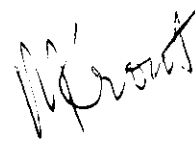


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-1939 Request to vacate a Floodway Reserve Agreement located East of 127th Street East and 1/2 mile north of 63rd Street South.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: May 29, 1996

COMMISSION DISTRICT: 5

MAPC Recommendation: Approve vacation of floodway easement. (11-1)

Staff Recommendation: Approve vacation of floodway easement.

Background/Discussion: The applicant desires to remove a portion of his property from a flood reserve agreement. Early flood maps indicated that portions of this property might be in a flood prone or flood hazard area, but current flood maps indicate that this property is outside the 500 year flood area. As required by the County Engineer the applicant has provided a rededication of a portion of the area involved in this request. The new dedication will provide for the drainage needs of the site. No objections have been received from nearby property owners, no utilities or other public facilities will be impacted by the vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. The reason given for the one dissenting vote was that the commissioner was opposed to any development or redevelopment in a flood plain.

This request is beyond 3-miles of the city of Wichita and consequently was not scheduled for review by the City Council

No members of the public addressed the MAPC in opposition to these requests.

Recommended Action: Open public hearing receive public comment; close public hearing, approve the vacation, order authorize the chair to sign.

Applicants: Rex H. Morley JR., 5811 S. Preston, Derby, KS 67037

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
FLOODWAY RESERVE AGREEMENT

GENERALLY LOCATED ON THE EAST SIDE
OF 127th STREET EAST AND ½ MILE
NORTH OF 63rd STREET SOUTH

)
)
)
)
) MAPD CASE NO. V-1939
)
)
)

VACATION ORDER

NOW on this 29th day of May, 1996, 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]

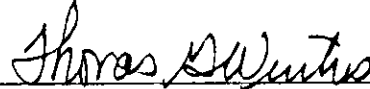
WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on 10th day of May, 1996; and it is further shown that proper proof of such publication has been filed herein. The 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.

The Board further finds that the vacation of Floodway Reserve Agreement has been approved by the Metropolitan Area Planning Commission on the 12th day of December, 1995.

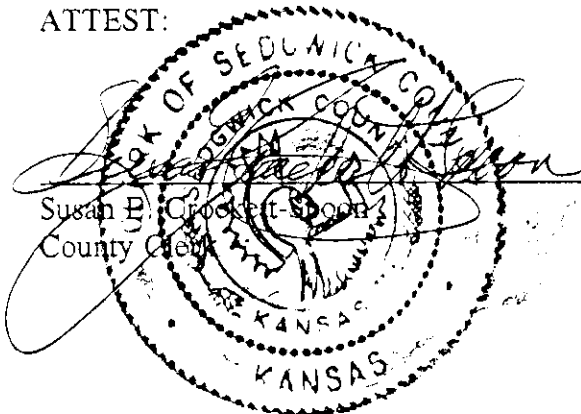
THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



Thomas G. Winters, Chairman

ATTEST:



APPROVED AS TO FORM:



Richard A. Euson
Assistant County Counselor

V-1939

VACATION DESCRIPTION:

That part of the Floodway Reserve Agreement, filed for record on September 1, 1977 and recorded on Film 263 at Page 1527, lying in the SW1/4 of Sec. 26, Twp. 28-S, R-2-E of the 6th P.M., Sedgwick County, Kansas more particularly described as beginning at the N.W. Corner of said SW1/4; thence east, along the north line of said SW1/4, 750 feet; thence south, parallel with the west line of said SW1/4, 225 feet; thence east, parallel with the north line of said SW1/4 to the east line of the N1/2 of the NW1/4 of said SW1/4; thence south, along said east line to the S.E. Corner of the N1/2 of the NW1/4 of said SW1/4; thence west, along the south line of the N1/2 of the NW1/4 of said SW1/4 to the S.W. Corner thereof; thence north, along the west line of the N1/2 of the NW1/4 of said SW1/4 to the place of beginning, except the west 50 feet thereof.

EXHIBIT

127TH ST E

S.W. COR NW1/4
SEC 26, 28S, 2E

