

Town of West Sq 2nd Addⁿ Areas

Lot 1	27.223 A
Lot 2	0.888 A
" 3	2.416 A
" 4	0.665 A
" 5	0.810 A
" 6	1.031 A
" 7	12.012 A
" 8	10.427 A
" 9	4.356 A
" 10	11.956 A
Lot 11	11.238 A
Res A	0.389 A

Figure provided
by Law Co.

MJ
3-17-80

Westport 2nd Addⁿ

- Lot 1
- Lot 2
- Lot 3

April 3, 1979

are received.

At the March 21, 1979 Traffic Commission Meeting, the Traffic Commissioners recommended that it take no action with regard to the Bonnie Brae Neighborhood Traffic Diverter System because of the time extension for securing the petitions.

Mr. Jim Sampley, newly-elected President of the Bonnie Brae Homeowners' Association, will present the Association's report as to the petition for retaining the diverters.

In a related action the Traffic Commission is to appoint a subcommittee to review the criteria and guidelines of the present traffic diverter system, to study the effectiveness of the system, and to develop recommendations or possible changes and to bring the report to the Traffic Commission by the April 21, 1979, meeting. The Traffic Commission also recommends that a moratorium be placed on any new traffic diverter requests until after the subcommittee has submitted its report.

Lee Woodard

Lee Woodard, attorney for homeowners in the Bonnie Brae Addition, stated that he had with him petitions for the permanent closing of Bonnie Brae and Heather. He stated that the petition for the closing of Bonnie Brae was a 62% petition, and reported that the petition for the closing of Heather was a 70% petition. He stated that he was speaking for the vast majority of the homeowners in the area for the permanent closing of those two streets.

*Commissioner Porter absent briefly during the discussion.

Mr. Woodard

Later, Mr. Woodard presented the petitions to the Commission.

Motion--
--carried

Porter moved that the petitions for the closing of Bonnie Brae and Heather be received and filed. Motion carried 5 to 0.

The following people spoke in favor of permanent closing of Bonnie Brae and Heather:

- Jim Sampley, President, Homeowners' Association;
- Oren Feathers, area resident;
- Gladys Rauth, 238 Bonnie Brae;
- Mary Lou McGill, 202 Bonnie Brae;
- George Trummell, 164 Bonnie Brae;
- J. W. Hickey, area resident;
- Floyd Nyquist, area resident;
- Judy Turner, area resident.

The following people spoke opposing permanent closing of Bonnie Brae and Heather:

- Mrs. Cook, residing on Bonnie Brae;
- Bill Atwood, residing on Peach Tree Lane;
- Carl Newman, residing on Peach Tree Lane.

Paul Graves,
Doug Horsman,
Joan March

Traffic Engineer, Chairman of Traffic Commission, and a member of the Traffic Commission all spoke regarding the traffic patterns in the Bonnie Brae Addition, and answered questions by the Commission.

Motion--
--carried

Shanahan moved that the City Commission approve the closing of Bonnie Brae and Heather Streets south of Peach Tree Lane on a temporary basis, working toward a permanent closing, with the neighborhood paying the cost of the diverters. Motion carried 5 to 0.

The City Commission recessed at 3:40 P.M. and reconvened at 4:01 P.M., *Mayor Peters absent; Vice Mayor Shanahan in the Chair.

PLAT OF TOWNE WEST
SQUARE SECOND
ADDITION LOCATED
ON THE SOUTH SIDE
OF MAPLE AND WEST
OF TRACY

Plat of Towne West Square Second Addition located on the south side of Maple and west of Tracy, presented.

A twelve-lot plat containing 83.694 acres. The Planning Commission recommends approval subject to:

- 1) The applicants' attorney submitting an instrument to be recorded with the plat which shall assure vehicular access between each lot and from each lot to the private ring road, access to parking, utility access to each

COMMISSIONERS PROCEEDINGS

7246

April 3, 1979

lot, and drainage across the lots.

2) The applicant submitting by separate instrument a contingent street dedication for right-of-way for the proposed Maple Street I-235 interchange. The dedication being contingent upon the need to construct the interchange and upon Kellogg being reconstructed to a freeway standard.

