Planning Agenda #_____

City of Wichita
City Council Meeting
January 30, 1996

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1890 REQUEST TO VACATE A PORTION OF A PLATTED FLOODWAY IN AN AREA WEST OF MERIDIAN, NORTH OF MACARTHUR.
(District # 4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted floodway.

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

Background: The applicant desires to vacate a portion of an existing floodway easement in order to construct a building. The applicant was required and has provided by separate instrument the dedication of a substitute floodway to accommodate the reconfiguration of detention ponds on the site. 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/Actions: Accept the floodway easement, close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the floodway easement and certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

FILE COPY

FILM 1583 PAGE 0668

COPY

Approved Accepted By City Council

This JAN 30 1996

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

IN THE MATTER OF THE VACATION OF PLATTED FLOODWAY)
)
)
GENERALLY LOCATED)
WEST OF MERIDIAN,)
NORTH OF MACARTHUR)
)
MORE FULLY DESCRIBED BELOW)

Case No. V- 1890

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
10:00 AM

1506215 BK 138

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 30th day of January, 1996, comes on for hearing the petition for vacation filed by Bethel Life Center Assembly of God, Inc., praying for the vacation of the following described platted floodway, to-wit:

The part of Lot 1, Block 1, Bethel Assembly Addition, Wichita, Sedgwick County, Kansas, described as commencing at the northeast corner thereof; thence N71°36'43"W along the northerly line thereof, 854.82 feet; thence continuing along the northerly line thereof N87°11'48"W, 640 feet; thence S27°18'12"W, 127.40 feet for a Point of Beginning; thence S87°11'48"E, 305.15 feet; thence S37°48'12"W, 150 feet; thence S67°48'17"W, 85 feet; thence S24°23'09"W, 110 feet; thence N89°36'51"W, 90 feet, thence N31°16'39"W, 141.16 feet; thence N27°18'12"E, 162.60 feet to the point of beginning;

AND

That part of said Lot 1 commencing at the northeast corner thereof; thence S00°00'E along the east line thereof, 84.30 feet; thence N71°36'43"W, 537.00 feet; thence S62°23'17"W,137.00 feet; thence N89°36'51"W 253.39 feet for a Point of Beginning; thence N89°36'51"W, 71.61 feet; thence N09°36'51"W, 109.70 feet; thence S78°38'50"E, 62.46 feet; thence S16°52'50"E, 99.57 feet to the point of beginning.

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:

COPY

City Clerks Office
455 N. Main - 12th Floor
Wichita, KS 67202

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 1/16/96 & 1/23/96.

2. No private rights will be injured or endangered by the vacation of the above-described platted floodway, 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 platted floodway described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of January, 1996, ordered that the above-described platted floodway 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.

Bob Knight, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

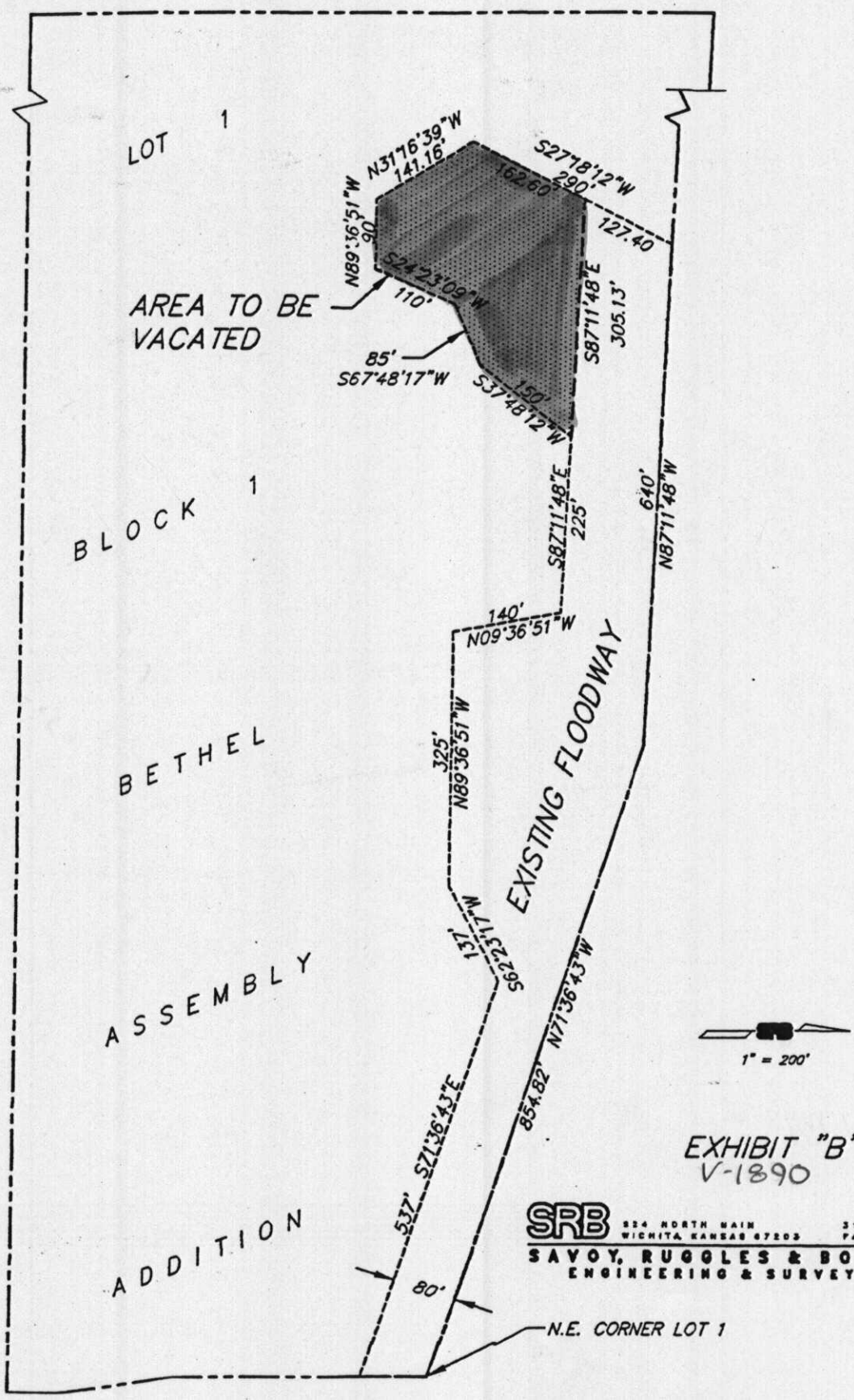
Gary Rebenstorf, Director of Law

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

I, Pat Burnett Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this certificate is attached 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 JAN 30 1996

Pat Burnett Deputy City Clerk
PAT BURNETT


LOT 1
N31°16'39"W
141.16'
S27°18'12"W
290'
162.60'
127.40
N89°36'51"W
90'
S24°23'09"W
110'
AREA TO BE VACATED
S87°11'48"E
305.13'
85'
S67°48'17"W
150'
S37°48'12"W
BLOCK 1
S87°11'48"E
225'
640'
N87°11'48"W
140'
N09°36'51"W
BETHEL
325'
N89°36'51"W
EXISTING FLOODWAY
137'
S02°23'09"E
ASSEMBLY
854.82'
N71°36'43"W
S71°36'43"E
537'
ADDITION
80'
N.E. CORNER LOT 1
1" = 200'
EXHIBIT "B"
V-1890
SRB
534 NORTH MAIN
WICHITA, KANSAS 67203
SAVOY, RUGGLES & BOH
ENGINEERING & SURVEYIN