

M.A.P.C. Approved subject to 7-7-66
Conditions

B.C.C./B. CO. C. Approved 8-3-66
subject to conditions

Closed 8-3-66

Closed
Resolution Published

10-19-70

91 - R. Bruce & Ann V. Petrie
request conditional use for estab-
lishment of sand extraction opera-
tion at the southwest corner of
7th Street North and West Street

9th Floor message

80120
6-22-66

ACTION

COMMITTEE

DATE

M.A.P.C. Approved subject to 7-7-66
Conditions

~~B.C.C./B. CO. C.~~ Approved 8-3-66
subject to conditions

~~Closed 8-3-66~~

Closed
Resolution Published
10-19-70

U-91 - R. Bruce & Ann V. Petrie
request conditional use for estab-
-lishment of sand extraction opera-
-tion at the southwest corner of
37th Street North and West Street

Map No. R-1-A
Sec. 35
Twp. 26S
Range 1W

DATA SHEET

Z- _____
SCZ- _____
CU- 91
Filed 6-10-66

APPLICATION DATA: From _____ to _____
1. Applicant: R. Bruce & Ann V. Petrie
Address 6014 East 8th Phone MU 4-6550
2. Agent: Don Bottenberg
Address Beacon Building Phone AM 4-5031
3. General Location: Southwest corner of 37th Street North and
West Street Address _____
4. Proposed Use: Sand Extraction Operation in "R-1" zoning

AREA DATA:
1. Acres: 140 (2610 ft. by 2610 ft.) ^{-570x570}
2. Adjoining Zoning: E R1 F.L.C. S R-1 W R1 N R1 F.L.C.
3. Land Use: East Farm House Single Family - vac. South vacant
West vacant North Farm House
4. Sketch Plan Land Use is for: N/A
5. Present Land Use is for: vacant
6. Area ~~xxxx~~ (is not) platted.

PROCEDURE DATA:
1. Zoning Committee _____ by _____
2. MAPC Meeting: _____

Date	Action
<u>7-7-66</u>	<u>Approved subject to conditions</u>

3. Governing Body (~~Board of Commissioners~~ Bd. County Commissioners)

Date	Action	Resolution
<u>8-3-66</u>	<u>Approved subject to conditions</u>	
		<u>Resolution Pub. 10-19-70</u>

NOTES:
Note 1, 2, 4, and 7. must be complied with prior to publication of the resolution.
See Dedication Case D-0334 Accepted by the BCC on 1-24-67
Conditions # 1, 2, 7 have been complied with, however the performance bond guaranteeing the construction of the fence has not been submitted.

OK rec'd.
on 10-15-70 / *[Signature]*

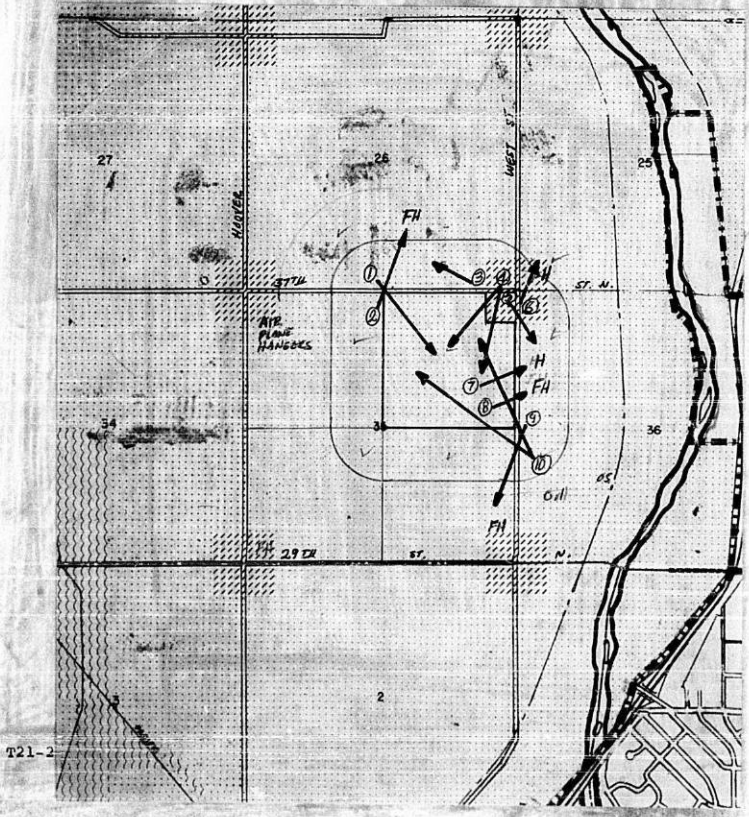
Map No. B-1-A
 Sec. 35
 Twp. 26S
 Range 1W

