

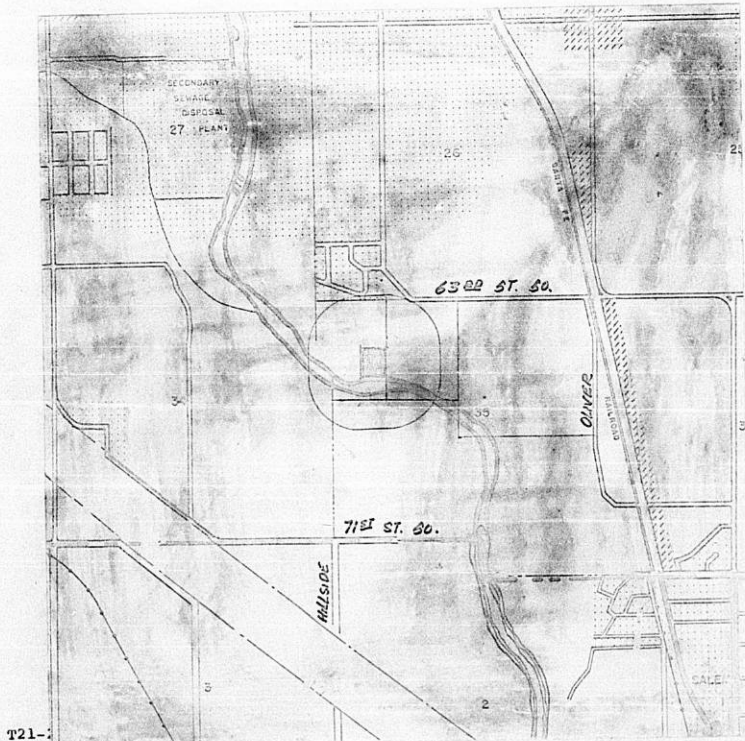
Map No. N-7-D
Sec. 35
Twp. 28S
Range 1E

Z-
SC2- 0202
CU- 95
Filed 12-9-66

- APPLICATION DATA: From _____ to _____
1. Applicant: Associated Materials & Supply Co., Inc.
Address 6015 North Broadway Phone SH 4-0433
 2. Agent: Justus H. Fugate
Address 715 Beacon Building Phone FO 3-0141
 3. General Location: In an area one mile west of Oliver lying between 63rd St. South and the Arkansas River Address _____
 4. Proposed Use: Conditional Use Permit for Establishment of Sand & Gravel Processing Plant

- AREA DATA:
1. Acres: 2.1 (500 ft. by 800 ft.)
 2. Adjoining Zoning: E "R" S "R" W "R" N "R-1"
 3. Land Use: East Vacant South River
West Vacant North Vacant
 4. Sketch Plan Land Use is for: N/A
 5. Present Land Use is for: Vacant
 6. Area 130 (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



(462) (Published in The Wichita Beacon on March 9, 1967)

RESOLUTION

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A TEMPORARY SAND AND GRAVEL PROCESSING PLANT 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 THE AUTHORITY GRANTED BY SECTION 9.A.5.a 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 I. 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 the authority granted by Section 9.A.5.a and Section 11.E of the Zoning Resolution, as amended, a temporary Conditional Use Permit to allow the establishment of a sand and gravel processing plant to December 31, 1967, is hereby approved, subject to no excavation taking place on the application area and that in the event State approval is not granted permitting sand excavation from the Arkansas River the application will be null and void, on the following described property:

CASE NO. CU-95

Establishment of a Sand and Gravel Processing Plant in the "F" Light Industrial Zoning District

Beginning at a point 905.75 feet south of the northeast corner of Government Lot 2, Section 35, Township 28 South, Range 1 East, Sedgwick County, Kansas; thence west parallel with the north line of said Government Lot 2 a distance of 500 feet; thence south to a point on the established bank line of the Arkansas River; thence southeasterly along said established bank line of the Arkansas River to its intersection with the

east line of said Government Lot 2; thence north on said east line of said Government Lot 2 to the point of beginning, containing 5.45 acres, more or less. Generally located in an area one mile west of Oliver and lying between 63rd Street South and the Arkansas River.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use 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 III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 15th day of February, 1967.

