

**EXCERPT MINUTES OF THE JULY 7, 2016 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

VAC2016-00020: County request to vacate a portion of a platted floodway reserve on property, generally located west of 183rd Street West on the south side of 29th Street North.

- APPLICANT/AGENT:** Marshall & Donna Walker (applicant/owner) Baughman Company, P.A., c/o Phil Meyer (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted drainage easement located in the northwest corner of Lot 3, Block A, Walker Estates Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located west of 183rd Street West on the south side of 29th Street North (BoCC #3)
- REASON FOR REQUEST:** To allow a single-family residence to be built
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate a portion of the platted drainage reserve located on the northwest side of the 11.59-acre Lot 3, Block A, Walker Estates Addition. The plat's text states the platted drainage reserve is for drainage and shall be owned and maintained by the owners of the lots they are located on, or until such time that the appropriate governing body elects to assume the responsibility for the maintaining and improvements to the drainage reserves. The plat's text also states that no buildings shall be constructed in the drainage reserves and that no fill, change of grade, creation of channel or other work shall be done within the drainage reserves without the permission of the Engineer of the appropriate governing body. The proposed vacated portion of the drainage reserve appears to be located outside of the FEMA Flood Plains.

The applicant wishes to build a single-family residence and driveway within the proposed vacated drainage reserve. There is an existing single-family residence (built 1989) on the subject lot, Lot 3, Block A, Walker Estates Addition. If the vacation request is approved the applicant will need a Lot Split to build another single-family residence on the lot.

The site is located in Sedgwick County Rural Water District #4. Sewer is an on-site that serves the existing single-family residence and it appears to be septic; a separate on site sewer system will be needed for the proposed single-family residence. There are no utilities located within the area of the vacation. The site is located within Sedgwick County Rural Electric Cooperative. The Walker Estates Addition was recorded with the Register of Deeds March 18, 2004.

NOTE: VAC2016-00014 vacated a portion of platted access control to allow a drive from the subject site to 29th Street North; MAPC April 21, 2016.

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 platted drainage reserve.

- 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 June 16, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted drainage 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.

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

- (1) Vacate that portion platted drainage reserve, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted drainage reserve on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC 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, including all required County plans, permits, inspections and the construction of the drive onto 29th Street North and through the platted drainage reserve.
- (4) Per MAPC Policy Statement #7, all 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted drainage reserve, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted drainage reserve on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC 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, including all required County plans, permits, inspections and the construction of the drive onto 29th Street North and through the platted drainage reserve.
- (4) Per MAPC Policy Statement #7, all 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.

RAMSEY moved, **DAILEY** seconded the motion, and it carried (12-0).