3) Recording of the plat within 30 days.

Bob Lakin

Director of Planning reviewed the plat and answered questions by the Commission. He pointed out Item 1, the applicants' attorney submitting an instrument to be recorded with the plat which shall assure vehicular access to each lot, stating that they had submitted the document--an agreement between owners of the various department stores guaranteeing access to all lots and plots--and it has been reviewed by the Legal Department, it is acceptable, and will be recorded with the plat. Mr. Lakin also reviewed the second instrument that the Towne West Developers had submitted for the I-235 and Maple Street Interchange.

James Schaefer

James Schaefer, reviewed what he called a "replat" of Towne West. He stated that all exterior streets are the same as the other, but they have divided it up into various lots in order for the individual department stores within Towne West to own their own land and store within the mall complex.

Mr. Schaefer

Mr. Schaefer answered questions by the Commission.

Motion--

Donnell moved that the contingent right-of-way dedication be accepted; that the plat as approved by the Metropolitan Area Planning Commission be approved; that the Mayor be authorized to sign the plat; and that the Planning Department be instructed to withhold recording of the plat until conditions of approval 1 and 2 have been completed. Motion carried 3 to 1. Porter "no".

--carried

REQUEST BY THE URA
BOARD OF
COMMISSIONERS TO
APPROVE LEVEN
DEVELOPMENT CO.
AS REDEVELOPER
OF PROPERTY IN
THE RIVERSIDE
ACTIVITY AREA

Request by the Urban Renewal Agency Board of Commissioners to approve Leben Development Company as redeveloper of property in the Riverside Activity Area, presented.

The Urban Renewal Agency Board of Commissioners has selected Leben Development Company as redeveloper of the property located on the southwest and southeast corners of Nims Avenue and Franklin Avenue and requested that the City Commission concur in the selection.

The property in the Riverside area was acquired by the URA through second year Community Development Block Grant funds and pursuant to a request from the Riverside Citizens Association offered the property for sale and redevelopment consistent with "A" Two-family zoning restrictions. Leben Development Company proposes to purchase the property for \$45,225 and construct eleven residential units at an estimated construction cost in excess of \$650,000. The southeast corner lot contains approximately 13,500 square feet and the southwest corner contains 21,000 square feet.

The Riverside Citizens Association and the CPO Council "N" have endorsed the selection of Leben Development Company as the developer for the property.

The URA Board recommends that the City Commission concur in the selection of Leben Development Company as redeveloper.

URA Staff and representatives of Leben Development Company will be available to explain the proposal and answer any questions.

Steve Potucek

Real Estate Officer for URA informed the Commission of the arrangement and answered questions by the Commission.

Motion--

Porter moved that the selection of Leben Development Company as redeveloper of the property at Nims and Franklin Avenues be concurred with. Motion carried 4 to 0.

--carried

5. PLAT OF TOWNE WEST SQUARE SECOND ADDITION LOCATED ON THE SOUTH SIDE OF MAPLE AND WEST OF TRACY.

A twelve-lot plat containing 83.694 acres. The Planning Commission recommends approval subject to:

- 1) The applicants' attorney submitting an instrument to be recorded with the plat which shall assure vehicular access between each lot and from each lot to the private ring road, access to parking, utility access to each lot, and drainage across the lots.
- 2) The applicant submitting by separate instrument a contingent street dedication for right-of-way for the proposed Maple Street I-235 interchange. The dedication being contingent upon the need to construct the interchange and upon Kellogg being reconstructed to a freeway standard.
- 3) Recording of the plat within 30 days.

ACTION:

Accept the contingent right-of-way dedication, approve the plat as approved by the Metropolitan Area Planning Commission, authorize the Mayor to sign the plat and instruct the Planning Department to withhold recording of the plat until conditions of approval 1 and 2 have been completed.

