

City of Wichita
City Council Meeting
October 12, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00026 Request to vacate a portion of a floodway acquired by condemnation, generally located northwest of the Interstate Highway-235 Broadway Avenue interchange.
(District VI)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimously)

Background: The applicant is requesting consideration for the vacation of the approximately 6,750-square foot floodway reserve that abuts the northwest side of the applicant's property; Lot 2, Kratzke's Addition. The Kratzke's Addition was recorded with the Register of Deeds December 20, 1989

Analysis: The applicant proposes the vacation of the reserve for private use. There are no sewer or water lines in the floodway reserve. The floodway reserve was created by Condemnation Case #A-71454. Storm Water has reviewed the request and determined that the vacation of this portion of the reserve will not impact the function of the remaining portion of the floodway reserve. No one spoke in opposition to this request at the Subdivision Committee meeting or 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)
A PORTION OF A FLOODWAY RESERVE)
ACQUIRED BY CONDEMNATION)**

**GENERALLY LOCATED NORTHWEST OF THE)
INTERSTATE HIGHWAY -235 - BROADWAY)
AVENUE INTERCHANGE)**

Case No. VAC2004-00026

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

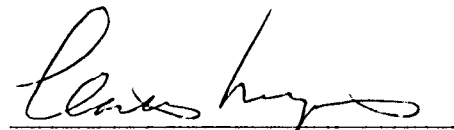
NOW on this 12th day of October, 2004 comes on for hearing the petition for vacation filed by Larry's Trailer Sales and Services, LLC, c/o Sherry Hamilton praying for the vacation of the following described portion of a floodway reserve acquired by condemnation (Condemnation Case #A-71454), to-wit:

A tract of land within the SE ¼ of Sec. 29, Twp. 26-S, R-1-E of the 6th P.M. Sedgwick County, Kansas described as follows: Commencing at the SW corner of Lot 2, Kratzke's Addition, Wichita, Kansas; thence N 00°05'24"24"W along the west line of said Lot 2, 120.46 feet for a point of beginning; thence N 00°05'24"W, 77.54 feet; thence S89°57'0"E, 177.67 feet; thence southwest along a curve with a radius of 555 feet and chord length of 193.68 feet, 194.68 feet 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:

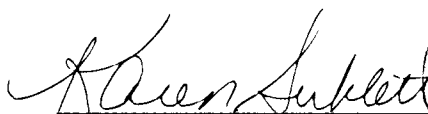
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on May 20, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a floodway reserve acquired by Condemnation Case #A-71454, 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 a portion of the floodway reserve acquired by Condemnation Case #A-71454 described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of October 2004 ordered that the above-described a portion of the floodway reserve acquired by Condemnation Case #A-71454 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



BROADWAY

1235