Z-
 SCZ-
 CU- 91
 Filed 6-10-66

APPLICATION DATA: From _____ to _____
 1. Applicant: R. Bruce & Ann V. Petrie
 Address 6014 East 8th Phone MD 4-6550
 2. Agent: Don Bottenberg
 Address Beacon Building Phone AM 4-5031
 3. General Location: Southwest corner of 37th Street North and
West Street Address _____
 4. Proposed Use: Sand Extraction Operation in "R-1" zoning

AREA DATA:
 1. Acres: 1.49 (2610 ft. by 2610 -500x570 ft.)
 2. Adjoining Zoning: E R-19LC S D-1 W R-1 N R-19LC
 3. Land Use: East Farm House & Single Farm South VACANT
 West VACANT North Farm House
 4. Sketch Plan Land Use is for: N/A
 5. Present Land Use is for: VACANT
 6. Area ~~XXXX~~ (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



CASE NO. CU-91
Conditional Use Permit for Establishment
of a Sand Extraction Operation
in the "R-1" Classification

NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas; except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning. Generally located at the southwest corner of 37th Street North and West Street.

CASE NO. CU-91
Conditional Use Permit for Establishment
of a Sand Extraction Operation
in the "R-1" Classification

NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas; except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning. Generally located at the southwest corner of 37th Street North and West Street.

CASE NO. CU-91
Conditional Use Permit for Establishment
of a Sand Extraction Operation
in the "R-1" Classification

NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas; except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning. Generally located at the southwest corner of 37th Street North and West Street.

() (Published in The Wichita Beacon on Oct 19, 1970)

R E S O L U T I O N

A RESOLUTION PERMITTING ESTABLISHMENT OF A SAND AND GRAVEL EXTRACTION OPERATION ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, OR THE CITY OF DERBY, ALL IN SEDGWICK COUNTY, KANSAS, UNDER AUTHORITY GRANTED BY SECTION 4.10.f AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 4.10.f and Section 11.E of the Zoning Resolution, as amended, a conditional use permit to allow the extraction of sand and gravel on property legally described as follows:

CASE NO. CU-91

The NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas; except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning, generally located at the southwest corner of 37th Street North and West Street.

is hereby approved subject to the following conditions:

~~OPERATIONS~~

1. The applicant dedicating 75 feet of half-street right-of-way for 37th Street beginning at the center line of West Street; thence west a distance of 350 feet, and dedicating 50 feet of half-street right-of-way for the remaining portion of 37th Street.
2. The applicant dedicating 75 feet of half-street right-of-way for West Street beginning at the center line of 37th Street; thence south a distance of 350 feet, and dedicating 50 feet of half-street right-of-way for the remaining portion of West Street.
3. The applicant proceeding in accordance with the Operational Plan approved by the Metropolitan Area Planning Commission and redeveloping the sand pit as has been generally approved by the Planning Commission on the Redevelopment Sketch Plan.
4. A minimum 58-inch high fence being constructed and maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - a. A 48-inch or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48-inch or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation. A performance bond in the amount of \$12,500 shall be submitted prior to the publication of the resolution, to guarantee the construction of the fence.

~~2~~ Conditions

5. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
6. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
7. The applicant submitting a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
8. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet the approval of the Wichita-Sedgwick County Flood Control office and the County Engineer, and shall be according to the specifications and standards of these authorities.
9. No recreational activities such as boating, fishing, skiing, etc., being permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
10. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
11. The excavation not approaching 37th Street, West Street, or the south and west property lines nearer than the 250 feet as indicated on the Operational Sketch Plan.
12. The applicant complying with Conditions No. 1, 2 and 7 prior to the publication of the resolution effectuating the conditional use.
13. The property being platted prior to the issuance of any zoning permits other than those necessary for the proposed sand and gravel extraction operation.
14. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION 2. That upon the taking effect of this resolution, the location of such conditions, and Approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the office of the County Zoning Administrator and in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this resolution shall take effect and be enforceable from and after its adoption and publication in the official County paper.

