

EXCERPT MINUTES OF SEPTEMBER 21, 2017, WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION MEETING

Case No. VAC2017-00031 -County Vacation of a platted floodway reserve that is no longer located within flood plain maps generally located on the south of 47th Street South, approximately 1/2 mile east of 167th Street West on property described as:

That part of the Floodway Reserve as platted in G. Leonard Addition, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of Lot 2, Block A, in said G. Leonard Addition, said northeast corner also being the northeast corner of said Floodway Reserve; thence S00~34'S2"E along the east line of said Lot 2, and along the east line of said Floodway Reserve, 237.60 feet to a point 163.00 feet north of the southeast corner of said Lot 2, said point also being the southeast corner of said Floodway Reserve; thence west-northwesterly along the south line of said Floodway Reserve, 138.00 feet to a deflection corner in said south line, said deflection corner being 215.00 feet south of the north line of said Lot 2; thence northwesterly along the southwest line of said Floodway Reserve, 315.00 feet to the northwest corner of said Floodway Reserve, said northwest corner also being a point on the north line of said Lot 2 lying 133.00 feet east of the northwest corner of said Lot 2; thence N89°06'30"E along the north line of said Lot 2, and along the north line of said Floodway Reserve, 367.00 feet to the point of beginning.

The applicant proposes to vacate a platted floodway reserve, located on the south side of 47th Street South, approximately 1/2 mile east of 167th Street. The proposed vacated portion of the floodway reserve is no longer located inside of the FEMA Flood Plain. The applicant wishes to build a single-family residence and driveway within the proposed vacated floodway reserve. There are no utilities located within the area of the vacation.

The applicant is seeking this vacation to allow for the placement of a residence in the northeastern portion of the parcel. As it is currently platted there is no possibility of utilizing this area for construction. Further, the updated flood maps show the southern portion of the parcel has had a significant amount of area added to the flood maps, which would require pushing any structures further north to avoid the hazard area. This southern portion of the lot that is now located in the FEMA Flood Zone requires that the plat be updated with a dedication of a new floodway reserve to reflect the updated FEMA maps.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the floodway reserve.

- A. That after being duly and fully informed as to fully understanding the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time July 20, 2017 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platter's text to amend the uses allowed in a platted reserve and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

The Subdivision Committee recommends approval subject to the following stipulations:

- (1) Provide Planning Staff with a legal description of the approved vacated portion of the platted Floodway Reserve on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. Provide to Planning prior to the case going to the County Commission for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation

GREENE moved, **DOOL** seconded the motion, and it carried (11-0)
