

**EXCERPT MINUTES OF JULY 6, 2017, WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION MEETING**

Case No. VAC2017-00021 – County vacation of portion of floodway reserve, generally located at the southwest corner of West 23rd Street South and South 375th Street West (2460 South 375th Street West).

The northwest quarter of Section 4, Township 28 South, Range 4, Sedgwick County, Kansas.

The applicant proposes to vacate a portion of floodway reserve, recorded by separate agreement, located in the northwest quarter of Section 4, Township 28 South, Range 4, Sedgwick County, Kansas. 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 proposed vacation falls within the City of Cheney's Urban Area of Influence, but the City has no objections with the vacation.

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, recorded by separate agreement.

- 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 Derby Informer, of notice of this vacation proceeding one time June 14, 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 described portion of the platted street side yard setback 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 of floodway reserve, recorded by separate agreement, 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.
- (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 per staff recommendations.

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

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