WITNESSED at Sedgwick County, Kansas, this 3 day of August 1966



Tom Scott
Ed Albert
Thyl Schindler

H. O. Williams
276

(1-T)

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we DOLESE BROS. CO. as Principal and The Continental Insurance Company as Surety, are held and firmly bound unto the County of Sedgwick and State of Kansas in the sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500), for payment of which well and truly to be made, we bind ourselves, our successors and assigns jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Said Principal will make the following improvements as set forth, to be done and performed in accordance with the plans, specifications and provisions determined by the County of Sedgwick for the development of the following described property, to-wit:

The NE/4 of Section 35, Township 26 South, Range 1 West, Sedgwick County, except the North 600 feet of the East 600 feet thereof,

all in accordance with the conditional use of said property in accordance with Permit CU-⁹¹~~121~~ as approved by the Board of Commissioners of the County of Sedgwick,

NOW, THEREFORE, the said Principal, DOLESE BROS. CO., shall perform the following obligations and conditions:

1. A minimum 58-inch high fence being constructed and maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48-inch or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48-inch or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation. A performance bond in the amount of \$12,500 shall be submitted prior to the publication of the resolution, to guarantee the construction of the fence.

2. Reimbursement to the County of Sedgwick at an actual cost figure, of costs and expenses related to the preparation of plans and specifications and inspection of construction of the above listed projects.

NOW, THEREFORE, if the said Principal shall fully and faithfully erect said fence in accordance with said specifications, then this obligation shall be void; otherwise to remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated. If such fence is not erected prior to the conditional uses of the property in accordance with said permit, then the County may declare said bond forfeited and may use the proceeds thereof to the extent necessary to build such fence out of the forfeited bond funds.


The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefor, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24th day of September, 1970.

DOLESE BROS. CO., a partnership

By The Dolese Company, a Corporation

ATTEST:


Edward C. ...
Assistant Secretary

By John M. Dolese
Vice President

PARTNER

Principal

The Continental Insurance Company

By W. ...
Attorney-in-Fact Surety

THE CONTINENTAL INSURANCE COMPANY

80 Maiden Lane, New York, New York 10038

GENERAL POWER OF ATTORNEY

Know all men by these Presents, That THE CONTINENTAL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

J. W. Crist of Oklahoma City, Oklahoma

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of Fifty Thousand (\$50,000.) Dollars.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of THE CONTINENTAL INSURANCE COMPANY on the 17th day of October, 1967 as amended April 20th, 1961:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or any Vice President of the Company, be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of THE CONTINENTAL INSURANCE COMPANY, bonds, undertakings and all contracts of suretyship; and that any Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, THE CONTINENTAL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Secretaries this 31st day of March, 1969.

THE CONTINENTAL INSURANCE COMPANY

By

Attest:


Secretary




Vice-President

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

On this 31st day of March, 1969, before me personally came Carroll R. Young, to me known, who being by me duly sworn, did depose and say that he resides in Springfield, in the County of Union, State of New Jersey, at 66 Spring Brook Road; that he is a Vice-President of THE CONTINENTAL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:



CERTIFICATE



LILLIAN BRYSON
Notary Public, State of New York
No. 41-0474050
Qualified in Queens County
Certificate Filed in New York County
Term Expires March 30, 1971

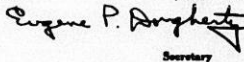
I, the undersigned, a Secretary of THE CONTINENTAL INSURANCE COMPANY, a New York corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the City of New York. Dated the

day of _____, 19

11 Bond 4318B




Secretary

Printed in U.S.A.

DEDICATION

WISC BOOK 593 PAGE 248

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Dolese Bros. Co., a corporation

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

Beginning at the northeast corner of the northeast Quarter of Section 35, Township 26, South, Range 1, West of the 6th P. M.; the ea... fifty (50) feet; thence east parallel to and fifty (50) feet south of the north line of said northeast Quarter to a point three hundred (300) feet west of the east line of said northeast Quarter; thence south course five (5) feet; thence east parallel to and seventy-five (75) feet south of the north line of said northeast Quarter to the east line of said northeast Quarter; thence north to the point of beginning;

STATE OF KANSAS 1966
SEDGWICK COUNTY
FILED FOR RECORD AT
A. M.

FEB 1 1967
1910
RUFUS E. DEERING
REGISTER OF DEEDS
J. Deering

ENTERED ON
TRANSFER RECORD

DEC 14 1966

W. O. WILLIAMS
COUNTY CLERK

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 31st day of October, 1966.

Submitted to the Wichita - Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

the JAN 24 1967 1967

[Signature]
City Clerk

Attest:
[Signature]
Assistant Secretary J. R. Spear
STATE OF KANSAS
SEDGWICK COUNTY) SS

Dolese Bros. Co.

By Troy Shelton
Executive Vice President
Troy Shelton

BE IT REMEMBERED, that on this 31st day of October, 1966, before me a Notary Public in and for the said county and State cases

Troy Shelton, executive Vice President of Dolese Bros. Co., a corporation.

