

ACTION

	DATE
<i>Planning</i> Hazardous COMMISS. Derby PC. <i>no further investigation</i>	6-25-81
M.A.P.C. <i>Approved subject</i>	7-9-81
<i>Approved conditions</i>	7-16-81
B.C.C.T.B. CO. C. <i>Approved to</i> <i>Abandoned</i>	8-12-81
Derby PC <i>Approved with</i> <i>to recommended conditions</i>	7-23-81
	<u>Closed</u>

CU-247 - Marion W. Wood, et al
requests Conditional Use Permit
to Establish an Earth Borrow
Operation for the extraction of
Sand on property zoned
"R" Rural Residential. Generally
located on the south side of 63rd

Map No. 5640B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(XXXXXX CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 247
Filed 6-12-81

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Marion and Olive Louise Wood
Address R.R. 5, Box 631, Springfield Mo. 67803 Phone _____
2. Agent: Barbara J. Fry
Address 3946 South Broadway, Wichita 67216 Phone 522-9924
3. General Location: South side of 63rd St. South, in an area between
Clifton and the Arkansas River. Address _____
4. Proposed Use: _____

- AREA DATA:
1. Acres: 13.5 (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "R-1" S "R" W "R"&"R-1" N "R-1"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PROCEDURE DATA:

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

Date	Action
HAYSVL PC 6-25-81	<u>Approved sub to amended conditions</u>
DERBY P.C. 7-9-81	<u>By opinion - Concurred with conditions</u>
MAPC: 7-16-81	<u>Approved sub to amended conditions</u>
DERBY 7-23-81	<u>Approved sub to amended conditions</u>

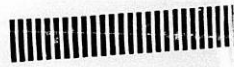
3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>8-12-81</u>	<u>Approved as recommended</u>	<u>8-31-81</u>

NOTES: 8-20-81 - Mailed Copy of Resolution (unsigned) to
Thomas D. Borniger, Curfman, Harris - Wajane
Suite 800, First Natl Bank Bldg, 67202

METROPOLITAN AREA PLANNING DEPARTMENT
104 SOUTH MAIN
WICHITA, KANSAS 67202

BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO. 3802 - WICHITA, KANSAS



Map No. 5640B
Sec. 5037A
Twp. _____
Range _____

~~ZONING~~ DATA SHEET
(~~ZONING~~ CONDITIONAL USE)

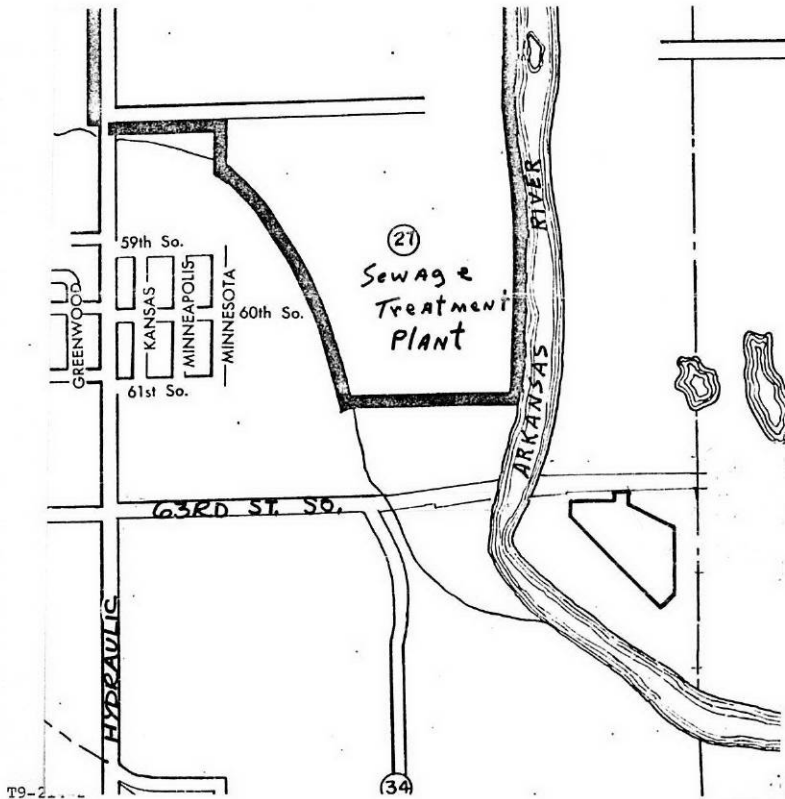
Z- _____
SCZ- _____
CU- 247
Filed 6-12-81

