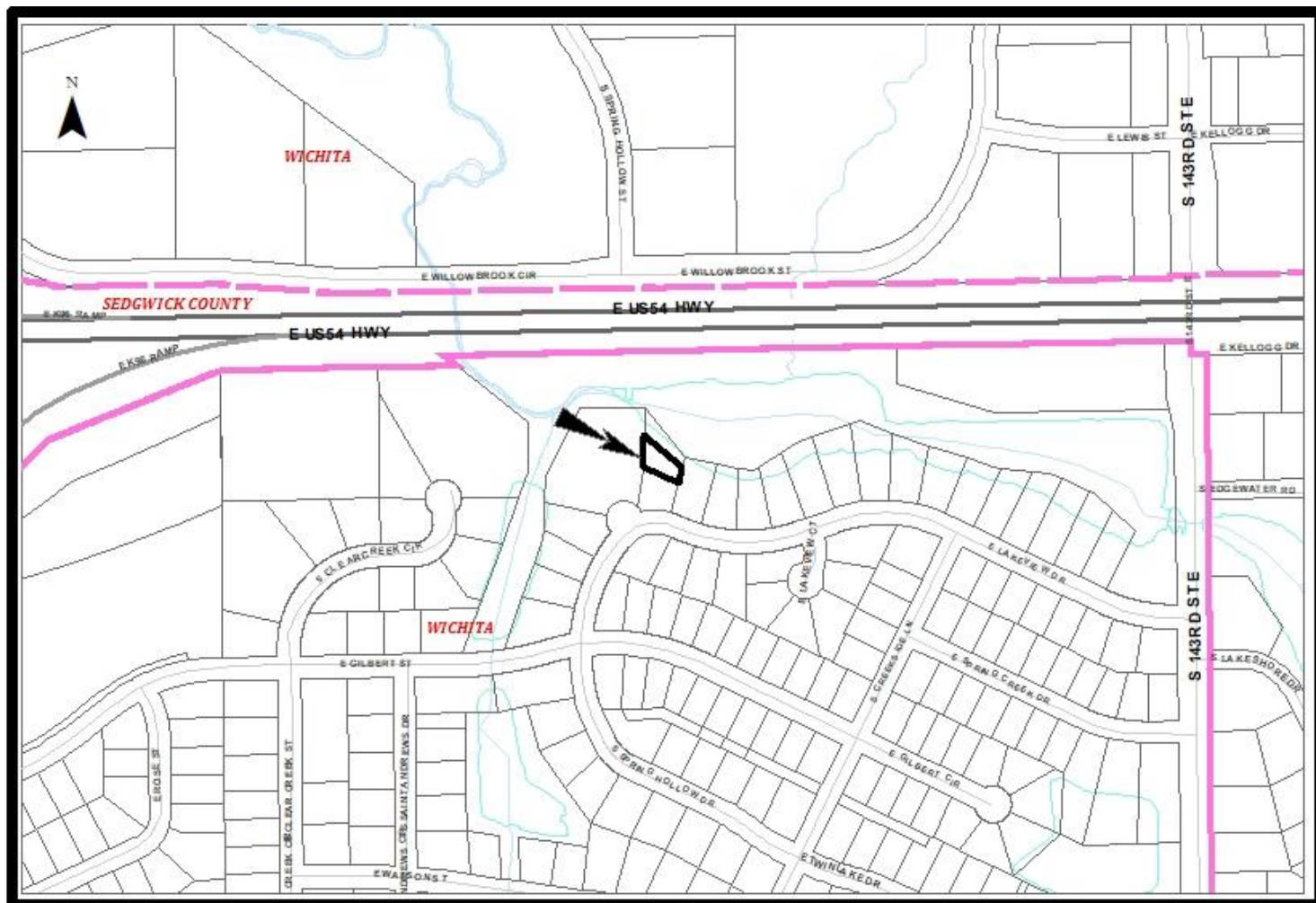
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located south of East Kellogg Avenue and one-quarter mile west of South 143rd Street East (13930 East Lakeview Drive).

REASON FOR REQUEST: To allow a swimming pool to be built.

CURRENT ZONING: The site is zoned SF-5 Single Family Residential.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted floodway easement located on the north side of the one-half acre Lot 7, Block 1, Springdale Lakes 2nd Addition. The property is zoned SF-5 Single Family Residential and is generally located south of East Kellogg Avenue and one-quarter mile west of South 143rd Street East. The purpose of this request is so the homeowners can install an in-ground pool in their backyard. The plattor's text states, "The floodway covering the rear of Lots 1 thru 22 in Block 1 and Lots 1 thru 4 and 16 thru 19 in block 5 shall be the responsibility of the abutting property owners. Said responsibilities shall continue until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage, providing further, that no building shall be constructed on or within said floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Wichita-Valley Center Floodway Control office or their successors of office." The proposed vacated portion of the drainage reserve appears to be located outside of the FEMA Floodplain.

