

City of Wichita
City Council Meeting
June 15, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2003-00035 Request to vacate platted floodways located northwest of the 29th Street North – K-96 interchange, and northeast of the Cypress Street – 29th Street North intersection.
(District II)

INITIATED BY: Metropolitan Area Planning Department *DM for KS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration to vacate a portion of the platted floodway located on Lot 9, Block 2, Mediterranean Plaza Addition. The Mediterranean Plaza Addition was recorded in 1988

Anaylsis: . There is a Lot Slit associated with this vacation request. The Lot split would divide Lot 9 into 3 tracts. The Lot Split was approved September 23, 2003. There is sewer in the area of the proposed vacation that appears to be a in a 30-foot sanitary sewer easement. The applicant has approval by City Public Works/Strom Water for the proposed vacation; a Restrictive Covenant (Film 2811, Pages 0027-0031) in reference to a drainage reserve and a Sanitary Sewer Petition (Film 2811, Pages 0032-0033) have been recorded with the Register of Deeds. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

IN THE MATTER OF THE VACATION OF PLATTED FLOODWAYS

**GENERALLY LOCATED
NORTHWEST OF THE 29TH STREET NORTH -
K-96 INTERCHANGE, AND NORTHEAST
OF THE CYPRESS STREET – 29TH STREET
NORTH INTERSECTION**

Case No. VAC-2003-00035

MORE FULLY DESCRIBED BELOW

NOW on this 15th day of June, 2004 comes on for hearing the petition for vacation filed by Bachrodt Reality, praying for the vacation of the following described platted floodways, to-wit:

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 Derby Reporter on July 16, 2003, which was at least 20 days prior to the public hearing.

RECEIVED

JUN 23 2004

METROPOLITAN PLANNING

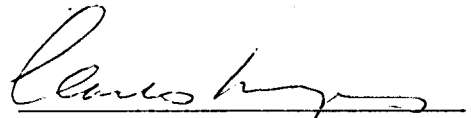
2. No private rights will be injured or endangered by the vacation of the above-described platted floodways, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

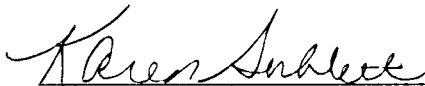
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the platted floodways described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June 2004 ordered that the above-described platted floodways 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.

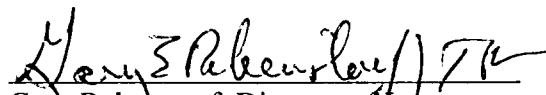

Carlos Mayans, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

K96

JOHN

CYPRESS

WEBB RD.

29TH ST. N.