\$ 7.6 = Freeway west to I-235

S/D NO. 79-7 Name Towne West Square Second Addition
Date Application Rec'd. 1-16-79 Preliminary Approval 1-25-79
Scheduled S/D Meeting 2-22-79

DESCRIPTION

General Location An area south of Maple Street and west of Tracy Street

Owner Towne West Mall Indiana Limited Partnership
Surveyor/Engineer Campbell and Castle
Address P.O.Box 9262, Wichita, Ks. 67277 Phone 942-8144

- 1. Gross Acreage of Plat 83.694
- 2. Number of Lots:
 - Residential None
 - Commercial Eleven
 - Industrial None
 - Other One Reserve
 - Total Number of Lots Twelve
- 3. Minimum Lot Frontage N.A. ft.
- 4. Minimum Lot Area N.A. ft.
- 5. Existing Zoning LC
- 6. Proposed Zoning LC
- 7. Lineal Feet of New Streets:
 - a. None R/W None ft.
 - b. R/W ft.
 - c. R/W ft.
 - d. R/W ft.
 - e. R/W ft.
 - TOTAL None ft.
- 8. Sidewalk adjacent to all streets? X yes no
- 9. Public Water Supply Yes (Yes-No), Name City of Wichita
- 10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
- 11. Health Department Approval (where applicable) (Yes-No)
- 12. City of Wichita X: Three-Mile Area

STAFF COMMENTS:

- A. The applicants' engineer shall contact the Planning Department regarding the access control wording in the plat's text.
- B. A 20 foot utility easement shall be indicated along the south line of Lot 6.
- C. The applicant's attorney shall submit a letter stating that the original guarantees for improvements such as sanitary sewer, storm sewer, etc., which were approved and accepted with the plat of Towne West Square are still applicable.
- D. The applicants' attorney shall submit an instrument to be recorded with the plat which shall assure vehicular access between each lot and from each lot to the private ring road, access to parking, utilities access to each lot, and drainage across the lots.
- E. The applicants shall contact the Department of Public Works relative to indicating on the final plat right-of-way for the proposed Maple Street - I-235 interchange based on the consultant's report on the interchange study.
- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

S/D NO. 79-7 Name Towne West Second Addition
Date Application Rec'd. 1-16-79 Preliminary Approval _____
Scheduled S/D Meeting 1-25-79

DESCRIPTION

General Location An area south of Maple Street and west of Tracy Street

Owner Towne West Mall Indiana Limited Partnership

Surveyor/Engineer Campbell and Castle

Address P.O. Box 9262, Wichita, Ks. 67277 Phone 262-4403

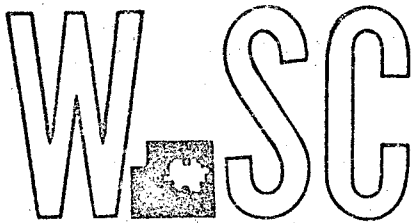
- | | |
|---|--|
| 1. Gross Acreage of Plat <u>83.694</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>None</u> R/W <u>None</u> ft. |
| Residential <u>None</u> | b. _____ R/W _____ ft. |
| Commercial <u>Eleven</u> | c. _____ R/W _____ ft. |
| Industrial <u>None</u> | d. _____ R/W _____ ft. |
| Other <u>One Reserve</u> | e. _____ R/W _____ ft. |
| Total Number of Lots <u>Twelve</u> | TOTAL _____ None _____ ft. |
| 3. Minimum Lot Frontage <u>N.A.</u> ft. | 8. Sidewalk adjacent to all streets? <u>X</u> yes _____ no |
| 4. Minimum Lot Area <u>N.A.</u> ft. | |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</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:

- A. This preliminary plat is a replat of Towne West Square Addition. The original plat consisted of 6 commercial lots with an associated approved Commercial Community Unit Plan, DP-71. This new plat proposes to increase the number of lots to 12, however, the applicant is not requesting a change in the approved C.U.P.
- B. The representatives from the Department of Public Works shall be prepared to comment on whether or not the change in the name of the plat and the number of lots and the arrangement of the lots will require new guarantees for paving, sewer, water, or drainage improvements.
- C. The south 261.18 feet of the portion of Lot 1 which adjoins Kellogg shall be deleted from the plat since it is not within the area covered by the C.U.P. or the original plat.
- D. Prior to forwarding of the plat to the City Commission, the applicant shall submit a landscape plan for approval indicating the type, specifications, and watering system for the required landscaping adjacent to Maple and the Christ the King Church. The applicant shall submit appropriate guarantees and agreements assuring maintenance of the landscaping by all parcel and/or lot owners.
- E. The applicant shall submit to the City Traffic Engineer for review and approval, a site traffic circulation and parking plan for the development prior to or at the time of the submission of a final plat.
- F. The applicant shall furnish for recording with the plat, an instrument which will grant the right of access between lots and to the internal private ring road.