There are no public utilities located within the area of the vacation. Neither Cox nor Evergy have equipment or facilities in the area. Evergy's Area Construction Representative for this case is LaDonna Vanderford. She can be contacted at 316-261-6290 with any question. The Springdale Lakes 2nd Addition was recorded with the Register of Deeds March 11, 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 October 1, 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 drainage reserve, as approved by City Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted floodway easement on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the Wichita City Council for final action.

- (2) If any utility services are found to be located within the area of the proposed Vacation, these services shall be relocated at the owner's expense, to city standards, and the applicant shall provide Planning with the dedication of utility easements by separate instruments to go with the Vacation Order to be filed with the Register of Deeds. If relocation is not possible then this Vacation shall be rendered void as the current easement must remain in place.
- (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.

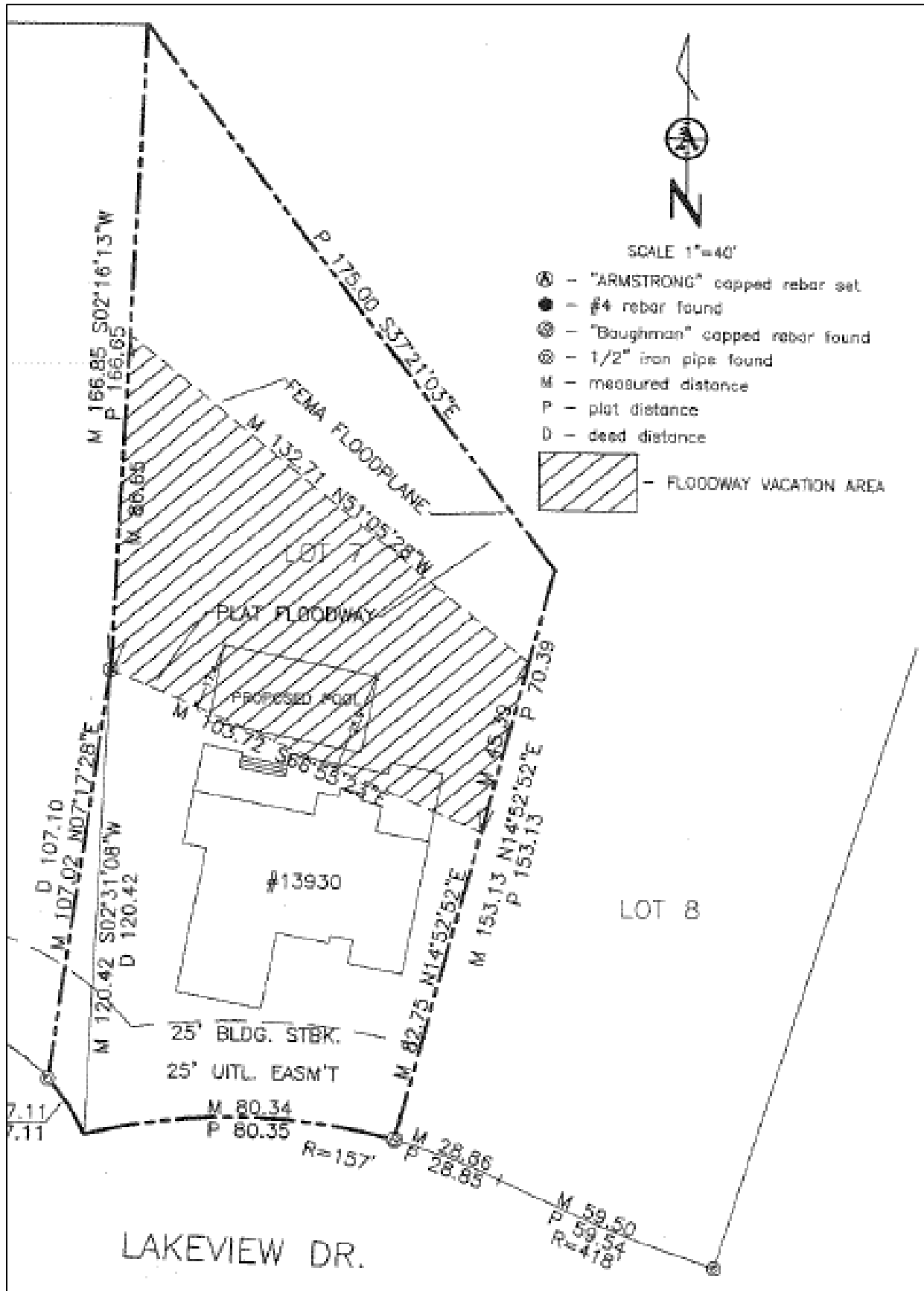
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan
3. Legal Description

Legal



Description

That part of Lot 7, Block 1, Springdale Lakes Second Addition to Sedgwick County, Kansas, described as COMMENCING at the Southeast corner thereof; THENCE N14°52'52"E along the East line of said Lot 7, a distance of 82.75 feet for a place of BEGINNING; THENCE continuing N14°52'52"E along said East line, a distance of 45.39 feet; THENCE N51°05'28"W, a distance of 132.71 feet to the West line of said Lot 7; THENCE S02°16'13"W along the West line of said Lot 7, a distance of 86.65 feet; THENCE S66°55'23"E, a distance of 103.72 feet to the point of BEGINNING.