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- APPLICATION DATA: From _____ to _____
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Address R.R. 5, Box 631, Springfield, Mo. 67803 Phone _____
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 2. Adjoining Zoning: E "R-1" S "R" W "R"S"R-1" "R-1"
 3. Land Use: East _____ South _____
West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



SHOT BY @ 6-29-81 3PM

REFERRAL FROM WICHITA-SEGGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO HAYSVILLE CITY PLANNING COMMISSION.

CASE NO. CU-247 TO BE HEARD BY THE M. A. P. C. ON 7-16-81

REQUEST FOR Conditional Use permit for extraction of raw materials

REASON FOR REQUEST (AS PROVIDED BY PETITIONER):

Create a ten acre private lake

LOCATION OF PROPERTY: South side of 63rd Street South in an area
approximately 1/2 mile west of Clifton

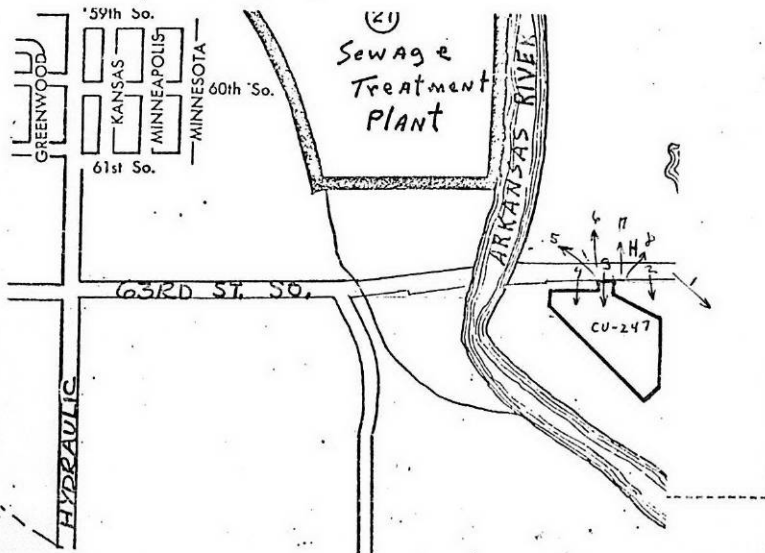
LEGAL DESCRIPTION OF PROPERTY:

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded on Film 215 at Page 1009 and the East line of said government Lot 4; thence West along the South line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 feet; thence Southeasterly with a deflection angle to the left of 63° 56' 47" 500.9 feet; thence South with a deflection angle to the right of 63° 56' 47" 665 feet; thence Southwesterly with a deflection angle to the right of 45° 180'; thence Northwesterly at right angles 1234.21 feet; thence North with a deflection angle to the right of 45° 139.56 feet; thence East at right angles 430 feet; thence North at right angles 115 feet to the South line of said 63rd Street South; thence East 115 feet to the place of beginning.

