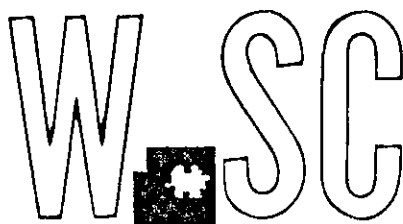


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

October 29, 1999

KDA Inc
P.O. Box 780047
Wichita, KS 67278

Re: V-2204 - Request to vacate utility easements generally located north of Kellogg and east of
Tyler

Dear Sir:

At the Thursday, October 28, 1999, 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 October 25, 1999. This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

Sincerely,

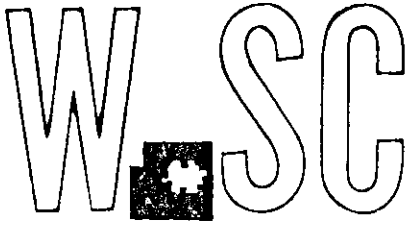
Lisa A. Verts
Associate Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works Dept., Mail Stop 1-71
Austin Miller, P.A., c/o Dave Yearout, 254 S. Laua, Suite 210, Wichita, KS 67211
Home Depot U.S.A., Inc., c/o Marshall & Stevens, Inc., 1700 Market Street, Suite #1510,
Philadelphia, PA 19103
K-DA, Inc., P.O. Box 128 Dellrose, Wichita, KS 67208
KCB, Inc., 128 S. Dellrose, Wichita, KS 67208
Marion M. & Anne Marie Wimmer, 4027 Countryside, Wichita, KS 67218



WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

October 25, 1999

KDA Inc
P.O. Box 780047
Wichita, KS 67278

Re: V-2204 - Request to vacate utility easements generally located north of Kellogg and east of Tyler

Dear Sir:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, October 21, 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 applicant shall dedicate, by separate instrument, substitute easements as required by the City of Wichita Departments of Public Works and Engineering.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, October 28, 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,

Lisa A. Verts
Associate Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Austin Miller, P.A., c/o Dave Yearout, 254 S. Laua, Suite 210, Wichita, KS 67211
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STAFF REPORT

CASE NUMBER: V-2204 Request to vacate utility easements

OWNER/APPLICANT: KDA, Inc.

AGENT: Austin Miller, c/o Dave Yearout

LEGAL DESCRIPTION:

Water Line Easement: a twenty (20) foot water line easement in Lot 2, Block 1, Carriage House Plaza Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, the south line of which is described as follows: Beginning 401.34 feet north of the southeast corner of said plat; thence S89° 07'34"W for a distance of 281.10 feet; thence on a curve to the left having a radius of 295.00 feet and a delta of 35° 08'15" for a distance of 180.91 feet; thence S53° 59'19"W to the west line of said Lot 2.

Storm Sewer Easement: A fifteen (15) foot storm sewer easement in Lot 2, Block 1, Carriage House Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, the north line of which is described as follows: Beginning 464.92 feet north of the southeast corner of said plat; thence northwesterly 3.83 feet along the west right-of-way line of Turquoise Lane, said right-of-way being on a curve with a radius of 50 feet, to the point of beginning; thence S17° 00'14"W for a distance of 41.24 feet; thence S89° 16'31"W for a distance of 366.93 feet; thence S55° 07'40"W for a distance of 251.46 feet.

Sanitary Sewer Easement: A twenty (20) foot sanitary sewer easement in Lot 2, Block 1, Carriage House Plaza Fourth Addition, an addition to Wichita, Sedgwick County, Kansas, the south line of which is described as follows: Beginning 451.71 feet north of the southeast corner of said plat; thence N89° 48'10"W for a distance of 265.82 feet; thence on a curve to the left having a radius of 435.36 feet and a delta of 34° 08'15" for a distance of 259.39 feet; thence S53° 49'15"W to the west line of said Lot 2.

Sanitary Sewer Easement: A twenty (20) foot sanitary sewer easement in Lot 2, Block 1, Carriage House Plaza Fourth Addition, an addition to Wichita Sedgwick County, Kansas, the south line of which is described as follows: Beginning on the west line of said Lot 2, 206.49 feet south of the northwest corner of said Lot 2; thence S68° 41'1"E for a distance of 216.29 feet; thence S82° 44'27"E for a distance of 145.27 feet; thence S01° 19'59"E a distance of a distance of 65.21 feet.

