

May 5, 1986

Mr. Wayne C. Horst
3002 S. Hillside
Wichita, KS 67216

Re: V-1387 - Request to vacate the 30-foot wide utility
easement platted across the east one-third of Lot 54,
Block C, Plainview Subdivision No. 2, Wichita, Kansas.

Dear Mr. Horst:

At the May 1, 1986 meeting of the Metropolitan Area Planning Commission, the above-referenced vacation request was considered. Based upon the recommendation of the Subdivision Committee, and after discussing the factors surrounding this case, the Planning Commission voted to uphold the Subdivision Committee's recommendation to deny this vacation case. The Planning Commission's finding for denial is based upon their determination that it is not in the public interest to vacate a utility easement without obtaining a guarantee for relocation of a public sewer lateral from the easement proposed for vacation. This action was based on the long-standing City policy to require the relocation of all utilities when easements are requested to be vacated. It is the Planning Commission's belief that to deviate from this long-standing policy would set a poor precedent and your objection to providing a guarantee for relocating the public sewer was the basis for the denial.

For your information and files, the following conditions of approval were recommended by staff:

- A. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- B. All proceedings shall be without cost to the City, County or any utility company.
- C. The applicant shall submit a signed vacation petition for this case.
- D. The applicant shall submit a revised legal description for this case which more clearly describes the easement being vacated and excepts out sufficient area for the east/west utility easement adjacent to the south line of this lot. This revised legal description shall be reviewed and approved by City Engineering.