

City of Wichita
City Commission Meeting
March 18, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1331 - VACATION OF A PORTION OF A PLATTED FLOODWAY,
LOCATED NORTH OF FIREFLY, IN AN AREA EAST OF AZURE
IF EXTENDED FROM THE SOUTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of floodway.

Background: Edgar Griffin, c/o Professional Engineering Consultants, P.A., 1440 East English, Wichita, KS 67211, has requested this floodway vacation in order to provide for an existing garage encroachment. The restrictive covenant has been approved by Sedgwick County and provides for restriction of property owner use of the vacated floodway.

Analysis: The Planning Commission recommends City Commission adopt a resolution recommending that the County Commission approve this vacation subject to:

1. All proceedings being without cost to the City, County or any utility company;
2. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
3. The applicant shall submit, to County Public Works, an acceptable restrictive covenant regarding the garage which encroaches the floodway being vacated; and
4. Prior to the scheduling of this vacation case before the Board of City Commissioners, the appeal and protest to FEMA regarding the floodway boundaries in this general area shall be resolved.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Board of City Commissioners.

Recommendations/Action: Approve vacation; adopt resolution; record restrictive covenant and resolution, recording costs to be billed to owner.

RESOLUTION

A RESOLUTION APPROVING THE VACATION OF A PORTION OF A PLATTED FLOODWAY DESCRIBED AS:

Beginning at a point in the east line and 40.00 feet north of the southeast corner of Lot 6, Whistling Walk Estates Second Addition to Sedgwick County, Kansas, thence bearing N 0°00'00" E along said east line, a distance of 290.00 feet; thence bearing N 20°40'29" W, a distance of 159.80 feet; thence bearing N 32°52'14" W, a distance of 281.73 feet; thence bearing S 17°12'08" E, a distance of 707.80 feet to the point of beginning. Containing 0.806 acres.

WHEREAS, there has been filed in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, proceedings for the vacation of a portion of a platted floodway described as:

Beginning at a point in the east line and 40.00 feet north of the southeast corner of Lot 6, Whistling Walk Estates Second Addition to Sedgwick County, Kansas, thence bearing N 0°00'00" E along said east line, a distance of 290.00 feet; thence bearing N 20°40'29" W, a distance of 159.80 feet; thence bearing N 32°52'14" W, a distance of 281.73 feet; thence bearing S 17°12'08" E, a distance of 707.80 feet to the point of beginning. Containing 0.806 acres; and

WHEREAS, said Department has given notice of such proceedings to all adjoining property owners of a public hearing to be held before the Wichita-Sedgwick County Metropolitan Area Planning Commission; and

WHEREAS, such a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on June 13th, 1985;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the portion of a platted floodway, described as follows, to wit:

CASE NO. V-1331

Beginning at a point in the east line and 40.00 feet north of the southeast corner of Lot 6, Whistling Walk Estates Second Addition to Sedgwick County, Kansas, thence bearing N 0°00'00" E along said east line, a distance of 290.00 feet; thence bearing N 20°40'29" W, a distance of 159.80 feet; thence bearing N 32°52'14" W, a distance of 281.73 feet; thence bearing S 17°12'08" E, a distance of 707.80 feet to the point of beginning. Containing 0.806 acres.

Be and the same is approved for vacation.

SECTION 2. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the said above-described portion of platted floodway be vacated in the event that a proper petition is filed under the provisions of Kansas Statutes Annotated, 58-2613, 58-2614 and 58-2615.

