

City of Wichita
City Commission Meeting
March 3, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1438 - REQUEST TO VACATE A PLATTED MINIMUM BUILDING PAD
ELEVATION ON PROPERTY LOCATED NORTH OF EIGHTH STREET
NORTH, IN AN AREA WEST OF I-235.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of minimum building pad elevation.

Background: Gene Miles, 10711 W. Kellogg, Wichita, KS 67235, is requesting this vacation to reduce the difference between required building floor levels and the normal water level of the adjacent lake.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
and
4. The Vacation Order shall retain a minimum building pad elevation of 1305 mean sea level.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action:

Close public hearing; approve vacation; authorize the Mayor to sign Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PLATTED
MINIMUM BUILDING PAD ELEVATION.

GENERALLY LOCATED NORTH OF EIGHTH STREET
NORTH, IN AN AREA WEST OF I-235. (V-1438)

MORE FULLY DESCRIBED BELOW

)
)
)
) Approved by Board of Commissioners
) this MAR 3 1987
)

VACATION ORDER

NOW on this 3rd day of March, 1987, comes on for hearing the petition for vacation filed by Gene Miles, praying for the vacation of the following described platted minimum building pad elevation, to-wit:

The platted minimum building pad elevation of 1308 mean sea level for the property, legally described as: Lot 1, Block 1, Miles Lakewood Living Addition, Wichita, Sedgwick County, Kansas, except the following described tract:

Beginning at a point on the east line of Lot 1, Block 1, Miles Lakewood Living Addition, 459.62 feet north of the southeast corner of said Lot 1; thence north along the east line of said Lot 1 a distance of 1,249.36 feet; thence westerly perpendicular to said east line a distance of 72 feet; thence southerly parallel to and 72 feet west of the east line of said Lot 1 a distance of 1,270.03 feet; thence east a distance of 72 feet to the point of beginning. (V-1438)

The City Commission, 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 Daily Record of notice of this vacation proceeding for consecutive weeks on FEB 18 25, 1987.

2. No private rights will be injured or endangered by the vacation of the above-described minimum building pad elevation, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s) the prayer of the petition ought to be granted.

4. 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.

5. A minimum building pad elevation of 1305 mean sea level is hereby retained.

6. The vacation of the minimum building pad elevation described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 3rd day of March, 1987, ordered that the above-described minimum building pad elevation 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.

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director of Law

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT

MAR 12 1987

NO. 8 68047
PAT KETTLER
REGISTER OF DEEDS

Tony Casado
Tony Casado, Mayor

Ed Rea
Deputy

MICROFILMED
OF RECORD

PL/6168/5

500

City Clerk

CENTER

FLOOD

CONTROL

MINIMUM BLDG. PAD ELEVATION
LAKWOOD
SANDPIT

LIVING

235

RAY ALLEN
ADD.

HOOVER ST.

MILES

ADDITION

LAKWOOD
HWY

8th ST No.