



Wichita-Sedgwick County Metropolitan Area Planning Department

May 26, 2000

CAP Carpet Inc.
c/o Greg Perkins
1900 E. Pawnee
Wichita, KS 67211

Re: VAC2000-00010- Request to vacate 20-foot utility easement generally located north of Kellogg Drive and east of Woodchuck Lane.

Dear Mr. Perkins:

At the Thursday, May 25, 2000, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of May 19, 2000. Since you have completed all the approval conditions, this case will be placed on the Consent Agenda for final approval by the Wichita City Council on Tuesday, June 13, 2000, at 9:00 A.M. in the City Council Chamber, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

If you have any questions about this matter, please call -- 268-4421.

Sincerely,

Lisa A. Van de Water
Senior Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works (1-71)
Wallace & Rowlen Partnership, 8100 W. Kellogg, Wichita, KS 67209-1841
Greg Perkins, 1900 E. Pawnee, Wichita, KS 67211
Niche Ventures, 1900 E. Pawnee, Wichita, KS 67211



Wichita-Sedgwick County Metropolitan Area Planning Department

May 19, 2000

CAP Carpet Inc
c/o Greg Perkins
1900 E. Pawnee
Wichita, KS 67211

Re: VAC2000-00010 - Request to vacate 20-foot utility easement generally located north of Kellogg Drive and east of Woodchuck Lane.

Dear Mr. Perkins:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, May 18, 2000, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

A. The applicant shall submit a restrictive covenant that ties Lots 4, 5, and 6 together.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, May 25, 2000 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa A. Van de Water'.

Lisa A. Van de Water
Senior Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Wallace & Rowlen Partnership, 8100 W. Kellogg, Wichita, KS 67209-1841
Greg Perkins, 1900 E. Pawnee, Wichita, KS 67211
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STAFF REPORT

CASE NUMBER: VAC2000-00010 Request to vacate a 20-foot utility easement

OWNER/APPLICANT: CAP Carpet, Inc., c/o Greg Perkins

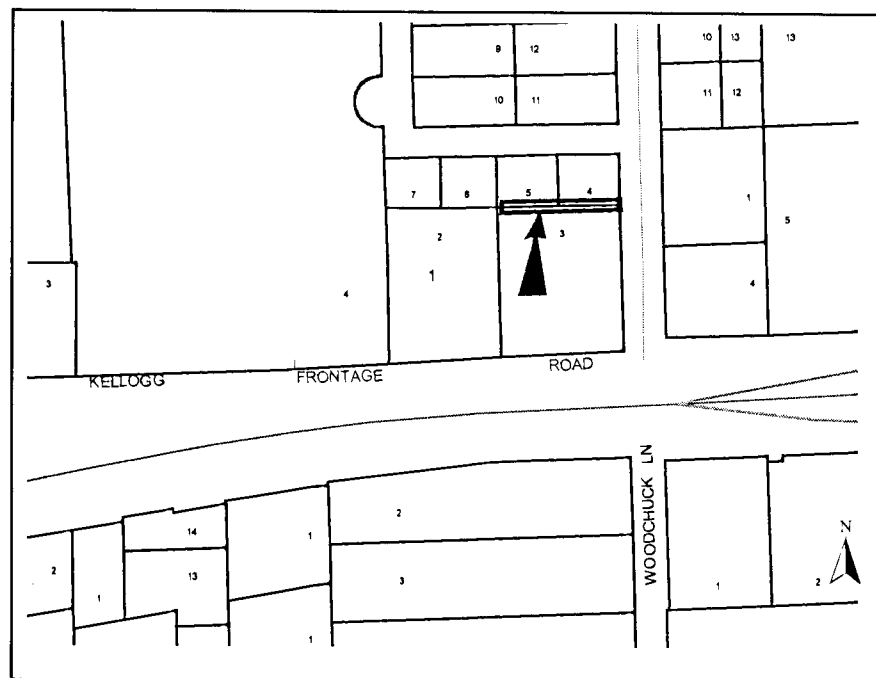
AGENT: n/a

LEGAL DESCRIPTION: 20-Foot Utility Easement described as:
The south 10 feet of Lots 4 and 5 together with the north 10 feet of Lot 3, all within Block 1, Carriage House Plaza Addition, Wichita, Sedgwick County, Kansas, EXCEPT the west 10 feet of said utility easement.

LOCATION: Generally located north of Kellogg Drive and west of West of Woodchuck

REASON FOR REQUEST: Future development of site

CURRENT ZONING: LC – Limited Commercial

VICINITY MAP:

The applicant is requesting to vacate a 20-foot utility easement that runs along the shared boundary lines of Lot 4 and 5 to the north and Lot 3 to the south of Carriage House Plaza Addition. All three lots are under the same ownership and CAP Carpet, Inc. wishes to relocate their retail carpet store on this site, utilizing the existing easement as buildable land.

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 May 2, 2000, 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 the utility easement described in the petition should be approved, subject to the following condition:
 - 1. The applicant shall submit a restrictive covenant that ties Lots 4, 5, and 6 together.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following condition:

- 1. The applicant shall submit a restrictive covenant that ties Lots 4, 5, and 6 together.