

Report from Wichita-Sedgwick County Metropolitan Area Planning Commission to  
BOARD OF COUNTY COMMISSIONERS

Case No. CU-16

Considered by M.A.P.C. 10-1-59

Request for: Conditional Use Permit

Reason for request (as provided by petitioner): "To establish a sand pit".

Location of property: Immediately west of Wichita Valley Center Floodway on north side of 21st Street.

Legal description of property: Tract beginning 1244' west from SE Cor of SE $\frac{1}{4}$ ; thence west 1384'; north 1317'; east 1244'; south 658 $\frac{1}{2}$ '; east 140'; thence south to beginning, in Section 2, Township 27, Range 1 West, except for floodway

Petitioner: Ted Prichard  
Address: 11118 West Central

Counsel for petitioner: Bob Israel, agent

Protesters (list counsel, if any): Southwestern College, Winfield, Kansas

Surrounding zoning: Subject property is zoned "R-1" and is bounded by "R-1" zoning on the north, east, south and west. Adjoining at the southeast corner is "R" zoning.

Land use: Subject property is vacant except for a couple of oil tank storage. North, south and east is vacant. West is vacant except for several oil wells and other oil well activities. The Big Slough is at (the southeast corner.

Planning Commission recommendation

It was moved and seconded that the Planning Commission recommend to the Board of County Commissioners that this request be approved subject to the following:

1. The appropriate execution and recording of a covenant running with the land as prepared and agreed to by City and County counsel dated September 28, 1959.
2. Construction specifications for a loop levee, Sections 1, ~~3~~<sup>three</sup> and 4 inclusive and maintenance specifications for the loop levee, Sections 1 and 2, of construction specifications as prepared by the Maintenance Division of the Department of Public Works.
3. The construction of a 58 inch V-mesh wire fence on 7 foot steel posts spaced 16 feet apart. Said fence to be located outside the loop levee referred to above.

Vote of Planning Commission

Unanimous

Respectfully submitted,

L. D. Little Secretary

*File*

OFFICE OF  
COUNTY ZONING ADMINISTRATOR  
SEDGWICK COUNTY, KANSAS

Report of Board of County Commissioners' Action on Zoning Case No. OU-16

Considered by M.A.P.C. 10-1-59

Considered by Bd. of C.C. 10-8-59

Petitioner: **Ted Prichard**  
11118 West Central

Request for: **Conditional Use Permit "To establish a sand pit."**

Location of Property: **Immediately west of Wichita-Valley Center Floodway  
on north side of 21st Street.**

Legal Description of Property: **Tract beginning 1244' west from SE Cor  
of S24; thence west 1384'; north 1317'; east 1244'; south 658'  
east 140'; thence south to beginning, in Section 2, Township  
27, Range 1 West, except for floodway**

Planning Commission Recommendation:  
**See attached sheet**

Board of County Commissioners' Action:

**Board of County Commissioners approved  
Planning Commissions recommendation.**

*cc*  
Clay Cox  
County Zoning Administrator



Other Data:  
cc **Bob Israel**  
**Tom Bush**  
**Metropolitan Area Planning Commission**  
**Board of County Commissioners**

Case No. CU-16

PLANNING COMMISSION RECOMMENDATION:

It was moved and seconded that the Planning Commission recommend to the Board of County Commissioners that this request be approved subject to the following:

1. The appropriate execution and recording of a covenant running with the land as prepared and agreed to by City and County counsel dated September 28, 1959.
2. Construction specifications for a loop levee, Section 1 through 4 inclusive and maintenance specifications for the loop levee, Sections 1 and 2, of construction specifications as prepared by the Maintenance Division of the Department of Public Works.
3. The construction of a 58 inch V-mesh wire fence on 7 foot steel posts spaced 16 feet apart. Said fence to be located outside the loop levee referred to above.

CU-16

ROUGH DRAFT  
PJD:rd  
September 28, 1959

COVENANT RUNNING WITH THE LAND

WHEREAS, the undersigned as owner of the property hereinafter described has made application to the Metropolitan Planning Commission of the City of Wichita and County of Sedgwick for permission to use said property as a borrow or sand pit together with such other uses as may be necessary to carry on a borrow or sand pit operation on said land; and

WHEREAS, the lands adjacent to the above described tract are and will be developed for urban purposes and the operation of a borrow or a sand pit at such location will endanger the health, welfare and property of residents who may live in such areas unless certain protective measures are taken; and

WHEREAS, the undersigned desires to obligate himself and his successors in title to protect the public welfare by constructing and maintaining a loop levee upon said property and to subject and burden the fee title thereto so that such obligation is a covenant running with the land;

NOW THEREFORE, in consideration of the premises and the zoning by the Metropolitan Planning Commission of my land hereinafter described so as to permit the use thereof for borrow and/or sand pit operations, the undersigned hereby covenants to and with the Metropolitan Planning Commission, the Board of County Commissioners of Sedgwick County and City of Wichita, Kansas, on behalf of himself and his successors in title of said land, to construct or cause to be constructed and maintained without cost or expense to the County of Sedgwick or the City of Wichita, a loop levee on, around and enclosing any borrow or sand pit located on the following described land, to-wit:

(description)

all in accordance with the plans and specifications prepared by the City and County Engineers attached hereto marked Exhibit "A" and made a part hereof;

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to

fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

The undersigned warrants that he is the owner of the fee title to said tract of land and that the obligation and covenant above set forth constitutes a first and prior lien against and encumbering said land.

This instrument shall be recorded in the Office of the Register of Deeds, Sedgwick County, Kansas, so as to appear in the chain of title of said land.

Executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Owner's Wife)

A C K N O W L E D G M E N T

STATE OF KANSAS)  
                  ) SS:  
SEDGWICK COUNTY)

Be it remembered, that on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, before me, the undersigned, a notary public, in and for the County and State aforesaid, came \_\_\_\_\_

who are personally known to me to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_