- G. It is recommended that lot 10 be made a part of Lot 1 unless there is to be a portion of the shopping center building extended onto it. The applicant should be prepared to discuss this matter at the Subdivision meeting.
- H. The access controls to Maple will need to be discussed at the Subdivision meeting in view of the change in the ring road and lot arrangement.
- I. Additional right-of-way needs from the northwest corner of Lot 10 for the Maple Street-I-235 interchange will be discussed at the Subdivision Committee meeting. Financing guarantees will also be discussed.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- K. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

1-29-79
not sent
will be
revised

MEL

January 29, 1979

Campbell and Castle
P.O. Box 9262
Wichita, Kansas 67277

Re: S/D 79-7 Preliminary plat of Towne West Square Second Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 25, 1979, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

A. The applicants and/or their engineer shall contact the Engineering Division of the Department of Public Works, utility companies, and the Water Department relative to providing easements for utilities, sewer and water service lines to serve each lot in the plat. If said easements are not to be shown on the final plat, the applicants shall submit to the Planning Department a letter from the Engineering Division, utility companies, and the Water Department stating that the easements need not be shown on the final plat.

*✓ Same #
Storm Sewer
Plan
Call Geo. E. Egan*

B. The applicants' engineer shall contact the Gas Service Company relative to changing the combined 45 foot drainage and utility easement so that the utility easement is separate from the drainage easement on the final plat.

C. The applicants' engineer shall be advised that although existing guarantees for improvements submitted on the Towne West Square Addition still appear to be adequate to cover this replat, the Department of Public Works advises that any additional sanitary sewer, drainage, etc., required by this replat, will require additional guarantees.

D. The applicants shall submit their revised landscaping plan to the Planning Department for review and approval. Said plan shall indicate the type, specifications, and

watering system for the required landscaping adjacent to Maple and the Christ, the King Church. The applicant shall submit appropriate guarantees and agreements assuring maintenance of the landscaping by all parcel and/or lot owners.

E. With the submission of the final plat, the applicants shall submit a letter from the City Traffic Engineer approving the site traffic circulation and parking plan which is presently being reviewed.

*CUP
Requires
Approval*

F. The construction, operation and reciprocal easement agreement submitted by the applicants' legal counsel has been forwarded to the City Department of Law for review and comment concerning the provisions for rights of ingress and egress across lots, use of the private ring road and drainage rights across the lots to be held in separate ownership. Yet to be determined is the point at which these covenants containing these provisions are to be recorded.

Modified

G. The south 261.18 feet of the portion of Lot 1 which adjoins Kellogg shall be deleted from the plat since it is not within the area covered by the C.U.P. or the original plat.

H. Right-of-way will be required from the northwest corner of Lot 10 for the Maple Street I-235 interchange. The final plat shall reflect the appropriate dedication of said right-of-way when the interchange design has been resolved.

*Meet with
TE &
Wilson
AH 1 or 2 R/W*

I. Financing the Maple-I-235 interchange will involve the applicants and the guarantee for the applicants' share of the financing will be a requirement of the plat approval.

J. The applicants shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.

K. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

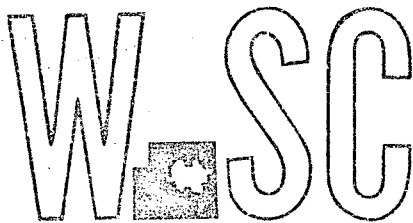
If you should have any questions concerning this matter, please call.

