

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



IN THE MATTER OF THE VACATION OF
A PORTION OF A FLOODWAY RESERVE

GENERALLY LOCATED EAST OF 215th
STREET WEST AND NORTH OF MacARTHUR

MAPD CASE NO. V-1871

VACATION ORDER

NOW on this 13th day of July, 1994, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

[See attached legal description]

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on June 17, 1994; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

County Clerk

0011

The Board further finds that the vacation of Floodway Reserve, has been approved by the Metropolitan Area Planning Commission on the 2nd day of June, 1994.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
Betsy Gwin, Chair 07-13-94

ATTEST:

Susan E. Crockett-Spoon
Susan E. Crockett-Spoon
County Clerk



APPROVED AS TO FORM:

Richard A. Euson
Richard A. Euson
Assistant County Counselor

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM

MICROFILMED
OF RECORD

JUL 26 1994
NO. 1399081
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

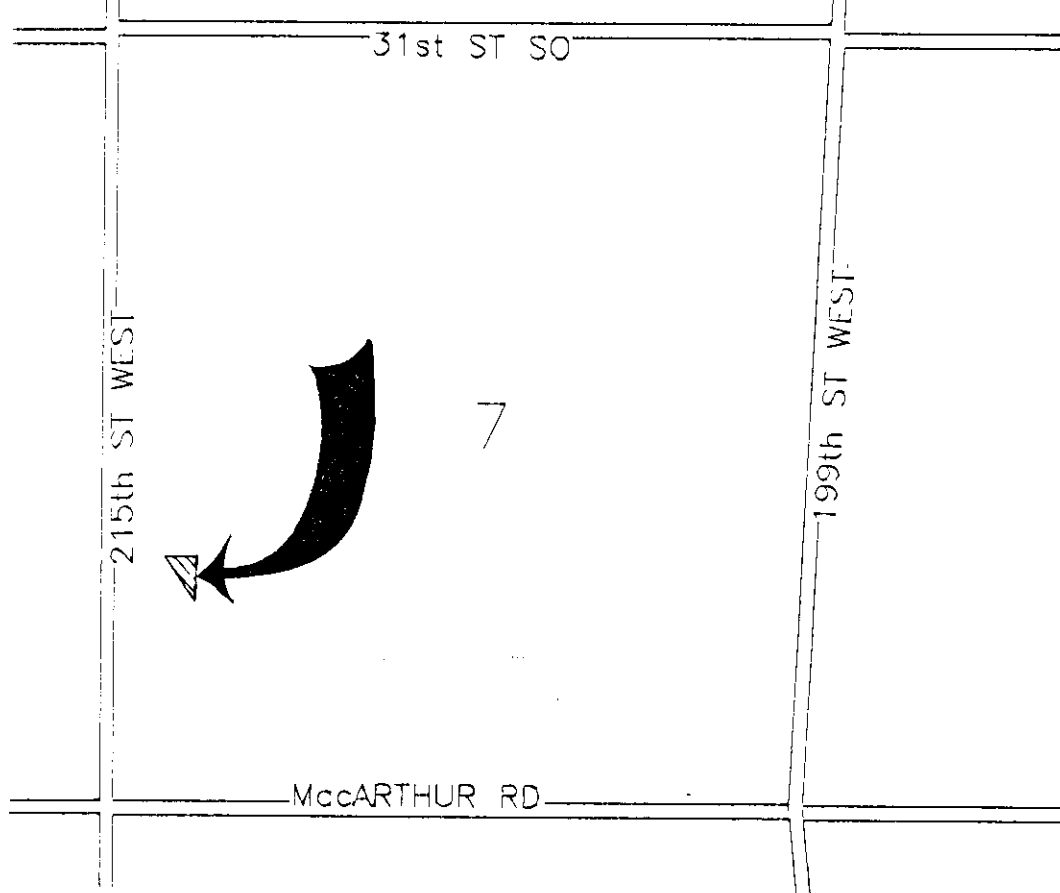
V-1971

LEGAL DESCRIPTION:

That portion of a Floodway Reserve described as:

Commencing at the southwest corner of the SW $\frac{1}{4}$ of Section 7, Township 28-S, R-2-W of the 6th P.M., Sedgwick County, Kansas; thence north along the west line of said SW $\frac{1}{4}$, 1500.9 feet; thence east parallel with the south line of said SW $\frac{1}{4}$, 530 feet for a point of beginning; thence northwesterly, along the existing Floodway Reserve Agreement line as established at Film 513, Page 1468, 157.96 feet to a deflection point in said line; thence east parallel with the south line of said SW $\frac{1}{4}$, 90 feet; thence south 129.81 feet more or less to the point of beginning.

Sketch.