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

[Signature]
Notary Public
Patricia A. Shurley

My Commission expires March 10, 1967
Form #42-033
[Signature]
City Clerk

West Street

D E D I C A T I O N

Approved by Notary Public
JAN 24 1967

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Doless Bros. Co., a corporation

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

Beginning at the northeast corner of the Northeast Quarter of Section 35, Township 24, South, Range 1, West of the 6th P. M., thence south to the southeast corner of said Northeast Quarter; thence west fifty (50) feet; thence north parallel to and fifty (50) feet west of the east line of said Northeast Quarter to a point three hundred fifty (350) feet south of the north line of said Northeast Quarter; thence west twenty-five (25) feet; thence north parallel to and seventy-five (75) feet west of the east line of said Northeast Quarter to the north line of said Northeast Quarter; thence west to the point of beginning.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:02 4:11
FEB 1 1967
NO. 1911
RUFUS E. DEERING
REGISTER OF DEEDS
P. O. Shelton

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 31st day of October, 1966.

Submitted to the Mayor, Sedgwick County Metropolitan Fire-Fighting Department and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas.

Doless Bros. Co.

By Troy Shelton
Executive Vice President
Troy Shelton

JAN 24 1967
Rufus E. Deering
City Clerk

Attest:
J. R. Spear
Assistant Secretary J. R. Spear
SEDGWICK COUNTY, KS

BE IT REMEMBERED, that on this 31st day of October, 1966, before me a Notary Public in and for the said County and State came

Troy Shelton, Executive Vice President, of Doless Bros. Co., a corporation

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Patricia A. Shurtler
Notary Public
Patricia A. Shurtler

My Commission expires December 10, 1975
City Clerk
Rufus E. Deering

Form #42-033

NOV 593 1967

STATE OF KANSAS F.S.
SEDGWICK COUNTY
FILED FOR RECORD AT
AUG 22 1967
NO. 17530
RUFUS E. DEERING
REGISTER OF DEEDS

RESTRICTIVE COVENANT

WE, the undersigned, Dolese Bros. Co., fee owners of
the following described realty, to-wit:

The NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West
of the 6th P.M., Sedgwick County, Kansas, except the
north 600 feet of the east 600 feet of said quarter-
section,

Original Compared
With Record

hereby make the following declaration as to restrictions, limita-
tions, and use of said realty, and that said declaration shall
constitute covenants running with the land and shall be binding
upon all owners and their heirs, successors and assigns:

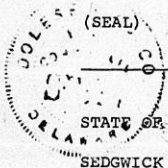
"No rubbish, car bodies or any other foreign matter
shall be deposited within the excavation made in the
removal of sand or gravel on said premises at any time".

The above restriction and agreement shall be deemed
covenants running with the land and shall not be amended, deleted
or changed.

IN WITNESS WHEREOF, Dolese Bros. Co. has executed this
covenant on the 15th day of August, 1967.

DOLESE BROS. CO.
By Troy A. Helton
Executive Vice President

ATTEST:



I.R. Spaul
Assistant Secretary

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 15th day of August,
1967, before me, a Notary Public, in and for said County and State
came Troy A. Helton, Executive Vice President of Dolese Bros.
Co. to me personally known to be the same person who executed the
foregoing instrument and duly acknowledged the execution of the
same, for and on behalf, and as the act and deed of said Company.

7TC 83.847 4.00

IN WITNESS WHEREOF, I have hereunto subscribed my name
and affixed my official seal, the day and year last above written.



Patricia A. Shurley

Notary Public

Patricia A. Shurley

My Commission Expires:

3-10-70

Report from the MAPC to the Board of County Commissioners

Case No. CU-91

Considered by M.A.P.C. 7-7-66

Request for: **Conditional Use Permit**

Reason for request (as provided by petitioner):

To establish a sand extraction operation.

Location of property: **Generally located at the southwest corner of 37th Street North and West Street**

Legal description of property:

NE $\frac{1}{4}$ of Section 35. Township 26 South, Range 1 West, Sedgwick County, Kansas; except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning.

Petitioner: **R. Bruce and Ann V. Petrie**
Address: **6014 East 8th**

Counsel for petitioner: **Don Bottenberg, Agent**

Protesters (list counsel, if any): **None**

Surrounding zoning: **To the north and east is "R-1" and "LC"; south and west is "R-1"**

Land use: **Subject property and that to the north, south and west is farm land. East is farm, farm house and single family.**

Planning Commission recommendation:

TROUT moved and BLASER seconded that the Planning Commission recommend to the Board of County Commissioners that this application be approved, subject to the following:

(See Attached Sheet for Conditions)

Respectfully submitted,

Vote of Planning Commission Unanimous

_____ Secretary

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission; or
2. Deny the application.

Conditions to Approval

1. The applicant dedicating 75 feet of half-street right-of-way for 37th Street beginning at the center line of West Street; thence west a distance of 350 feet, and dedicating 50 feet of half-street right-of-way for the remaining portion of 37th Street.
2. The applicant dedicating 75 feet of half-street right-of-way for West Street beginning at the center line of 37th Street; thence south a distance of 350 feet, and dedicating 50 feet of half-street right-of-way for the remaining portion of west Street.
3. The applicant proceeding in accordance with the Operational Plan approved by the Metropolitan Area Planning Commission and redeveloping the sand pit as has been generally approved by the Planning Commission on the Redevelopment Sketch Plan.
4. A minimum 58-inch high fence being constructed and maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48-inch or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48-inch or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48-inch or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation. A performance bond in the amount of \$12,500 shall be submitted prior to the publication of the resolution, to guarantee the construction of the fence.

5. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
6. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
7. The applicant submitting a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
8. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet the approval of the Wichita-Sedgwick County Flood Control office

and the County Engineer, and shall be according to the specifications and standards of these authorities.

9. No recreational activities such as boating, fishing, skiing, etc., being permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
10. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
11. The excavation not approaching 37th Street, West Street, or the south and west property lines nearer than the 250 feet as indicated on the Operational Sketch Plan.
12. The applicant complying with Conditions No. 1, 2 and 7 prior to the publication of the resolution effectuating the conditional use.
13. The property being platted prior to the issuance of any zoning permits other than those necessary for the proposed sand and gravel extraction operation.
14. Any violation of conditions attached shall declare the conditional use permit null and void.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 7, 1966:

- "26. Case No. CU-91 - R. Bruce and Ann V. Petrie request a Conditional Use Permit to establish a sand extraction operation on property described as the NE $\frac{1}{4}$ of Section 35, Township 26 South, Range 1 West, except a tract described as follows: Beginning at the northeast corner of said NE $\frac{1}{4}$; thence west 600 feet; thence south 600 feet; thence east 600 feet; thence north 600 feet to the point of beginning. Generally located at the southwest corner of 37th Street North and West Street.

GALBRAITH pointed out the area on the map and reviewed the following staff report.

Comments

1. The applicant is requesting a Conditional Use to permit the extraction of sand and gravel on approximately a quarter section of land located at the southwest corner of 37th Street and West Street.
2. The northwest Wichita area is not experiencing much residential development and the area has been projected for sparse residential development in the next 20 years. The primary reason for the sparse residential development is that there is poor access into the area due to being cut off by the Big Ditch and the I-235 by-pass.
3. Several sand pit operations are presently in existence in close proximity to the south of this site and the Brooks Tract, the recently approved sanitary landfill site, is located a short distance to the north. It is the opinion of the Planning Department that in view of the existing development in the area and that no residential development is projected for this area in the

B-11A
35
265
1W

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT. THE FORM MUST BE COMPLETED AND FILED AT THE PLANNING DEPARTMENT, ROOM 402, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, IN ACCORDANCE WITH DIRECTIONS ON THE ACCOMPANYING INSTRUCTION SHEET. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. NAME OF APPLICANT OR APPLICANTS AND/OR THEIR AGENT OR AGENTS. ALL OWNERS OF ALL PROPERTY REQUESTED TO BE CONSIDERED IN THIS APPLICATION MUST BE LISTED IN THIS ITEM.

A. APPLICANT R. Bruce Petrie and Ann V. Petrie

ADDRESS 6014 E. 8th PHONE MU 4-6550

AGENT Don Bottenberg

ADDRESS Beacon Building PHONE AM 4-5031

B. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

C. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

(USE SEPARATE SHEET IF NECESSARY FOR NAMES OF ADDITIONAL APPLICANTS).

II. THE APPLICANT PROPOSES TO ESTABLISH A sand extraction operation

(USE)

ON PROPERTY LEGALLY DESCRIBED AS LOT(S) n/a

n/a, BLOCK(S) n/a OF THE

n/a ADDITION.

(IF APPROPRIATE, METES AND BOUNDS DESCRIPTION MAY BE PROVIDED IN THE SPACE BELOW OR ON AN ATTACHED SHEET).

Northeast Quarter (NE/4) of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas, except a tract described as follows: Beginning at the Northeast Corner of said Northeast Quarter (NE/4); thence West 600 feet; thence South 600 feet; thence East 600 feet; thence North 600 feet to the point of beginning.

iii. THIS PROPERTY IS LOCATED AT (ADDRESS) Southwest corner of West St. and 37th St. North
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Southwest CORNER OF West St. AND
37th St North, OR

B. ON THE n/a SIDE OF n/a (AVENUE)
STREET BETWEEN n/a (AVENUE) STREET AND
n/a (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1
(ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

The area is extremely well suited for this type of operation, the property is large enough to permit sand extraction without the operation interfering with surrounding owners. There is already truck traffic in the area to and from the City's land fill operation to the North.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

By _____
AUTHORIZED AGENT (IF ANY)

6/9/66 R. Bruce Petre
By Neil Butcher
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

By _____
AUTHORIZED AGENT (IF ANY)

A tr in W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 36, Twp 26, R 1 W
desc as fol: Beg at SW cor sd NW $\frac{1}{4}$;
th N 120'; E 360'; S 120'; W 360' to
beg.

✓ James E. & Mary M. Williams, ux
~~No Address Available~~
3400 N. West St.

S 1000 ft of the W 1000 ft of the SW $\frac{1}{4}$
of the SW $\frac{1}{4}$ of Sec 25, Twp 26, R 1 W.

✓ James Miller & Lillian Marie Miller, ux
R # 7, Box 183, Wichita, Ks.

S 1000 ft of the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 26, Twp 26,
R 1 W.

✓ Redding H. Parkinson
135 S. St. Clair

S 1000 ft of E 1000 ft of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec
26, Twp 26, R 1 W.

✓ John W. Woodman
R # 7, Wichita, Ks.

N 1000 ft of E 1000 ft of NE $\frac{1}{4}$ of SW $\frac{1}{4}$
Sec 35, Twp 26, R 1 W.

✓ Della M. Oldfather
2101 W. Douglas

Dated at Wichita, Kansas this 25th day of
May, 1966 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By *Elvie M. Farrell*
Sec. OEM

Tracer # 76007

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
Conditional Use	\$35 ⁰⁰

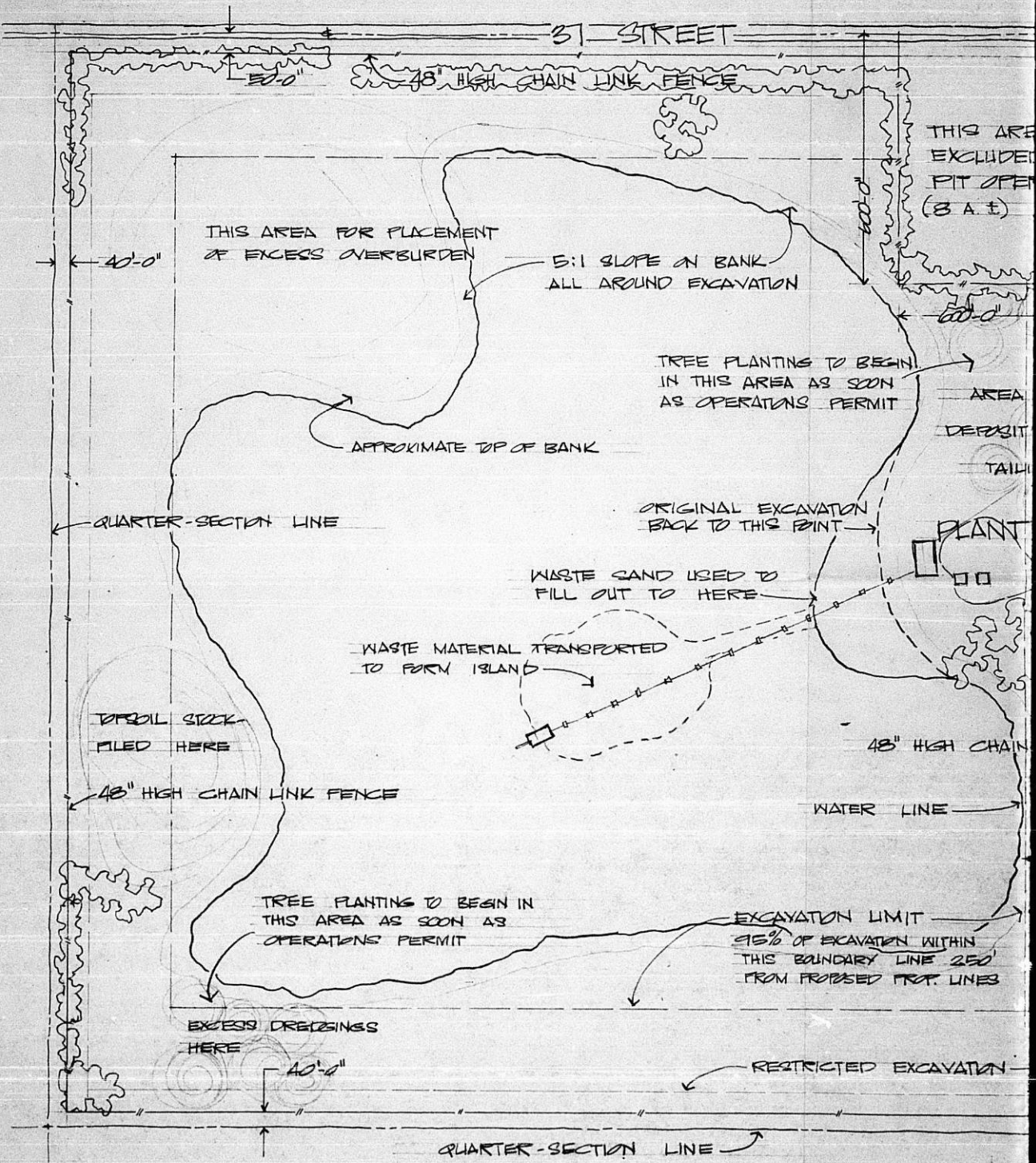
Name Cosmbs + Dye

Address 911 Beacon Bldg

Type R-712 Dwg Date

Comments:

Date 6-10-66 By Jan Murray



31 STREET

THIS AREA FOR PLACEMENT OF EXCESS OVERBURDEN

5:1 SLOPE ON BANK ALL AROUND EXCAVATION

THIS AREA EXCLUDED PIT OFF (3 A ±)

TREE PLANTING TO BEGIN IN THIS AREA AS SOON AS OPERATIONS PERMIT

APPROXIMATE TOP OF BANK

ORIGINAL EXCAVATION BACK TO THIS POINT

WASTE SAND USED TO FILL OUT TO HERE

WASTE MATERIAL TRANSPORTED TO FORM ISLAND

DRAINAGE STOCK PILED HERE

AREA DEPOSIT TAIL

PLANT

48" HIGH CHAIN LINK FENCE

48" HIGH CHAIN LINK FENCE

WATER LINE

TREE PLANTING TO BEGIN IN THIS AREA AS SOON AS OPERATIONS PERMIT

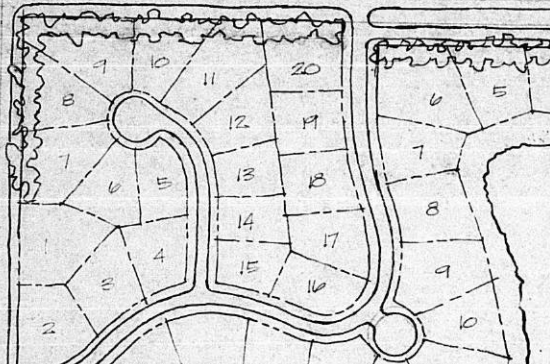
EXCAVATION LIMIT 95% OF EXCAVATION WITHIN THIS BOUNDARY LINE 250' FROM PROPOSED FROST LINES

EXCESS DREDGINGS HERE

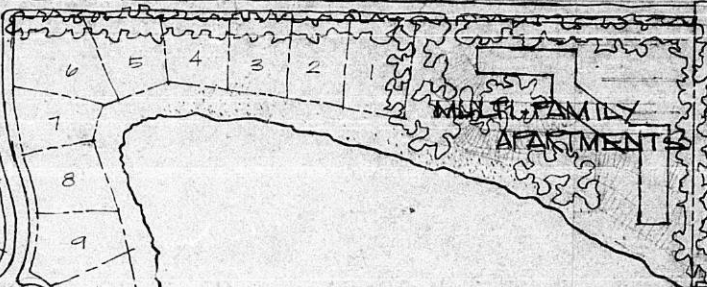
RESTRICTED EXCAVATION

QUARTER-SECTION LINE

SI STREET



SINGLE FAMILY RESIDENCES

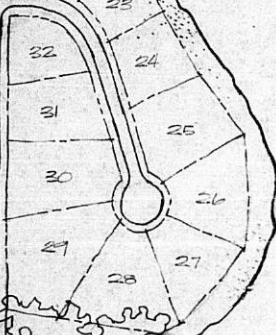
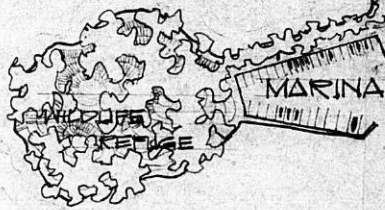


