

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 4, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2096 REQUEST TO VACATE FLOODWAY AND
SIDEWALK EASEMENT LOCATED ON A LOT ON BREEZY POINTE
CIRCLE, IN AN AREA WEST OF 119TH STREET WEST, NORTH SIDE OF
MAPLE.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. K. Kout

Staff Recommendation: Approve vacation of floodway and sidewalk easement.

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

Background: The applicant is requesting to vacate a portion of platted floodway and sidewalk easement for placement of a new house. This vacation would reduce the easement area in the rear of the lot from 75 feet to 71 feet.

The vacation request has been reviewed and approved by the Planning Commission, after nearby property owners had been notified of the request. No members of the public addressed the MAPC in opposition to this request.

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.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted by City Council

This AUG 4 1998

Page 1 of 2

MICROFILMED
OF RECORD

FILM 1835 PAGE 0006

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

IN THE MATTER OF THE VACATION OF
FLOODWAY EASEMENT

GENERALLY LOCATED
WEST OF 119TH STREET WEST,
NORTH SIDE OF MAPLE

MORE FULLY DESCRIBED BELOW

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Case No. V-2096

STATE OF KANSAS } ss
SEDGWICK COUNTY }

OCT 8 8 01 AM '98



BILL MEEK
REGISTER OF DEEDS

Pat H. [unclear]
Deputy

VACATION ORDER

NOW on this 4th day of August, 1998, comes on for hearing the petition for vacation filed by Bryan Legaly Homes Inc., Attn: Bryan Legaly, praying for the vacation of the following described floodway easement, to-wit:

The west 4 feet of the sidewalk and floodway easement, also being described as the west 4 feet of the 75 feet of Lot 36, 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 one time 16 350, 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 floodway 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. The vacation of the floodway easement described herein should be approved, subject to the following condition:

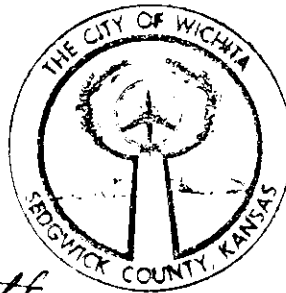
8.00 RETURN ABOVE

Vacation Order
V - 2096

Page 2 of 2

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of August, 1998, ordered that the above-described floodway 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.



ATTEST:

Pat Burnett
Pat Burnett, City Clerk

Bill Hale
Bob Knight, Mayor

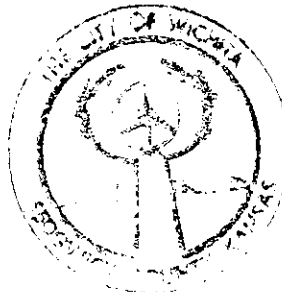
State of Kansas)
Sedgwick County) ss
City of Wichita)

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.

Approved as to Form:

Given under my hand and seal of the City of
Wichita this AUG 4 1998
Pat Burnett City Clerk

Gary F. Rebenstorf Jr.
Gary Rebenstorf, Director of Law



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