APPLICANT: Marion and Olive Louise Wood
Address: R.R. 5, Box 631, Springfield, MO 67803

AGENT FOR APPLICANT: Barbara J. Fry
Address: 3946 South Broadway, Wichita, KS 67216

Surrounding Land Use: Undeveloped



TAN AREA PLANNING COMMISSION

P. C. ON 7-16-81

raw materials

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South in an area

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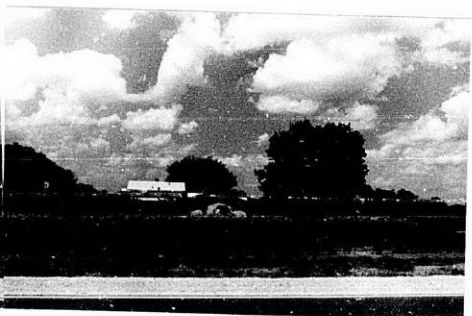
5



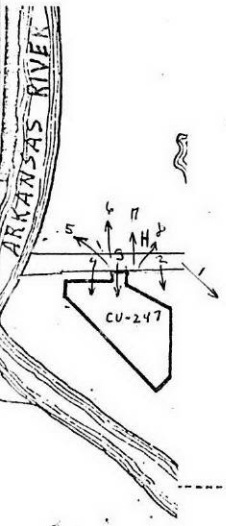
6



7



8



PICTURE SHEET FOR CU-247

IMPORTANT MESSAGE

FOR Jack
DATE 9-11-46 TIME 8:29 A.M.
P.M.

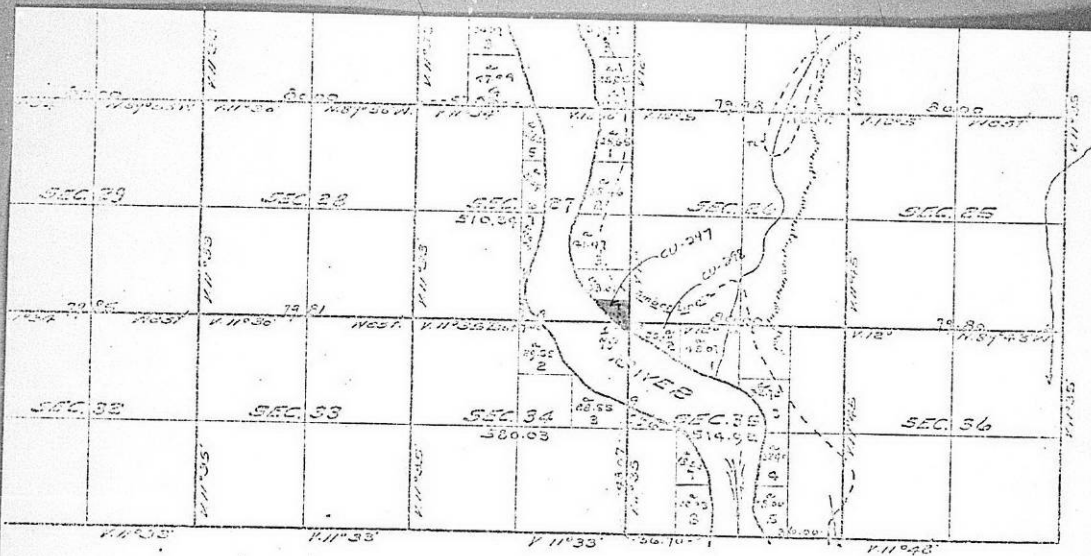
WHILE YOU WERE AWAY

OF Richard Hartman
Frederick Trucking Co.
PHONE No. 463-1959

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE CV-247

SIGNED [Signature]



Scale is one Inch.
to the north & east.

The above Map of Township No. 23 South of Range No. 1 East of the
6th Principal Meridian, Kansas, is a true copy of the original plat.
Surveyor General's Office
Lawrence Kan. July, 27th 1871 } C. W. BABCOCK
Surveyor General

Copied Oct. 25th 1930.
By - SANSON H. BOWEN
County Surveyor.

CU-217 410



SEDGWICK COUNTY, KANSAS
BUREAU OF PUBLIC SERVICES

1050 S. SENECA
WICHITA, KANSAS 67213-4498
(316) 268-7901

TO: Louise Olivarez, Senior Planner
Metropolitan Area Planning Department

FROM: James Weber, P.E., Engineer *JW*

DATE: September 16, 1986

SUBJ: Extension for CU-247

Please find enclosed a copy of the Floodway Map showing the location of the above referenced site. The excavation area is located in a Zone A1 Flood Hazard Area outside of the Regulatory Floodway. As a condition of approval of this case, the developer should be required to obtain a Floodplain Development Permit from this office.

