

**EXCERPT MINUTES OF THE MARCH 7, 2013 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

VAC2013-00002: County request to vacate a portion of a platted floodway reserve easement,
generally located east of 127th Street East, approximately 1/4-mile north of 39th Street South, north of
Twin Mill Street, on the west side of Triple Crown Street.

- APPLICANT/AGENT:** Brock Beran (applicant/owner) Mark Savoy (agent)
- LEGAL DESCRIPTION:** Generally described as a northeastern portion of the platted floodway
reserve located on Lot 6, Block B, Twin Mill Estates Addition (see
attached legal and exhibit)
- LOCATION:** Generally located east of 127th Street East, approximately 1/4-mile
north of 39th Street South, north of Twin Mill Street, on the west side
of Triple Crown Street (BoCC #5)
- REASON FOR REQUEST:** Remove to allow building
- CURRENT ZONING:** Subject property and all abutting and adjacent properties are zoned RR
Rural Residential (“RR”)

The applicant is requesting consideration to vacate a portion of the platted floodway reserve easement located on Lot 6, Block B, Twin Mill Estates Addition. The plat’s text states that the maintenance and repair of the floodway reserve easement(s) is the responsibility of the Twin Mill Estates Addition’s HOA, until such time that the appropriate governing body takes over the floodway reserve easement(s). It also states that no buildings, grading, fill or creation of channels can happen within the floodway reserve easement(s) unless approved by the Engineer of the appropriate governing body. The subject floodway reserve easement is not located within a FEMA Flood Zone or Floodway. There are no utilities located in the floodway reserve easement. The Twin Mill Estates Addition was recorded with the Sedgwick County Register of Deeds July 21, 2011.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Engineering, County Fire, 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 platted floodway reserve easement.

- A. That after being duly and fully informed as to fully understand 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 February 14, 2013, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the described portion of the platted floodway reserve easement 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.

Conditions (but not limited to) associated with the request:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant and at the applicant's expense. If necessary provide all plans and any guarantees needed by utilities to ensure improvements will be completed. This must be provided prior to the case going to the County Commission for final action.
- (2) All improvements shall be according to County Standards and at the expense of the applicant, including any drainage improvements/infrastructure. If necessary provide all plans and any guarantees needed by County Public Works to ensure improvements will be completed. This must be provided prior to the case going to the County Commission for final action.
- (3) Provide a legal description of the vacated portion of the platted floodway reserve easement as approved by County Public Works. Provide to Planning on a Word document, via e-mail to be used on the Vacation Petition and Vacation Order. This must be provided prior to the case going to County Commission for final action.
- (4) Per MAPC Policy Statement #7, all conditions 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant and at the applicant's expense. . If necessary provide all plans and any guarantees needed by utilities to ensure improvements will be completed. This must be provided prior to the case going to the County Commission for final action.
- (2) All improvements shall be according to County Standards and at the expense of the applicant, including any drainage improvements/infrastructure. If necessary provide all plans and any guarantees needed by County Public Works to ensure improvements will be completed. This must be provided prior to the case going to the County Commission for final action.
- (3) Provide a legal description of the vacated portion of the platted floodway reserve easement as approved by County Public Works. Provide to Planning on a Word document, via e-mail to be used on the Vacation Petition and Vacation Order. This must be provided prior to the case going to County Commission for final action.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

JOHNSON moved, **G. SHERMAN** seconded the motion, and it carried (11-0).
