

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 31, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1928 REQUEST TO VACATE FLOODWAY
EASEMENT LOCATED NORTH OF 29TH STREET NORTH AND EAST
OF ROCK.
(District 2)

INITIATED BY: Metropolitan Area Planning Department *M.K.*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of floodway easement.

MAPC Recommendation: Approve vacation of floodway easement. (9 - 1; abstaining)

Background: The applicant desires to vacate an existing floodway easement in order to construct a related drainage and storage system to serve the proposed improvements to be constructed on the site. The applicant was required and has provided by separate instrument, the dedication of a substitute floodway and guarantees for any needed improvements resulting from this change in the floodway. 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 certificate of petitions and the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

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



IN THE MATTER OF THE VACATION OF
FLOODWAY EASEMENT

GENERALLY LOCATED
NORTH OF 29TH STREET NORTH
AND EAST OF ROCK RD

MORE FULLY DESCRIBED BELOW

Case No. V-1928

STATE OF KANSAS)
SEDGWICK COUNTY)
FILED FOR RECORD AT)
7:00 PM

1492646 230 56

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 31st day of October, 1995, comes on for hearing the petition for vacation filed by Heartspring, Inc., praying for the vacation of the following described floodway easement, to-wit:

The floodway easement as platted in Lot 15, Block 1, Mediterranean Plaza Addition, an Addition to Wichita, Sedgwick County, Kansas.

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 10/13/95 & 10/20/95.

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.

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

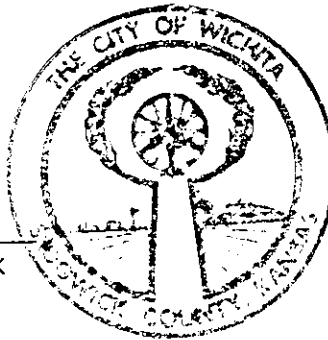
Vacation Order
V -1928

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 31st day of October, 1995, 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:

Pat Burnett
Pat Burnett, Deputy City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf
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 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 001 31 1995

Pat Burnett Deputy City Clerk