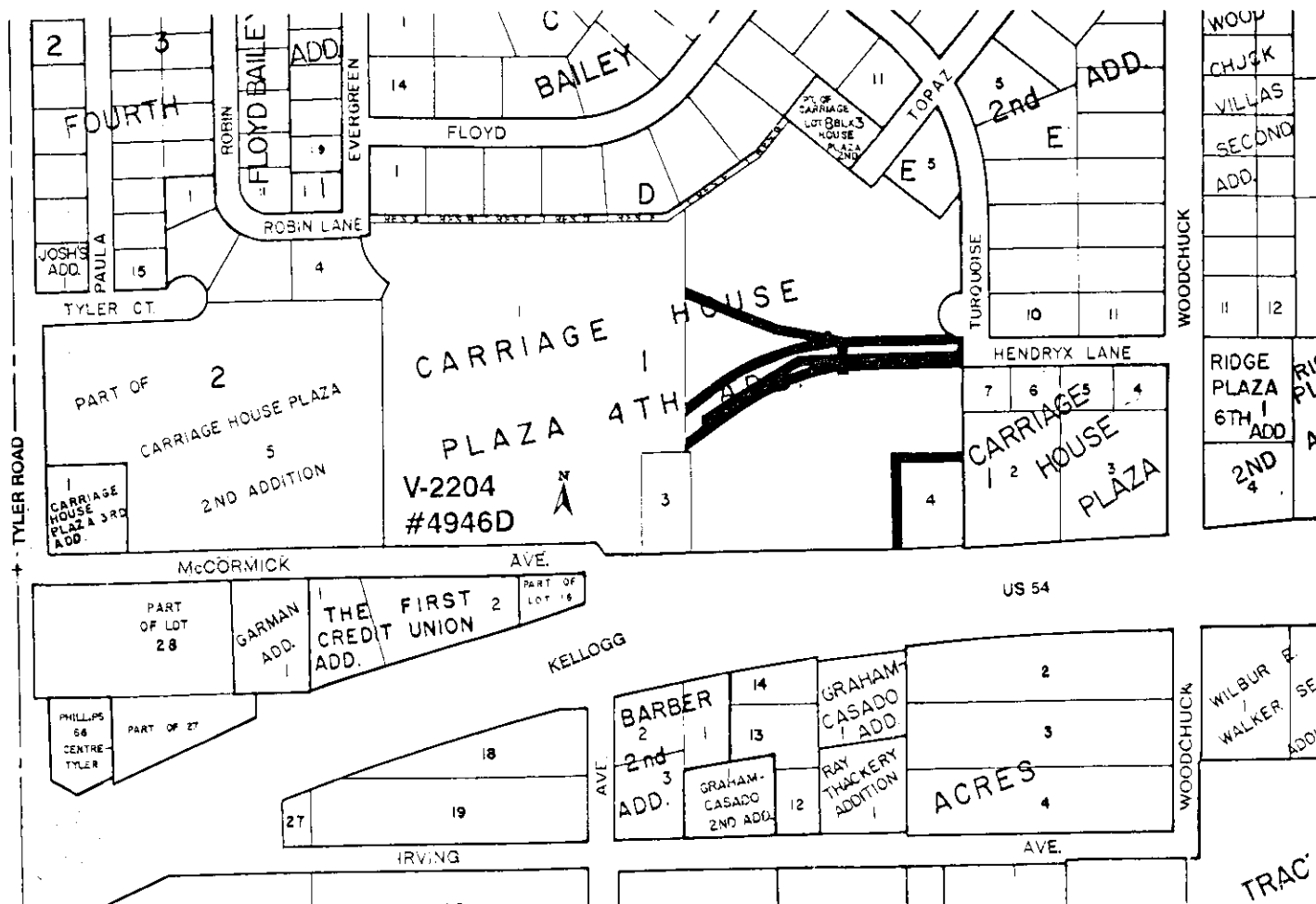
Utility Easement: The twenty (20) foot utility easement centered on the north and west lot lines of Lot 4, Block 1, Carriage House Plaza Fourth Addition, an addition to Wichita, Sedgwick County, Kansas.

LOCATION: North of Kellogg and east of Tyler

REASON FOR REQUEST: For future development on site

CURRENT ZONING: "LC" - Limited Commercial

VICINITY MAP:



The applicant is requesting to vacate five (5) separate easements (1 Water Line, 1 Storm Sewer, 2 Sanitary Sewer, and 1 Utility) for the future development of this site. This site will be the future home of a new vehicle sales lot. Replacement easements will be necessary as per City of Wichita requirements

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 October 5, 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 drainage 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 utility easements described in the petition should be approved, subject to the following conditions:
- ✓ 1. The applicant shall dedicate, by separate instrument, substitute easements as required by the City of Wichita Departments of Public Works and Engineering.
 - ✓ 2. The applicant shall grant a temporary easement by separate instrument covering the existing easements (except the 'utility' easement) until such time as the replacement lines are in place.
 3. The applicant shall submit a guarantee for the construction of the new lines until such time as the replacement lines are in place.
 4. The applicant shall submit a lot split reflecting the changes made to the lot configuration of Lot 2, as per a previous condition of DP-50 Amendment #2 (MAPC July 15, 1999).

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval, subject to the following conditions:

1. The applicant shall dedicate, by separate instrument, substitute easements as required by the City of Wichita Departments of Public Works and Engineering.

- 2. The applicant shall grant a temporary easement by separate instrument covering the existing easements (except the 'utility' easement) until such time as the replacement lines are in place.
- 3. The applicant shall submit a guarantee for the construction of the new lines until such time as the replacement lines are in place.
- 4. The applicant shall submit a lot split reflecting the changes made to the lot configuration of Lot 2, as per a previous condition of DP-50 Amendment #2 (MAPC July 15, 1999).