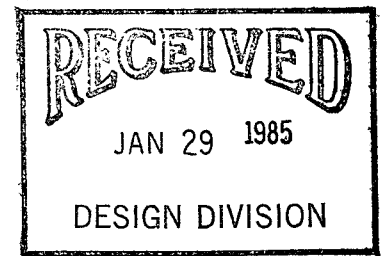


WICHITA - SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT



To: Mike Lindebak, City Engineer

Date: January 29, 1985

From: Forrest Nagley, Senior Planner


Subject: Review of Joe Driver Addition plat tracing - S/D 80-88.
Generally located on the north side of Conamore in an area west of Hillside.

On October 30, 1980, the Subdivision Committee approved the final plat of the above-referenced Addition. The title binder submitted with this plat indicates the existence of a 10-foot private sewer easement across the proposed lots (Deed Book 1072, Page 401). Bill Korber, the applicant's agent, advises he cannot get this private easement released because of his client's past litigation with the person benefitting from the private easement. The title binder also indicates the existence of a 20-foot public utility easement (Film 466, Page 1174) in the same general area of the private easement.

Through the platting process, we attempt to "clean up" conflicts between private and public utility easements. Typically, the requirement is to obtain a release of the private easement which encroaches into the public easement. In this instance, this release cannot be obtained even though public sanitary sewer has been directly extended to the property benefitting from the private easement. That is, the private sewer easement is no longer being used for locating a private sewer service line.

I would appreciate your review of this matter. I am inclined to accept the plat with the public/private conflict since an attempt has been made to secure release of the private easement. Korber advises that the private easement is no longer being used, and the public/private conflict has been created by previous separate instruments--not by this replat.

Please advise me of your views on this matter. Korber's client is anxious to finally complete this plat and I have agreed to find out if changes on the tracing are required. Attached is a copy of the proposed final plat tracing.


Forrest L. Nagley
Senior Planner

FLN:mlh

Attachment

cc: Bill Korber, Baughman Company, P.A., 330 Laura, Wichita, KS 67211

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 80-88 Name Joe Driver Addition
 Date Application Rec'd. 10-17-80 Preliminary Approval _____
 Scheduled S/D Meeting 10-30-80

DESCRIPTION

General Location North side of Conamore in an area west of Hillside

Owner Striver Const. Co., Inc., c/o Joe Driver, Vice President
 Surveyor/Engineer Laughman Company
 Address 330 Laura Phone 262-7271

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>0.54</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. _____ R/W _____ ft. |
| Residential <u>2</u> | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>2</u> | TOTAL <u>0</u> ft. |
| 3. Minimum Lot Frontage <u>75</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>no</u> |
| 4. Minimum Lot Area <u>11,662.5 sq. ft</u> | |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>AA (Z-2291)</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

Note: The applicant's associated zone case (Z-2291) requesting "LC" to "AA" will be considered by the M.A.P.C. on November 6, 1980.

- A. The representative from the City Engineer's office should be prepared to comment on the acceptability of the proposed private sewer network to serve Lot 2 and the existing commercial use to the east.
- B. If the City Engineer's office approves the private sewer easement network, the applicant shall have the easements drafted and submitted to the Planning Department for review and approval. After staff's approval, the instrument will be returned to the applicant so recording data and the easement can be indicated on the final plat tracing.
- C. On the final plat tracing the surveyor's text should be amended to reference the vacation of a previous platted easement by virtue of K.S.A. 12-512(b).
- D. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Note: This plat is submitted in final form only, as provided for in Article 4, Part 5 of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

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