MULTI-FAMILY APARTMENTS

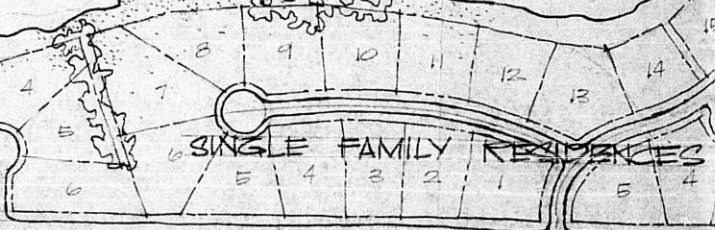


LAKE, SHORELINE, & PARK MAINTAINED BY HOMES ASSOC.

PRIVATE CLUB (PRIVATELY OPERATED & MAINTAINED)



NEIGHBORHOOD PLAYFIELD PARK RECREATION AREA

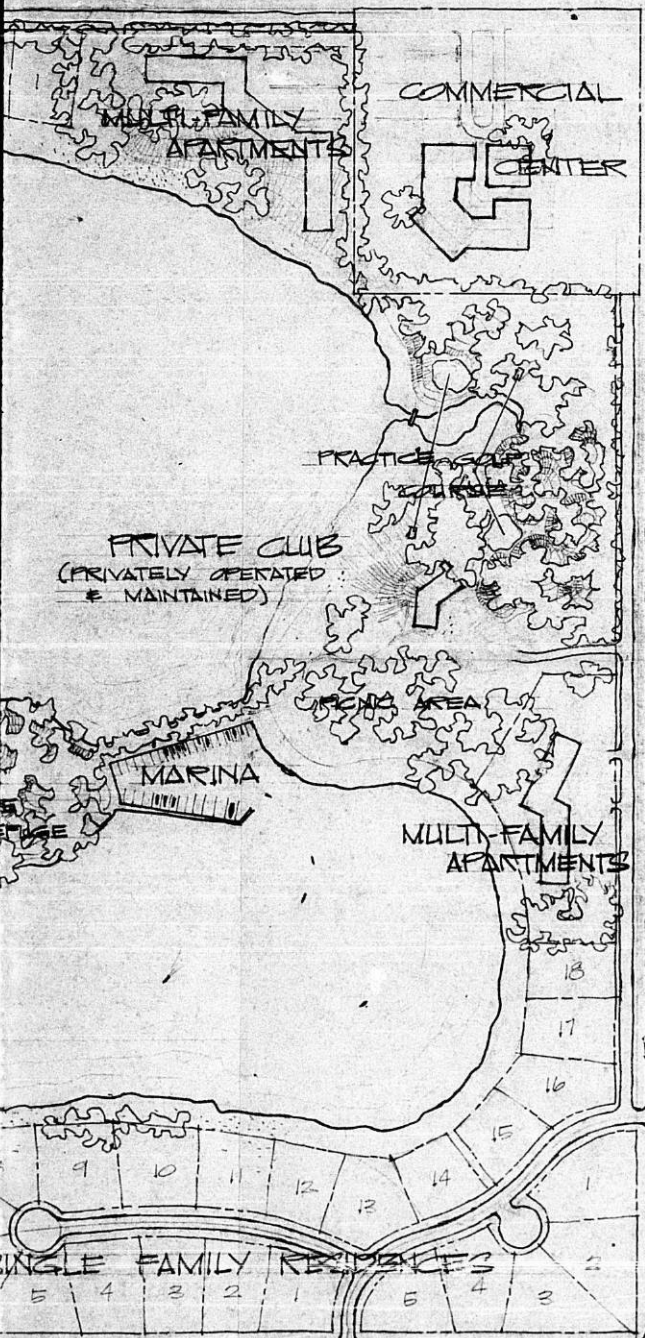


SINGLE FAMILY RESIDENCES

FUTURE COLLECTOR STREETS

NW COR, SEC 35, T26S, R1W

STREET



NOTES:

- THIS PLAN WAS DERIVED THROUGH A STUDY OF THE POSSIBILITIES AND LIMITATIONS OF THIS SITE, AS WELL AS THE OPERATIONAL PROCEDURES.
- IT IS INTENDED TO SHOW THE RANGE OF DEVELOPMENT THAT COULD TAKE PLACE AND DESIRABLE LOCATIONS FOR EACH USE.

REDEVELOPMENT SKETCH PLAN

DOLESE BROS CO.

SCALE 1" = 200'
20 JUNE 1966



PREPARED BY OBLINSKI+SMITH
LANDSCAPE ARCHITECTS + PLANNERS