

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 7, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1897 REQUEST TO VACATE A PORTION OF A
FLOODWAY AND SIDEWALK EASEMENT LOCATED NORTH OF
MAPLE AND WEST OF 119TH ST. WEST.
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of floodway and sidewalk easement.

MAPC Recommendation: Approve vacation of floodway and sidewalk easement
(unanimous)

Background: The applicant is requesting the vacation in order to provide additional area for a proposed home. A sidewalk has already been built for this site and is located outside of the area requested for vacation. In regard to the floodway function, City Engineering has indicated that the minor area involved in the vacation would have no significant impact on the site's drainage and that this particular area of drainage involves only properties in the immediate area and is not part of a larger drainage situation. 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: Close the public hearing; approve the vacation;
authorize the Mayor to sign the Vacation Order;
and record the certified copy of the Vacation Order;
recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF	)	
FLOODWAY AND SIDEWALK EASEMENT	)	
	)	
GENERALLY LOCATED NORTH OF MAPLE	)	Case No. V-1897
AND WEST OF 119TH ST. WEST	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 7th day of February, 1994, comes on for hearing the petition for vacation filed by Jay Russell, praying for the vacation of the following described floodway and sidewalk easement, to-wit:

The west three (3) feet of the Floodway and Sidewalk easement as platted adjacent to the east line of Lot 38, Breezy Pointe Addition, 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 1/20/95 + 1/27/95
2. No private rights will be injured or endangered by the vacation of the above-described floodway and sidewalk 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. City Clerk

150029 2909

8-

Vacation Order
V - 1897

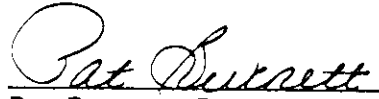
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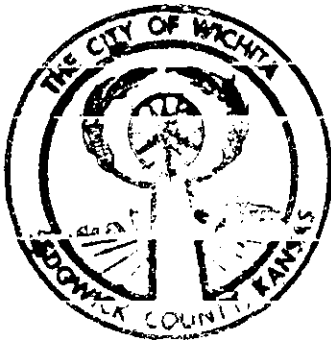
5. The vacation of the floodway and sidewalk easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of February, 1994, ordered that the above-described floodway and sidewalk 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.


Elma Broadfoot, Mayor

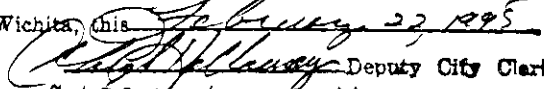
ATTEST:


Pat Burnett, Deputy City Clerk



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Holloway, Deputy City Clerk of the City of Wichita, Kansas, do hereby certify that the document to which this is attached is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and the seal of the City of

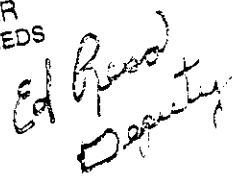
Wichita, this February 22, 1995

CHERYL HOLLOWAY, Deputy City Clerk



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT

MAR 07 1995
NO. 1439737
PAT KETTLER
REGISTER OF DEEDS




Ed Broad
Deputy

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