Sincerely,

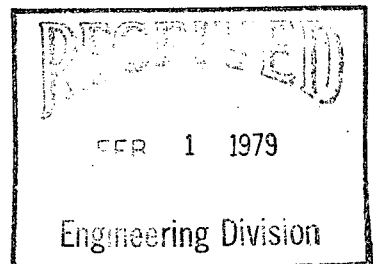
Curtis L. Newby
Curtis L. Newby
Junior Planner

cc: Towne West Mall Indiana Limited Partnership, P.O. Box 44930
Indianapolis, Indiana, 46244
James R. Schaefer, 800 Brown Bldg., 67202
Dean Sellers, Assistant City Engineer

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561



January 30, 1979

Campbell and Castle
P.O. Box 9262
Wichita, Kansas 67277

Re: S/D 79-7 - Preliminary plat of Towne West Square Second
Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 25, 1979, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. The applicants and/or their engineer shall contact the City Engineer, Water Department, Kansas Gas and Electric Company, Southwestern Bell Telephone Company and Gas Service Company relative to making satisfactory arrangements for each utility to serve the plat and either indicating on the final plat easements for said utilities or providing a letter from each utility involved stating that arrangements have been made to provide for the utility service to each lot in an acceptable fashion which will not require easements to be shown on the plat.
- B. The applicants' engineer shall contact the Gas Service Company relative to changing the combined 45 foot drainage and utility easement so that the utility easement is separate from the drainage easement on the final plat.
- C. The applicants' attorney shall submit a letter stating that the original guarantees for improvements such as sanitary sewer, storm sewer, etc., and which were approved and accepted with the plat of Towne West Square are still applicable.
- D. The applicants shall submit their revised landscaping plan to the Planning Department for review and approval. Said plan shall indicate the type, specifications, and watering system for the required landscaping adjacent to Maple and the Christ, the King Church. The applicant shall submit appropriate guarantees and agreements as-

sureing maintenance of the landscaping by all parcel and/or lot owners.

- E. The applicants' attorney shall submit an instrument to be recorded with the plat which shall assure vehicular access between each lot and from each lot to the private ring road, access to parking, utilities access to each lot, and drainage across the lots.
- F. The south 261.10 feet of the portion of Lot 1 which adjoins Kellogg shall be deleted from the plat since it is not within the area covered by the C.U.P. or the original plat.
- G. The applicants shall contact the department of Public Works relative to indicating on the final plat right-of-way for the proposed Maple Street - I-235 interchange based on the consultant's report on the interchange study.
- H. The applicants shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

With regard to condition "B", we have been contacted by George Ecknor of Gas Service Company who has advised that it will satisfy his company's concern if the word "utility" is removed from the labeling of the 45 foot easement. Before making this change on the plat, however, the applicants should check with the City Engineer, K.G. and E., and Southwestern Bell to see if they have any objection to this change.

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:bh

cc: Towne West Mall Indiana Limited Partnership, P.O. Box
44930, Indianapolis, Indiana, 46244
James R. Schaefer, 800 Brown Building, 67202
Herb Berger, Law/Kingsdon, P.A., 313 S. Market, 67202
Dean Sellers, Assistant City Engineer

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
February 23, 1979
(316) 268-4561

James R. Schaefer
800 Brown Bldg.
Wichita, Ks. 67202

Re: S/D 79-7 - Final plat of Towne West Square Second Addition

Dear Mr. Schaefer:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, February 22, 1979, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The access control language corrections and other dimension notation errors discussed with the applicant's engineer shall be changed appropriately and indicated on the final plat tracing.
- B. A 20 foot utility easement shall be indicated on the west line of Lot 4 and on the west 20 feet of the north 10 feet of Lot 3.
- C. A 20 foot utility easement shall be indicated along the south line of Lot 6.
- D. The applicant's attorney shall submit a letter stating that the original guarantees for improvements such as sanitary sewer, storm sewer, etc., which were approved and accepted with the plat of Towne West Square are still applicable.
- E. The applicants' attorney shall submit an instrument to be recorded with the plat which shall assure vehicular access between each lot and from each lot to the private ring road, access to parking, utilities access to each lot, and drainage across the lots.
- F. The applicant shall contact Kansas Gas & Electric Co. relative to additional easements to be granted for their service lines.

