



Wichita-Sedgwick County Metropolitan Area Planning Department

September 24, 2007

C. David Royse
2400 Rio Vista
Wichita, KS 67204

Re: **VAC2007-00027** - Request to vacate County vacation of portions of platted floodway reserves, generally located midway between West Street & Meridian Avenue, midway between 69th & 61st Street North, on the east side of Sheridan Avenue.

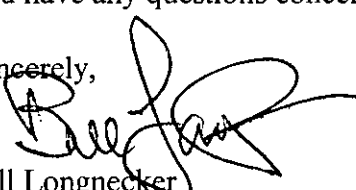
Dear Mr. Royse:

At the Thursday, September 20, 2007, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of September 14, 2007. This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

Per MAPC Policy Statement #7, **all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void.** All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

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BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
PORTIONS OF PLATTED FLOODWAY)
RESERVES AND THE PLATTOR'S TEXT)

GENERALLY LOCATED)
MIDWAY BETWEEN WEST STREET & MERIDIAN)
AVENUE, MIDWAY BETWEEN 69TH & 61ST STREETS)
NORTH, ON THE EAST SIDE OF SHERIDAN AVENUE)

CASE NO. VAC2007-00027

VACATION ORDER

NOW on this 31st day of October 2007, at 9:00 o'clock A.M., comes the petition filed by C
David Royce and Charles Royce, praying for the vacation of the following-described portions of
platted floodway reserves and the plattor's text, to-wit:

That part of Floodway Reserve "A", Royse Estates, Sedgwick County, Kansas lying
southwesterly of and abutting the southwest line of the riverbank maintenance easement as
granted in said Royse Estates.

That part of Floodway Reserve "B", Royse Estates, Sedgwick County, Kansas lying westerly
of and abutting the west line of the riverbank maintenance easement as granted in said Royse
Estates.

That part of Floodway Reserve "C", Royse Estates, Sedgwick County, Kansas lying westerly of and abutting the west line of the riverbank maintenance easement as granted in said Royse Estates.

That part of Floodway Reserve "D", Royse Estates, Sedgwick County, Kansas lying westerly of and abutting the west line of the riverbank maintenance easement as granted in said Royse Estates.

AND

The vacated portions of Reserves A, B, C & D will no longer be restricted to "floodway purposes," as stated in the Royse Estates' plat's text, but will be allowed all uses permitted

by right or as considered through the Conditional Use process in the single-family residential zoning district.

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 newspaper, such publication having occurred on August 30, 2007; 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, and amendments thereto.

THEREAFTER, the Board, being 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 Metropolitan Area Planning Commission held a public hearing on the 20th day of September 2007, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS that the portions of the platted floodway reserves and the

vacation of the restriction of uses in the plattor's text hereinabove described be
hereby vacated.

DATED this _____ day of _____.

Dave M. Unruh

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

Dave M. Unruh, Chairman
First District

ATTEST:

Don Brace, County Clerk

APPROVED AS TO FORM:

[Signature]

Robert W. Parnacott
Assistant County Counselor

STAFF REPORT

CASE NUMBER: VAC2007-00027 Request to vacate a portion of a platted floodway reserves and the platlor's text (Sedgwick County, City of Valley Center zoning influence, 3-mile ring)

