RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-2047 Request to vacate a Floodway Reserve Easement located at Hydraulic, north of 93rd Street North.

PRESENTED BY: Marvin S. Krout, Director of Planning.

PROPOSED AGENDA DATE: **December 31, 1997**

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to conditions. (unanimous)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant originally dedicated a Floodway Reserve Easement in order to obtain a building permit when construction on this property first occurred. The Floodway Reserve Easement description was taken from general flood maps.

Subsequently, additional construction was initiated and it was determined that a more accurate description of the Floodway Reserve was necessary in order to accommodate the new construction. The engineer for the applicant produced the required description which adjusts the Floodway Reserve slightly. The new Floodway Reserve Easement is attached and is a requirement of the vacation of the original Floodway Reserve Easement.

The vacation was reviewed and approved by both the Subdivision Committee and the Metropolitan Area Planning Commission. No members of the public addressed the MAPC in opposition to this matter.

This request is beyond three miles of the City of Wichita and consequently was not scheduled for review by the City Council.

Legal Considerations: The vacation order and the dedication document for the new Floodway Reserve have been submitted to County Legal for review and approval as to form.

Recommendations Action: 1. Open the public hearing to receive public comments; close public hearing; approve the vacation order and authorize the chair to sign; approve the dedication of the new Floodway Reserve Easement and authorize the chair to sign.

Applicants: Jerry D. Feil, 9737 N. Hydraulic, Valley Center, KS 67147-8435

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF FLOODWAY RESERVE EASEMENT	)	
GENERALLY LOCATED AT HYDRAULIC, NORTH OF 93RD STREET NORTH	)	MAPD CASE NO. V-2047

VACATION ORDER

NOW on this 31st day of December, 1997, at 9:00 A.M. comes on for hearing a petition praying for the vacation of floodway reserve easement described as:

See Attached Legal Description

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county paper, such publication having occurred on December 3, 1997, 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 on the 25th day of September, 1997, the Metropolitan

Area Planning Commission recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the floodway reserve easement hereinabove described be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

THOMAS G. WINTERS, Chairman

CLERK OF SEDGWICK COUNTY
SEDGWICK COUNTY
KANSAS

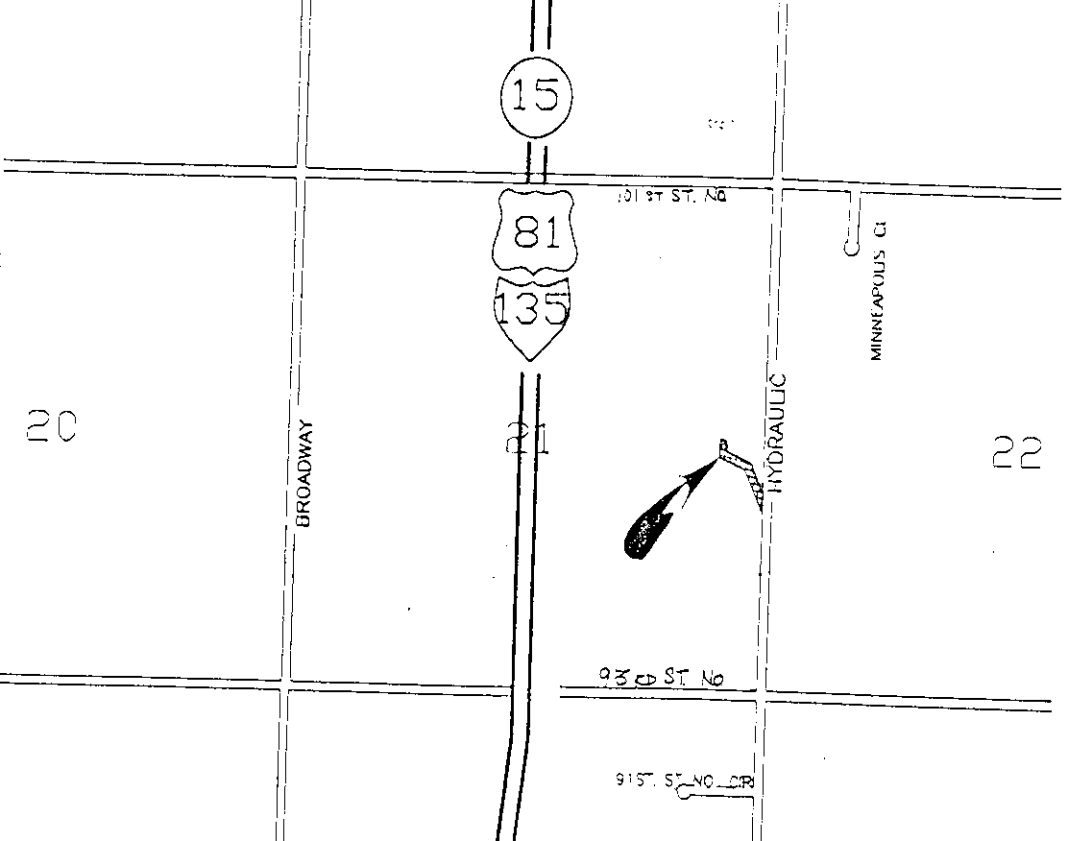
ATTEST:

JAMES ALFORD
County Clerk

APPROVED AS TO FORM:

RICHARD A. EUSON
County Counselor

A tract of land 100 feet wide with the centerline being described as beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 21, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence Northwesterly to a point, said point being 425 feet North and 200 feet West of the point of beginning; thence Northwesterly to a point, said point being 500 feet North and 450 feet West of the point of beginning; thence Northerly to the North line and 500 feet West of the Northeast corner of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 21.


15
81
135
101 ST. NO
MINNEAPOLIS CT
HYDRAULIC
BROADWAY
20
21
22
93 RD ST NO
91 ST. ST NO CIR