James R. Schaefer
2-23-79
Page 2

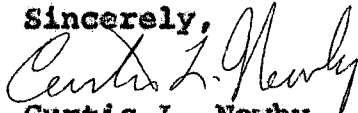
- G. The applicant shall submit by separate instrument a contingent dedication for right-of-way from the northwest corner of the plat for the proposed Maple/I-235 Interchange. The amount of right-of-way to be contingently dedicated shall be based on the Interchange design recommendation of the consultant's report being completed on the interchange design study. The right-of-way dedication shall be contingent upon need to construct the interchange and Kellogg being reconstructed to a freeway standard. The contingent dedication shall be labeled on the final plat.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, March 1, 1979, at 1:30 p.m. If you have any questions regarding this matter, please call.

Sincerely,


Curtis L. Newby
Junior Planner

CLN:bh

cc: Towne West Mall Indiana Limited Partnership, P.O. Box 44930
Indianapolis, Indiana, 46244
Campbell and Castle, P.O. Box 9262, 67277
Dean Sellers, Assistant City Engineer

May 18, 1979

Towne West Mall Company
1812 North Meridian
Indianapolis, Indiana

Re: Towne West Square 2nd Addition ✓

Gentlemen:

I have been requested, as Wichita City Engineer, to confirm the access points for drives into the above addition. The text of the plat provides that all access points shall be designated by myself as City Engineer.

The site plan has been filed with the office of Central Inspection and the openings shown thereon have been approved by said department and myself.

Yours very truly,


R. W. Linn

RWL/lw

LAW OFFICES OF
CURFMAN, HARRIS & WEIGAND

SUITE 830 FIRST NATIONAL BANK BUILDING

WICHITA, KANSAS 67202

(316) 263-9111

LAWRENCE WEIGAND
COUNSEL

LAWRENCE E. CURFMAN
CHARLES W. HARRIS
J. L. WEIGAND, JR.
JOHN R. STALLINGS
BRIAN G. GRACE
WINDELL G. SNOW
JACK SCOTT MSINTEER
VAN R. DELHOTAL
THOMAS D. BORNIGER
JOE L. NORTON
RONALD B. ROSE
RANDALL K. RATHBUN

July 23, 1979

*Friesen Lackey,
McKinley*

Mr. Dick Linn
City Engineer
City Hall
455 North Main
Wichita, Kansas 67202

Re: Towne West street design

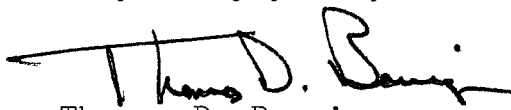
Dear Dick:

This letter is to confirm our conversation after the July 17, 1979 City Commission meeting regarding the actual design of the street areas surrounding Towne West, specifically, Tracy and the frontage road along Kellogg. As you will recall, we objected at the meeting to the fact that Towne West had unilaterally moved the median located on Tracy Street and had changed the location of the break in the medial such that our left turn lane which we were to receive now will funnel traffic directly into the middle of the first bay of parking to the K-Mart store rather than funneling it into the already existing traffic lane in the parking lot, contrary to our agreement with Towne West which resulted in our waiving the then required third lane on Tracy. Our other objection arose out of the now proposed closing of the Kellogg frontage road prior to its connection with Tracy. I have reviewed a prior Towne West right of way map and it appears that the majority of the improvements needed to connect the frontage road with Tracy can be done within the existing right of way as there exists only a small area right at the corner that would involve the acquisition of any additional right of way over that which presently exists.

In any event, this letter is to specifically request that we be given as much advance notice as possible to any meetings regarding street designs on either of these two streets as my client has specifically instructed me they do wish to be present and will probably make arrangements to have a representative from K-Mart here at such time also. Therefore, the sooner I know of the meeting, the more advance notice I can give to my clients.

Thank you for your attention in this matter.

Very truly yours,



Thomas D. Borniger
of CURFMAN, HARRIS & WEIGAND

TDB/jas

cc: Mr. W. R. Johnston