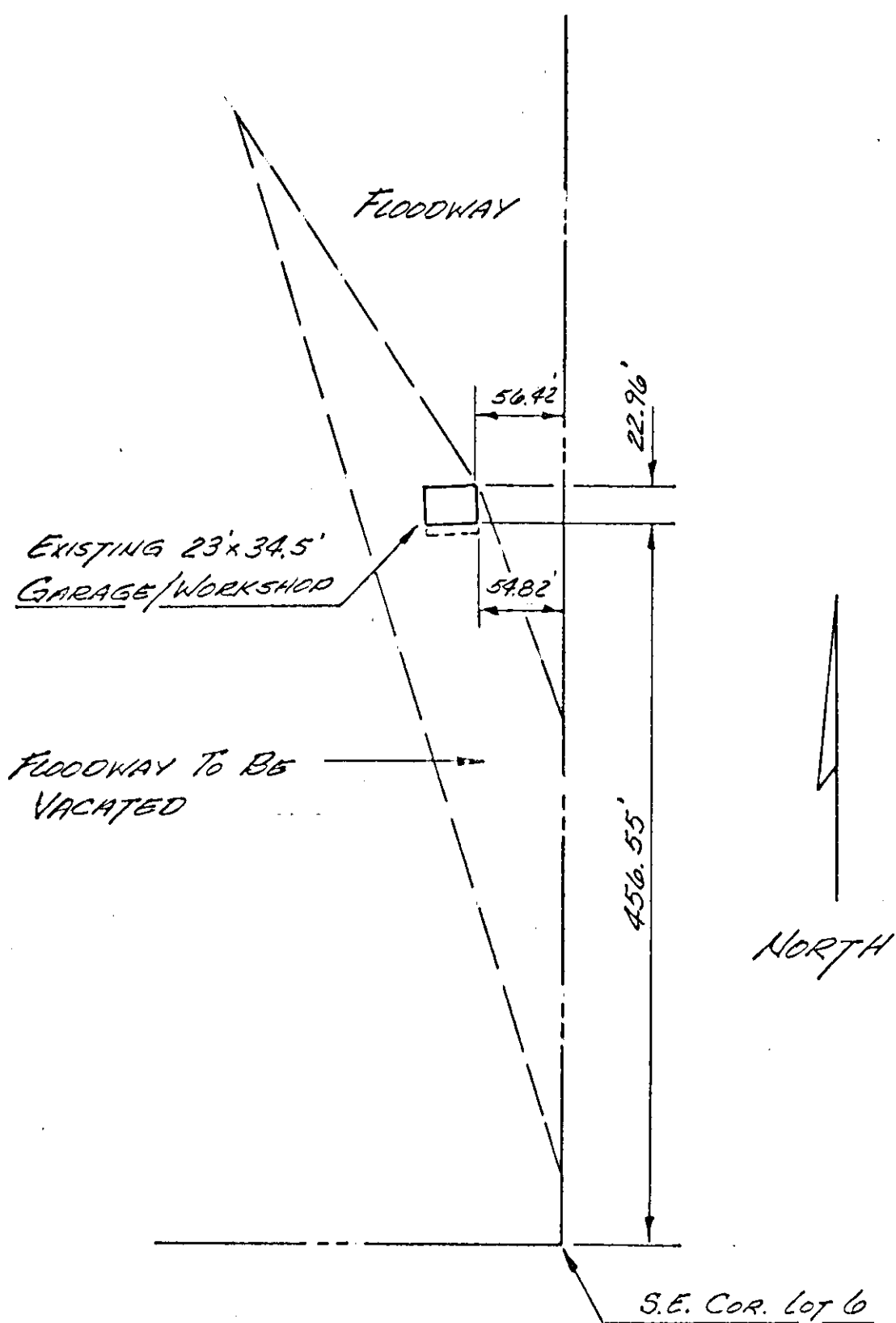
SECTION 3. That this resolution shall be in force and take effect from and after its passage and publication once in the official city paper.

Passed and approved at Wichita, Kansas, this 18th day of March, 1986.

R. C. Brown, Mayor

ATTEST:

Donald C. Gisick, City Clerk (Seal)



SURVEY OF EXISTING GARAGE/WORKSHOP
LOCATED IN LOT 6, WHISTLING WALK
ESTATES SECOND ADDITION