Application Filed 5/9/94
S/D Comm. Action 5/26/94

W.C.C. Action _____

Bd. Co. Co. Action July 13, 1994

Order to Vacate Recorded July 26, 1994

M.A.P.C. Action >
6-2-94 approved

June 2, 1994

STAFF REPORT

CASE NUMBER: V-1871 Request to vacate a portion of a Floodway Reserve

OWNER/APPLICANT: Eddie C. Hamilton, 400 West Central - Apt. 2112, Wichita, KS 67203

AGENT: Baughman Company, P. A., 315 Ellis, Wichita, KS 67211

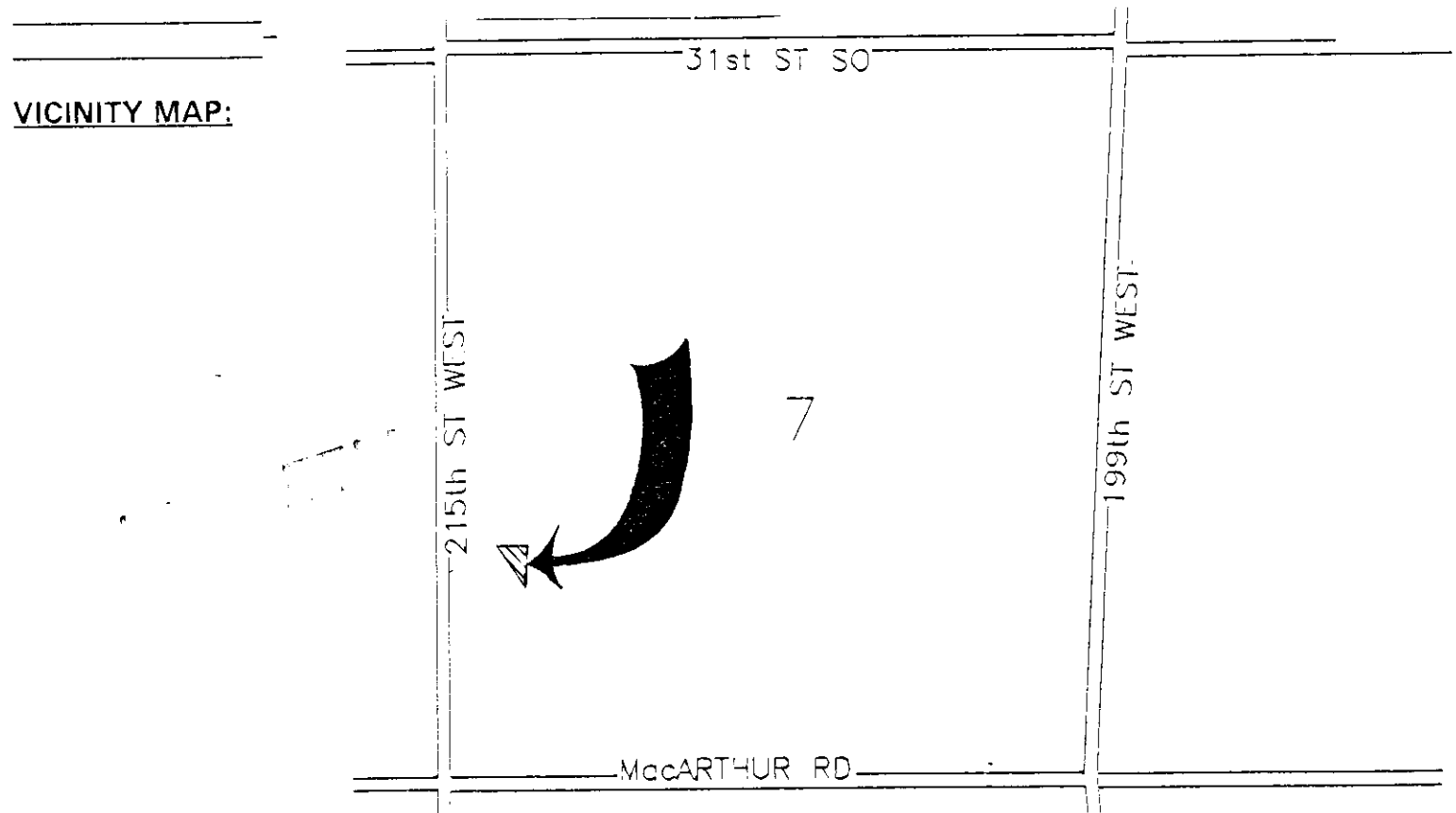
LEGAL DESCRIPTION: That portion of a Floodway Reserve described as:

Commencing at the southwest corner of the SW ¼ of Section 7, Township 28-S, R-2-W of the 6th P.M., Sedgwick County, Kansas; thence north along the west line of said SW ¼, 1500.9 feet; thence east parallel with the south line of said SW ¼, 530 feet for a point of beginning; thence northwesterly, along the existing Floodway Reserve Agreement line as established at Film 513, Page 1468, 157.96 feet to a deflection point in said line; thence east parallel with the south line of said SW ¼, 90 feet; thence south 129.81 feet more or less to the point of beginning.

LOCATION: East of 215th Street West and north of MacArthur

REASON FOR REQUEST: A substantial portion of a house and attached garage has been found to be located within the Floodway Reserve and the vacation is needed to clear the resulting cloud on the property's title.

CURRENT ZONING: "R" Rural Residential



STAFF COMMENTS:

Approve the vacation, subject to the following conditions:

- A. The applicant shall be responsible for the relocation and reconstruction of any utilities made necessary by this vacation.