WICHITA — SEDGWICK COUNTY

W SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 15, 1999

Balmoral Development Company LLC
C/o Chuck Boully
2768 N. Shore Court
Wichita, KS 67205

Re: V-2171 - Request to vacate utility easement

Dear Mr. Boully:

At the May 25, 1999, City Council meeting and the June 9, 1999, County Commission meeting the above-referenced vacation request was approved.

If you have any questions, please feel free to call me at 268-4421.

Sincerely,

Keith Gooch

Keith Gooch
Senior Planner

KG:le

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4-4
May 13, 1999

STAFF REPORT

CASE NUMBER: V-2171 Request to vacate a utility easement

OWNER/APPLICANT: Balmoral Development Company, LLC, Charles M. Boully

AGENT: Savoy, Ruggles and Bohm c/o Mark Savoy

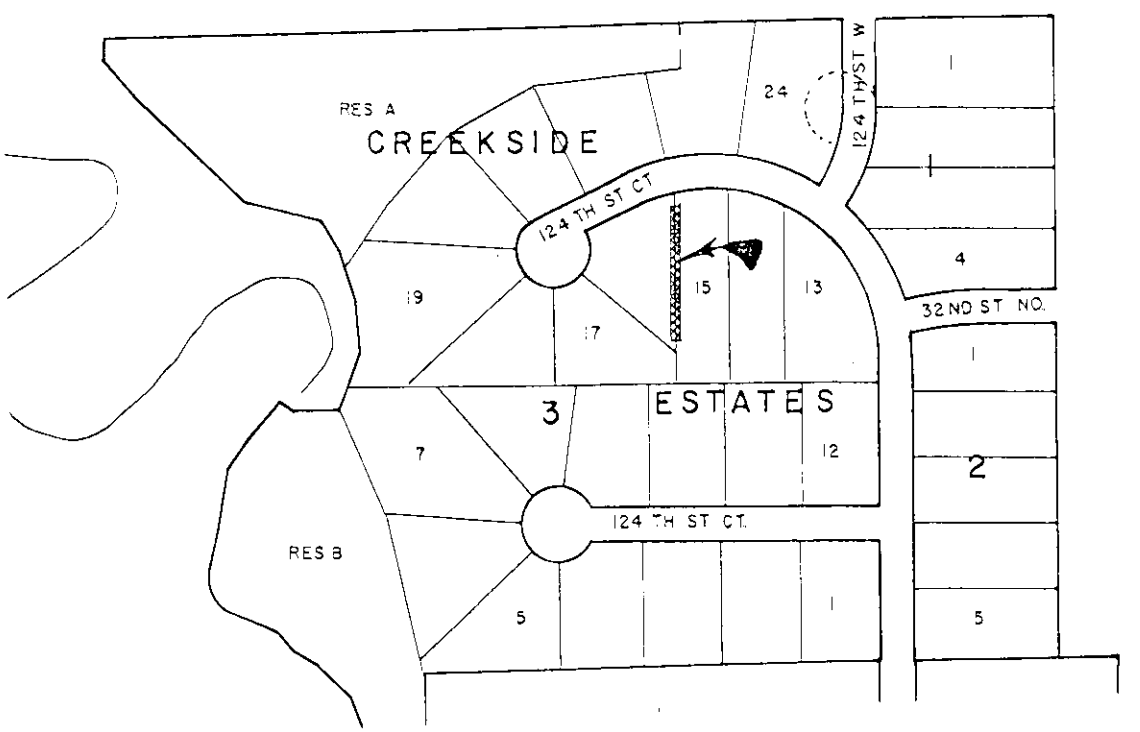
LEGAL DESCRIPTION: That part of the 20 foot utility easement centered on the line common to Lots 15 and 16, Block 3, Creekside Estates, Sedgwick County, Kansas, lying north of a line 90 feet north of 2nd, parallel with the south line of said Lot 15, and lying south of a line 20 feet south of and parallel with the northerly line of said Lots 15 and 16.

LOCATION: On the south side of 124th Street Court and west of 124th Street West

REASON FOR REQUEST: To allow for the construction of a residential structure over the common lot line.

CURRENT ZONING: "SF-20" Single-family

VICINITY MAP:



The applicant is requesting to vacate a utility easement to allow the construction of a residential structure over the common lot line. The applicant has stated that the two lots have been covenanted together to satisfy Health Department requirements on sewage disposal.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

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, by publication in the Daily Reporter of notice of this vacation proceeding one time on April 20, 1999, 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 above-described utility easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

B. Therefore, the vacation of a utility easement described in the petition should be approved.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval.