

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 2, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1705 - REQUEST TO VACATE A PLATTED FLOODWAY
EASEMENT; LOCATED NORTH SIDE OF LOST CREEK CIRCLE IN AN AREA
EAST OF 119TH ST. WEST.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of floodway easement.

MAPC Recommendation: Approve vacation of floodway easement.
(unanimous)

Background: The applicant requests vacation of a platted floodway easement in order to build a larger house on this lot. The applicant has submitted a dedication by separate instrument, for an alternate area for a flood plain easement and this document has been approved by City Engineering. City Engineering and the utility companies have indicated their approval of this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Action: Close public hearing, approve vacation; accept the dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and dedication, recording costs to be billed to:

150029-2909

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BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

STATE OF KANSAS } SS
SEDCWICK COUNTY }
FILED FOR RECORD AT

AUG 16 91 1154274

IN THE MATTER OF THE VACATION OF
A PLATTED FLOODWAY EASEMENT (V-1705)

GENERALLY LOCATED IN AN AREA EAST OF
119TH ST. WEST; NORTH OF LOST CREEK
CIRCLE.

MORE FULLY DESCRIBED BELOW

PAT KETTLER
REGISTER OF DEEDS

Approved / Accepted By City Council
This III 2 1991

Ed Bass
Deputy

VACATION ORDER

NOW on this 2nd day of July, 1991, comes on for hearing the
petition for vacation filed by J.W. Russell, President, Lost Creek
Estates, Inc., praying for the vacation of the following described
floodway easement, to-wit:

That part of Lot 25, Lost Creek Estates, Wichita,
Kansas, described as commencing at the southwest
corner of said Lot 25; thence S57°59'16"E, along
the south line of said Lot 25, 32.47 feet to a
point on the easterly line of a floodway easement
for a place of beginning; thence N09°30'43"E,
along said easterly line 84.37 feet; thence
N30°33'42"W, along said easterly line, 55.26;
thence S10°42'45"E, 69.61 feet; thence
S01°07'06"E, 62.41 feet to the point of beginning.
(V-1705)

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 Daily Reporter of notice of
this vacation proceeding for consecutive weeks on 6/20/91 and 6/27/91
2. No private rights will be injured or endangered by the
vacation of the above-described floodway easement, 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. The vacation of the floodway easement described herein
should be approved.

City Clerk

D1700

1705

200 15 0002 2000

200

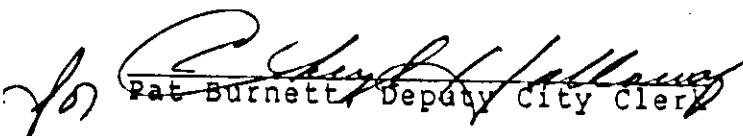
MICROFILMED
OF RECORD

Vacation Order
V-1705
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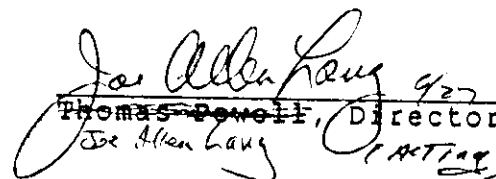
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of July, 1991, ordered that the above-described floodway easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

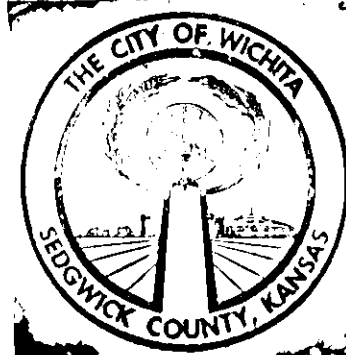
ATTEST:


Bob Knight, Mayor

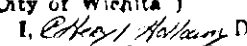

Pat Burnett, Deputy City Clerk

Approved as to Form:

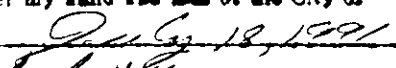
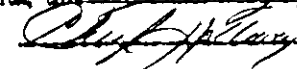

Thomas Powell, Director of Law
Joe Allen Lang (ACTING)

