

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1316 VACATION OF PLATTED MINIMUM BUILDING PAD ELEVATIONS
AND PLATTED FLOODWAY GENERALLY LOCATED ON THE NORTH SIDE OF
HARRY AND WEST OF TYLER.

The Planning Commission recommends approval subject to:

- A. All proceedings being without cost to the City, County, or any utility company.
- B. The vacation order shall retain a minimum building pad of 1315 Mean Sea Level.
- C. The applicant shall dedicate by separate instrument, substitute drainage right-of-way (D-1286)

Peters moved, Bayouth seconded and it carried unanimously. Chisholm, Banzer and Goebel were absent. Moore was not yet present (3/21/85)

ACTION: Approve the vacation request as recommended by the Metropolitan Area Planning Commission and adopt the resolution.

VACATION CASE DATA

Legal Description: Minimum Building Pad Elevation:

The platted minimum building pad of 1316 Mean Sea Level on Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas,

AND

Floodway:

The platted floodway in Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas, except that portion included in the following described tract:

A tract in the southeast quarter, Section 29, Township 27 South, Range 1 west of the 6th P.M. and Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said Lot 1, said point being 28.00 ft. east of the southwest corner of said Lot 1; thence west along said south line on a bearing of N 90° 00' 00" W for a distance of 28.00 ft. to the southwest corner of said Lot 1; thence S 0° 34' 30" W for a distance of 20.00 ft. to a point 30 ft. north of the south line of said quarter section; thence westerly along a line parallel to and 30 ft. north of said south line on a bearing of N 90° 0' 0" W, 88.7 ft.; thence N 0° 34' 30" E, 220.25 ft.; thence N 31° 21' 30" E, 500.11 ft., more or less, to a point on the north line of said Lot 1; thence N 77° 49' 30" E along said north line 33.55 ft.; more or less, to the northeast corner of said Lot 1; thence S 0° 34' 30" W along the east line of said Lot 1, 179.12 ft.; thence S 31° 21' 30" W, 336.06 ft.; thence S 0° 34' 30" W, 168.29 ft. to the point of beginning

ALL IN SEDGWICK COUNTY, KANSAS.

Applicant: Harvey T. Patterson
9208 West Harry
Wichita, Kansas 67209

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted the separate instrument specified in condition C above. This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification, or public hearing is required before the Board of City Commissioners. The procedure for handling such requests is the same as it was prior to the July 1, 1984 change in State Law concerning City vacation requests. Requests located in the three-mile ring of the City are considered by the Board of City Commissioners and, if acceptable, approved by resolution. Title to the property is subsequently cleared by petition, publication and hearing before the Board of Sedgwick County Commissioners.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PLATTED
MINIMUM BUILDING PAD ELEVATION AND
PLATTED FLOODWAY

GENERALLY LOCATED ON THE NORTH SIDE OF
HARRY IN AN AREA WEST OF TYLER ROAD
(V-1316).

STATE OF KANSAS } 53
SEDGWICK COUNTY }
FILED FOR RECORD AT
3:30 P.M.

JUL 2 1985

NO. 1 54453

PAT KETTLER
REGISTER OF DEEDS

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OF RECORD

Ed Resal
Deputy

VACATION ORDER

NOW on this 26th day of June, 1985, at
9:00 o'clock A.M. comes on for hearing the petition for vacation filed
by Harvey T. Patterson, praying for the vacation of the
following described platted minimum building pad and floodway.

SEE EXHIBIT "A"

the said petitioners being represented by their attorney, NONE.

WHEREUPON, it is shown that proper notice has been given by
publication in the Daily Record, a newspaper printed in the
State of Kansas and being published in and for general circulation in
Sedgwick County, Kansas, the first publication being made on the
29th day of May, 1985, and proper proof of such
publication being filed herein. The Board being advised in the premises
finds that such notice is in due legal form and conforms to K.S.A. 1980
Supp. 12-504.

THEREAFTER, the matter is presented to the Board and the
Board finds that no private rights will be injured or endangered by such
vacation and that the public will suffer no loss or inconvenience thereby,
and that in justice to the petitioners, their prayer should be granted
subject to the retention of a minimum building pad elevation of 1315
Mean Sea Level in the vacation order, and that no written objections
have been filed hereto with the County Clerk.

7.00

County Clerk

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The Board Further finds that the Governing Body of the City of Wichita, by Resolution, at its regular meeting held on the 16th day of April, 1985, recommended and approved the vacation of the above-described minimum building pad and floodway.

IT IS, THEREFORE, BY THE BOARD OF COUNTY COMMISSIONERS, in regular session duly assembled, ordered that the above-described minimum building pad and floodway is hereby vacated, and a minimum building pad elevation of 1315 Mean Sea Level is hereby retained.

Donald E. Gragg
Donald E. Gragg, Chairman

Bernard A. Hentzen
Bernard A. Hentzen, Chairman Pro Tem

Tom Scott
Tom Scott, Commissioner

ATTEST:

Don Wright
Don Wright, County Clerk

APPROVED AS TO FORM:

Richard Euson
Richard Euson, Asst. County Counselor

EXHIBIT "A"

Minimum Building Pad Elevation:

The platted minimum building pad of 1316 Mean Sea Level on Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas,

AND

Floodway:

The platted floodway in Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas, except that portion included in the following described tract:

A tract in the southeast quarter, Section 29, Township 27 South, Range 1 west of the 6th P.M. and Lot 1, Block A, Harvey Patterson 2nd Addition, Sedgwick County, Kansas, described as follows: Beginning at a point on the south line of said Lot 1, said point being 28.00 ft. east of the southwest corner of said Lot 1; thence west along said south line on a bearing of N 90° 00' 00" W for a distance of 28.00 ft. to the southwest corner of said Lot 1; thence S 0° 34' 30" W for a distance of 20.00 ft. to a point 30 ft. north of the south line of said quarter section; thence westerly along a line parallel to and 30 ft. north of said south line on a bearing of N 90° 01' 00" W, 88.7 ft.; thence N 0° 34' 30" E, 220.25 ft.; thence N 31° 21' 30" E, 500.11 ft., more or less, to a point on the north line of said Lot 1; thence N 77° 49' 30" E along said north line 33.55 ft.; more or less, to the northeast corner of said Lot 1; thence S 0° 34' 30" W along the east line of said Lot 1, 179.12 ft.; thence S 31° 21' 30" W, 336.06 ft.; thence S 0° 34' 30" W, 168.29 ft. to the point of beginning

ALL IN SEDGWICK COUNTY, KANSAS.

V-0553

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