APPLICANTS/OWNERS: C David Royce Charles Royce

AGENT: Baughman Company, PA c/o Phil Meyer

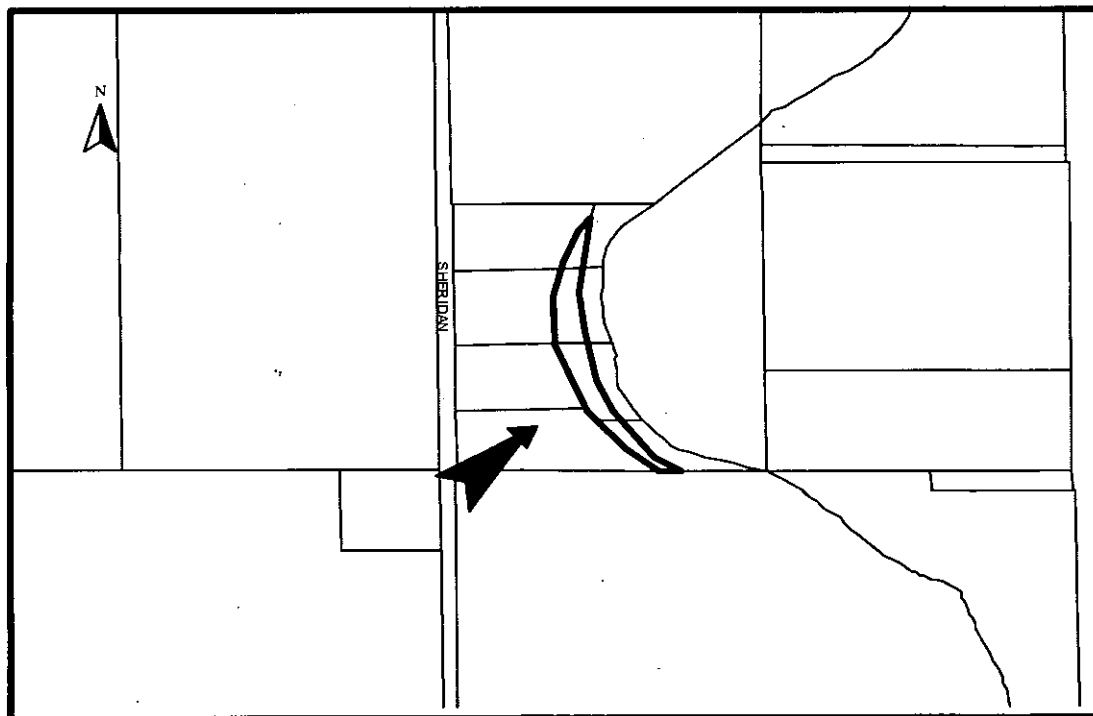
LEGAL DESCRIPTION: Generally described as a western portion the platted floodway reserves A, B, C, & D that run parallel along the east lot lines of Lots 1, 2, 3, & 4, Block A, Royse Estates, Sedgwick County, Kansas

LOCATION: Generally located midway between West Street & Meridian Avenue, midway between 69th & 61st Street North, on the east side of Sheridan Avenue. (BoCC #4)

REASON FOR REQUEST: Match the new FEMA maps

CURRENT ZONING: The site, all abutting and adjacent properties are zoned "SF-20" Single-family Residential.

VICINITY MAP:



The applicant is requesting consideration to vacate portions of the generally described platted floodway reserves, which run parallel to the Little Arkansas River. The request will allow the properties to match up with the new FEMA maps. The applicant has provided the attached letters/documents from FEMA, which removes the described areas of the reserves from the "SFHA" and thus relieves it from the Federal mandatory flood insurance requirement. There are no utilities, water or sewer lines in the platted floodway reserves. There are no platted easements located within the platted floodway reserves. The Royse Estates Addition was recorded with the Register of Deeds December 21, 2006.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted floodway reserve, as described, with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time August 30, 2007 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted flood-way reserves and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted floodway reserves as described in the petition should be approved with conditions;

- (1) Provide Planning Staff with an approved legal description of the vacated portion of the platted floodway easement on a word document via e-mail to be used with the vacation petition and order. The vacated portion of Reserves A, B, C & D will no longer be restricted to "floodway purposes," as stated in the plattor's text, but will be allowed all uses permitted by right or as considered through the Conditional Use process in the "SF-20" zoning district or the appropriate uses per the zoning ordinance if annexed into the City of Valley Center of the City of Wichita.
- (2) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

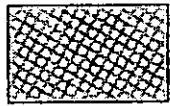
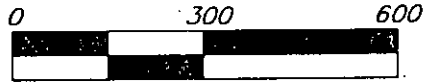
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VAC2007-27

EXHIBIT

PART OF ROYSE ESTATES

SEDGWICK COUNTY, KANSAS



INDICATES AREA OF
LEGAL DESCRIPTION
AREA = 109191 SQ. FT. (2.51± ACRES)