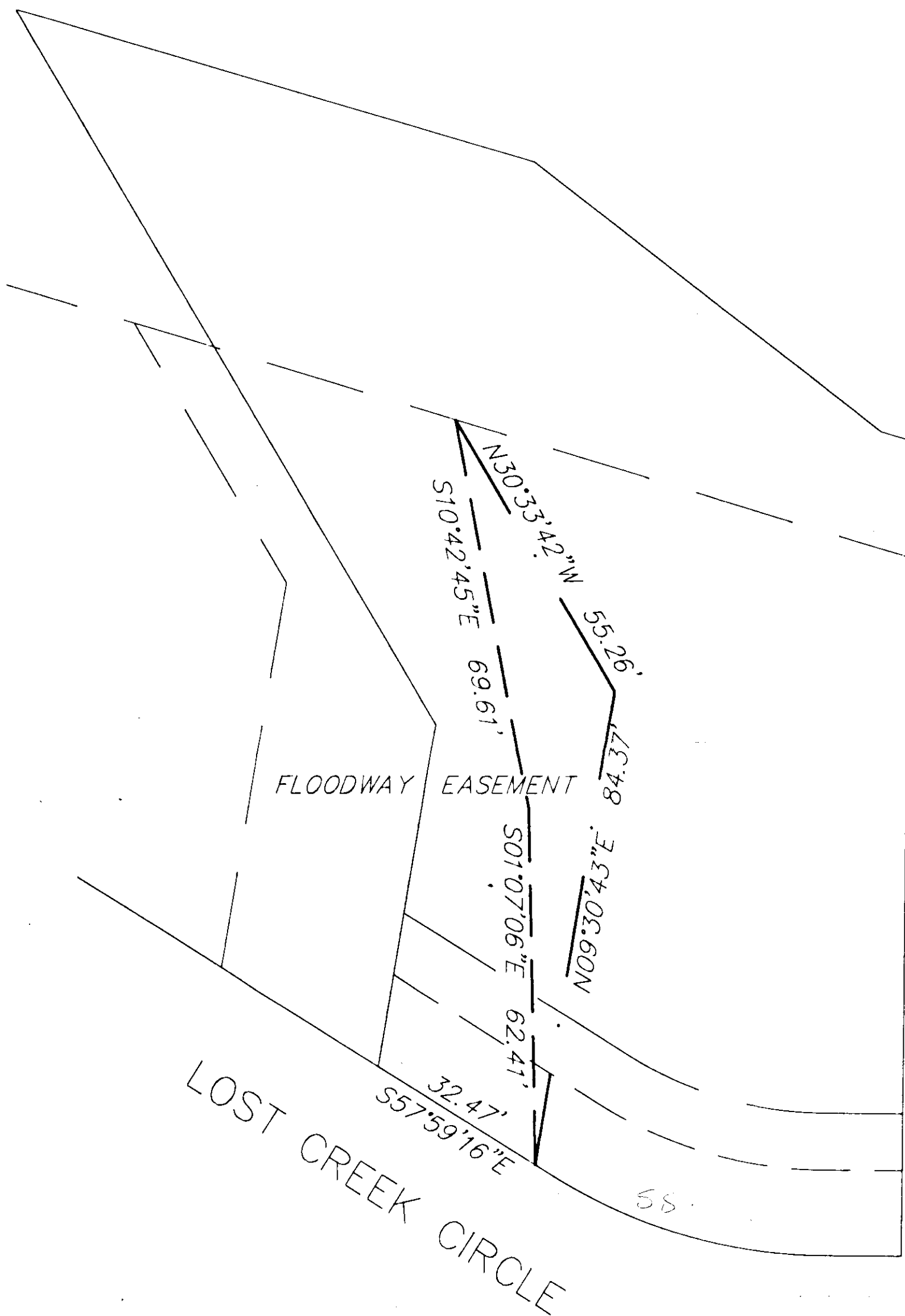


State of Kansas)
Sedgwick County) ss
City of Wichita)

I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of

Wichita, this  18, 1991
 Deputy City Clerk



1"=20'

4748 D
Lot 25
Lost Creek Estates