

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A)	
PORTION OF FLOODWAY RESERVE)	
)	
)	
GENERALLY LOCATED NEAR THE SOUTHWEST)	CASE NO. VAC2017-00021
CORNER OF WEST 23 RD STREET SOUTH)	
AND SOUTH 375 TH STREET WEST (IN THE)	
CHENEY AREA OF INFLUENCE))	
)	

VACATION ORDER

NOW on this 16th day of August, 2017, at 9:00 o'clock A.M., comes the petition filed by Alex and Stephanie Witte (owners), praying for the vacation of the following-described portion of floodway reserve, to-wit:

A portion of the Northwest Quarter of Section 4, Township 28 South, Range 4 West of the 6th Principal Meridian, Sedgwick County, Kansas described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 4, Township 28 South, Range 4 West of the 6th Principal Meridian; thence with a NAD 83 Kansas South Zone bearing of 89°06'56" East along the North line of said Northwest Quarter 1342.66 feet to the Northwest corner of Government Lot 3 of said Northwest Quarter; thence South 00°41'42" East along the West line of said Government Lot 3 (Three) 330.00 feet record; thence North 89°06'56" East parallel with the North line of said Northwest Quarter 652.77 feet for the point of beginning; thence continuing North 89°06'56" East parallel with the North line of said Northwest Quarter 687.69 feet to the East line of said Northwest Quarter and thence South 00°18'46" East along the East line of said Northwest Quarter 299.49 feet (per Record) to a point

1952.28 feet North of the Southeast corner of said Northwest Quarter; thence South 88°59'27" West 576.79 feet; thence North 10°14'10" West 75.33 feet; thence North 17°51'54" West 101.20 feet; thence North 43°33'03" West 90.89 feet; thence North 05°00'07" West to the point of beginning subject to any easements or restrictions of record.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, the Derby Informer, such publication having occurred on , June 14, 2017; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 6th day of July 2017, and recommended that the vacation petition herein be approved.

The Board further finds that the vacation request is located within Sedgwick County, but within the City of Cheney's Urban Area of Influence, that the City of Cheney considered the vacation request, and had no objections to the vacation petition.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of floodway reserve, hereinabove described be the same and is hereby vacated. It is further ordered that County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

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Commissioners present and voting were:

DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

Dated this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District