

City of Wichita
City Council Meeting
July 20, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00028 Request to vacate a platted floodway located midway between Seneca Street and Meridian Avenue on the south side of 55th Street South. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent) *JLS*

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a platted floodway that runs northwest to southeast through Lot 1, Block A, Andrla Addition. The Andrla Addition was recorded with the Register of Deeds September 22, 1972.

Analysis: The floodway is approximately 285-feet wide and 382-feet long; 2.4-acres of the 3.69-acre site. There are no sewer or water lines in the floodway reserve. The approximately 20-acre South Lakes Park (City of Wichita) is located north of the site, across 55th Street South. Establishment of this park changed the drainage patterns in this area, to the point that drainage now flows, via a surface ditch, to the west of the site rather than through it. The applicant wishes to expand his landscaping supplies business into the platted floodway on the subject site.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. 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 PLATTED FLOODWAY)**

**GENERALLY LOCATED)
MIDWAY BETWEEN SENECA STREET AND)
MERIDIAN AVENUE ON THE SOUTH SIDE OF)
55TH STREET SOUTH)**

Case No. VAC2004-00028

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 20th day of July, 2004 comes on for hearing the petition for vacation filed by Mitch Andrla, praying for the vacation of the following described platted floodway, to-wit:

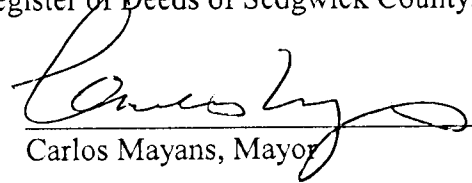
Platted floodway as recorded on Lot 1, Block A, Andrla Addition, Wichita, Sedgwick County, Kansas.

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 Wichita Eagle on June 3, 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 platted floodway, 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 described herein should be approved.

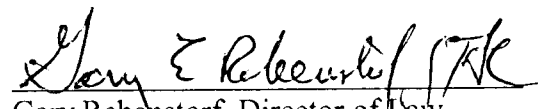
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of July 2004 ordered that the above-described platted floodway is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Carlos Mayans, Mayor

ATTEST:



Karen Sublett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

VINE

55TH

SENECA

