

**City of Wichita
City Council Meeting
March 3, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2062 REQUEST TO VACATE PLATTED FLOODWAY RESERVE LOCATED IN AN AREA WEST SIDE OF MAIZE ROAD ABOUT 1/4-MILE SOUTH OF CENTRAL.
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of platted floodway reserve.

MAPC Recommendation: Approve vacation of platted floodway reserve. (unanimous)

Background: The applicant requests the vacation of a portion of a platted Floodway Reserve Easement that was designated generally at the time of platting. The land in question was recently granted a variance by the Board of Zoning Appeals for the construction of a communication tower for Southwestern Bell Mobile Systems. The facilities to be constructed for the communication tower will be in the area encompassed in this vacation request. The site analysis for this tower included more detailed analysis of the floodway on this property and that study indicated that the actual floodway covered less area than originally encumbered by the easement.

The Subdivision/Utility Committee recommended the request to vacate a portion of the Floodway Reserve Easement be approved subject to the following conditions:

- A. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The MAPC recommended approval of the Subdivision/Utility Committee recommendation. No members of the public spoke in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order, recording costs to be billed to: 150003-2909

STATE OF KANSAS }
SEDGWICK COUNTY }

Approved / Accepted By City Council

This MAR 3 1998

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APR 15 10 15 AM '98



S. Christian
Deputy

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

IN THE MATTER OF THE VACATION OF)
PLATTED FLOODWAY RESERVE)
)
GENERALLY LOCATED) Case No. V-2062
WEST SIDE OF MAIZE ROAD ABOUT)
1/4-MILE SOUTH OF CENTRAL)
)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 3rd day of March, 1998, comes on for hearing the petition for vacation filed by Jay W. Russell, praying for the vacation of the following described platted floodway reserve, to-wit:

A tract of land described as beginning at a point being 190 feet west of the northeast corner of Lot 1, J.W. Russell First Addition to Wichita, Sedgwick County, Kansas; thence east along the north line of said lot a distance of 8 feet; thence southeasterly 207.48 feet along a platted floodway line to a point on the south line of said Lot 1, said point being 127 feet west of the southeast corner of said Lot; thence westerly along the south line of said Lot 1, a distance of 63 feet; thence north to the point of beginning.

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 one time 2-6-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted floodway reserve, 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 floodway reserve described herein should be approved.

CITY CLERK

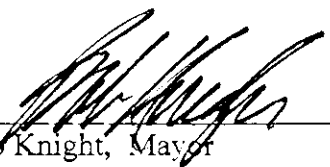
J.W.
-CK

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Vacation Order
V - 2062

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of March, 1998, ordered that the above-described platted floodway reserve 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.



Bob Knight, Mayor



ATTEST:



Pat Burnett, City Clerk

Approved as to Form:

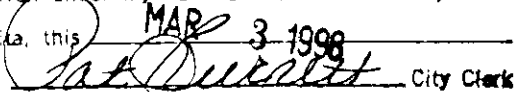


Gary Rebenstorf, Director of Law

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

I, **Pat Burnett**, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this MAR 3 1998


City Clerk