

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 JS*

**AGENDA:** Planning (Consent)

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**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

**Analysis:** . There is a Lot Split 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.

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

**IN THE MATTER OF THE VACATION OF )  
PLATTED FLOODWAYS )**

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

**Case No. VAC-2003-00035**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 15<sup>th</sup> 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 portion of the platted floodway as recorded on the west 50-feet of Lot 9, Block 2 Mediterranean Plaza 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 Derby Reporter on July 16, 2003, which was at least 20 days prior to the public hearing.

**RECEIVED**

**JUN 23 2004**

**METROPOLITAN PLANNING**

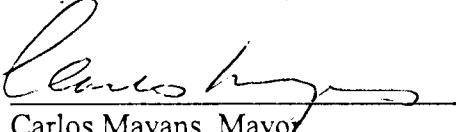
2. No private rights will be injured or endangered by the vacation of the above-described platted floodways, and the public will suffer no loss or inconvenience thereby.

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 15<sup>th</sup> 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

TOBEN

CYPRESS

WEBB RD.

29TH ST. N.