Tom Scott Chairman
Charles Peter Commissioner
Lybil Schwab Commissioner

ATTEST:

Marie Warden
County Clerk
by H. J. W. Dep.
(SEAL)

RESTRICTIVE COVENANTS

The ASSOCIATED MATERIALS AND SUPPLY COMPANY, INC., a Kansas Corporation, hereby stipulates, covenants and agrees:

(a) that it will consent to a change in zoning from E-Light Industrial to R-Rural Residential of the property owned by this Corporation in Sedgwick County, Kansas, described as follows:

Beginning at a point 905.75 feet South of the NE corner of Government Lot 2, Section 35, Township 28 S of Range 1 East, Sedgwick County, Kansas, thence West parallel with North line of said Lot 2 a distance of 500 feet, thence South to a point on the established bank line of the Arkansas River, thence South easterly along said established bank line of the Arkansas River to its intersection with the East line of said Government Lot 2, thence North on said East line of said Government Lot 2, to the point of beginning containing 5.45 acres more or less,

upon a petition being filed for such a change by the Wichita-Sedgwick County Metropolitan Area Planning Commission within a reasonable time after January 1, 1968;

(b) that this Corporation does hereby expressly waive and surrender any "non-conforming use" rights which it might otherwise have acquired in connection with its ownership and use of said property during the period of time said property was zoned E-Light Industrial by action of the Board of County Commissioners of Sedgwick County, Kansas, in Case #SCZ-0202;

(c) that this Corporation will remove, or cause to be removed, from said property above described the asphalt plant and the sand and gravel processing plant on or before December 31, 1967;

(d) that the above and foregoing agreements and stipulations are and shall be deemed covenants running with the land above described until each of them shall have been fulfilled, performed or shall have occurred.

IN WITNESS WHEREOF, Associated Materials and Supply Company, Inc. have caused this instrument to be signed by its President and attested by its Secretary and its corporate seal hereto attached this _____ day of _____, 1967.

ASSOCIATED MATERIALS AND SUPPLY
COMPANY, INC.

By: _____
Its President

ATTEST:

Secretary

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this _____ day of _____, 1967, before me the undersigned, a Notary Public in and for the County and State aforesaid, came David L. Stannard, President of Associated Materials and Supply Company, Inc. a Corporation, to me personally known to be the same person who executed the within instrument as President, for and on behalf of, and as the act and deed of said corporation.

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

Notary Public

My Commission expires:



RESTRICTIVE COVENANTS

The ASSOCIATED MATERIALS AND SUPPLY COMPANY, INC., a Kansas Corporation, hereby stipulates, covenants and agrees:

(a) that it will consent to a change in zoning from E-Light Industrial to E-Rural Residential of the property owned by this Corporation in Sedgwick County, Kansas, described as follows:

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upon a petition being filed for such a change by the Wichita-Sedgwick County Metropolitan Area Planning Commission after January 1, 1968;

(b) that this Corporation does hereby expressly waive and surrender any "non-conforming use" rights which it might otherwise have acquired in connection with its ownership and use of said property during the period of time said property was zoned E-Light Industrial by action of the Board of County Commissioners of Sedgwick County, Kansas, in Case #SCZ-0202;

(c) that this Corporation will remove, or cause to be removed, from said property above described the asphalt plant and the sand and gravel processing plant on or before December 31, 1967;

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IN WITNESS WHEREOF, Associated Materials and Supply Company, Inc. have caused this instrument to be signed by its President and attested by its Secretary and its corporate seal hereto attached this _____ day of _____, 1967.

ASSOCIATED MATERIALS AND SUPPLY
COMPANY, INC.

By: _____
Its President

ATTEST:

Secretary

