

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

January 13, 1999

Pinehurst Apartments LLC
4200 East Skelly Drive
Suite 800
Tulsa OK 74135

Re: V-2145 - Request to vacate 20 foot wide utility easement

Dear Sirs:

Your request to vacate the above referenced utility easement will be considered in public hearing by the Metropolitan Area Planning Commission on Thursday, February 11, 1999. The meeting will begin at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas.

Your request has also been scheduled for review by the Subdivision Committee of the Metropolitan Area Planning Commission at their next meeting on Thursday, February 4, 1999. That meeting also begins at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas.

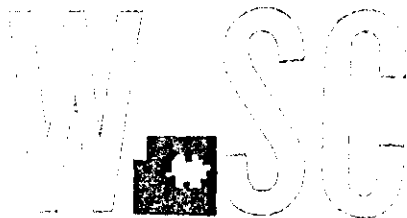
You should be present at both of these meetings in order to address any questions which may arise about this vacation request. Those neighboring property owners who are receiving a copy of this letter may also attend either the Subdivision Committee meeting or the public meeting by the Metropolitan Area Planning Commission in order to express their views about this vacation request. Should you have any questions, please feel free to call me at 268-4421.

Sincerely,

Keith Gooch
Senior Planner

KG:le

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

February 5, 1999

Pinehurst Apartments LLC
4200 East Skelly Drive
Suite 800
Tulsa Ok 74135

Re: V-2145 - Request to vacate 20 foot wide utility easement

Dear Sirs:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, February 4, 1999, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- A) The vacation request be denied but that the easement become a utility and wall easement.
- B) The applicant shall meet with KG&E to determine where and if a wall can be constructed in the easement.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, February 11, 1999, 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,

Keith Gooch
Senior Planner

KG:le

STAFF REPORT

CASE NUMBER: V-2145 Request to vacate a utility easement

OWNER/APPLICANT: Pinehurst Apartments, Case Associates c/o Clint Case

AGENT: N/A

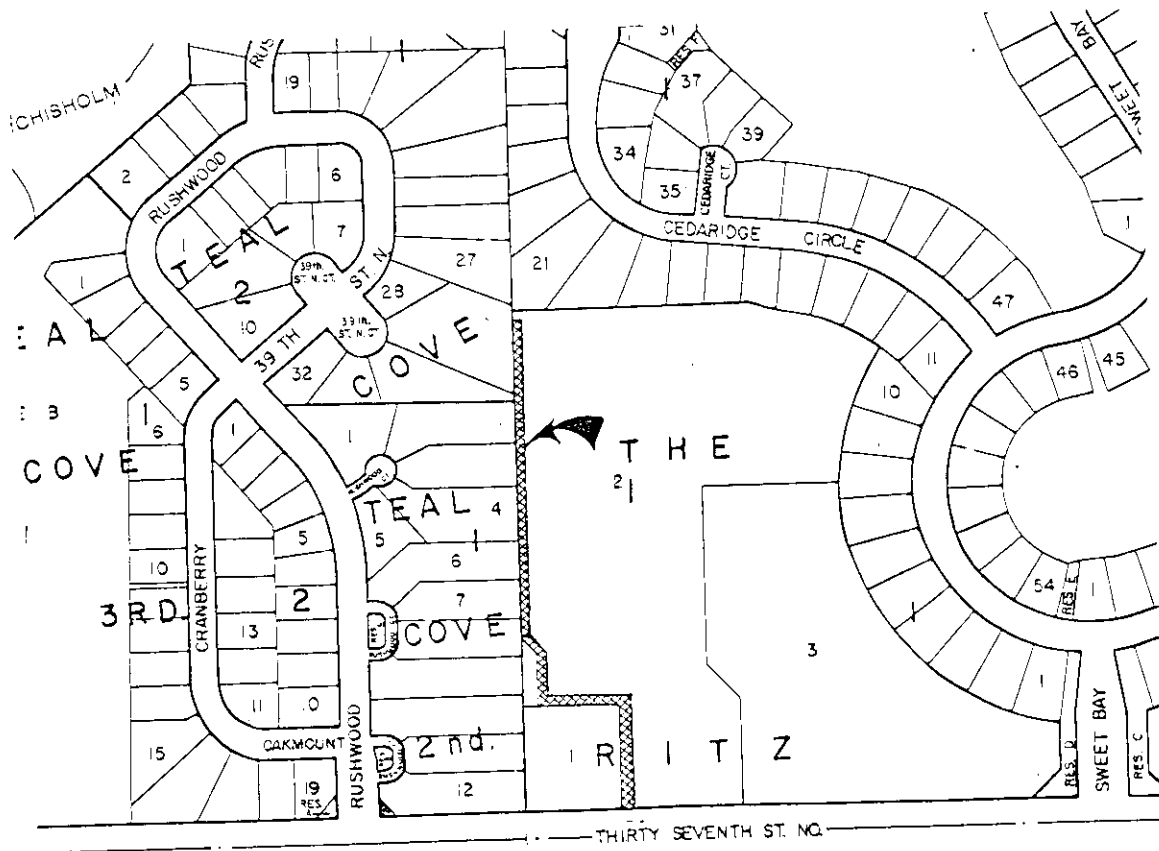
LEGAL DESCRIPTION: Vacation of a 20 foot easement along the west boundary of Lot 2, Block 1, The Ritz Addition.

LOCATION: North of 37th Street North and east of Woodlawn

REASON FOR REQUEST: To allow for the construction of a wood and masonry privacy fence.

CURRENT ZONING: "MF-29"

VICINITY MAP:



Staff Report: The applicant is requesting to vacate a utility easement along the west property line to allow for the construction of a wood fence and a masonry wall.

KG&E has met with the applicant and has approved vacating the west five feet of the utility easement.

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 January 15, 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 vacation of a platted 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 portion of the utility easement described in the petition should be approved, subject to the following conditions:
 - 1. Only the western most five feet of the utility easement shall be vacated.
 - 2. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommended approval, subject to the following:

- A. The vacation request be denied but that the easement become a utility and wall easement.
- B. The applicant shall meet with KG&E to determine where and if a wall can be constructed in the easement.
- C. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.