In reviewing the resolution for CU-247, we note that Item h should be revised to reflect the requirements of the Floodplain Management Resolution and a new lower elevation. Item h should read as follows: The elevation of the lowest floor of any structure shall not be less than 1258 M.S.L.

JW/sd

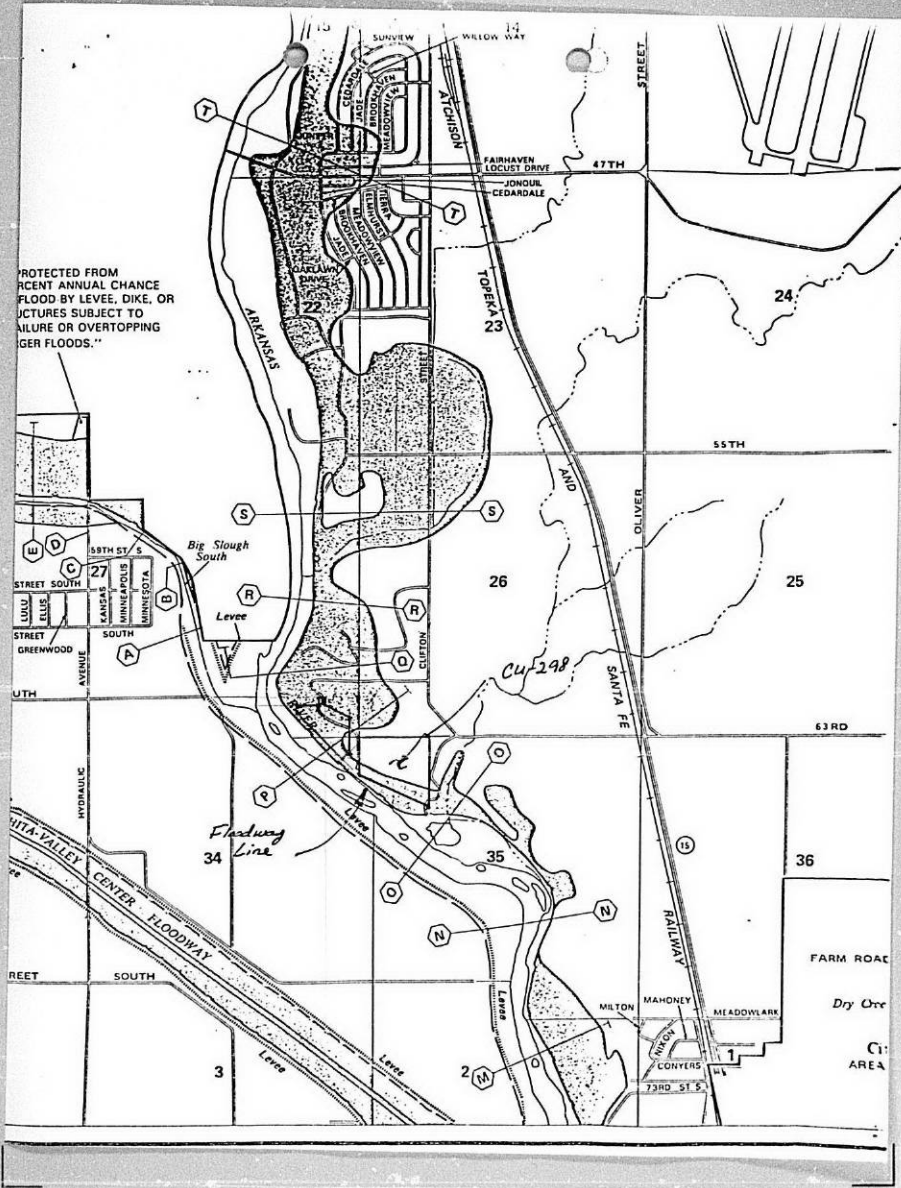
cc: Ron Worley, Planning and Code Enforcement
enclosure

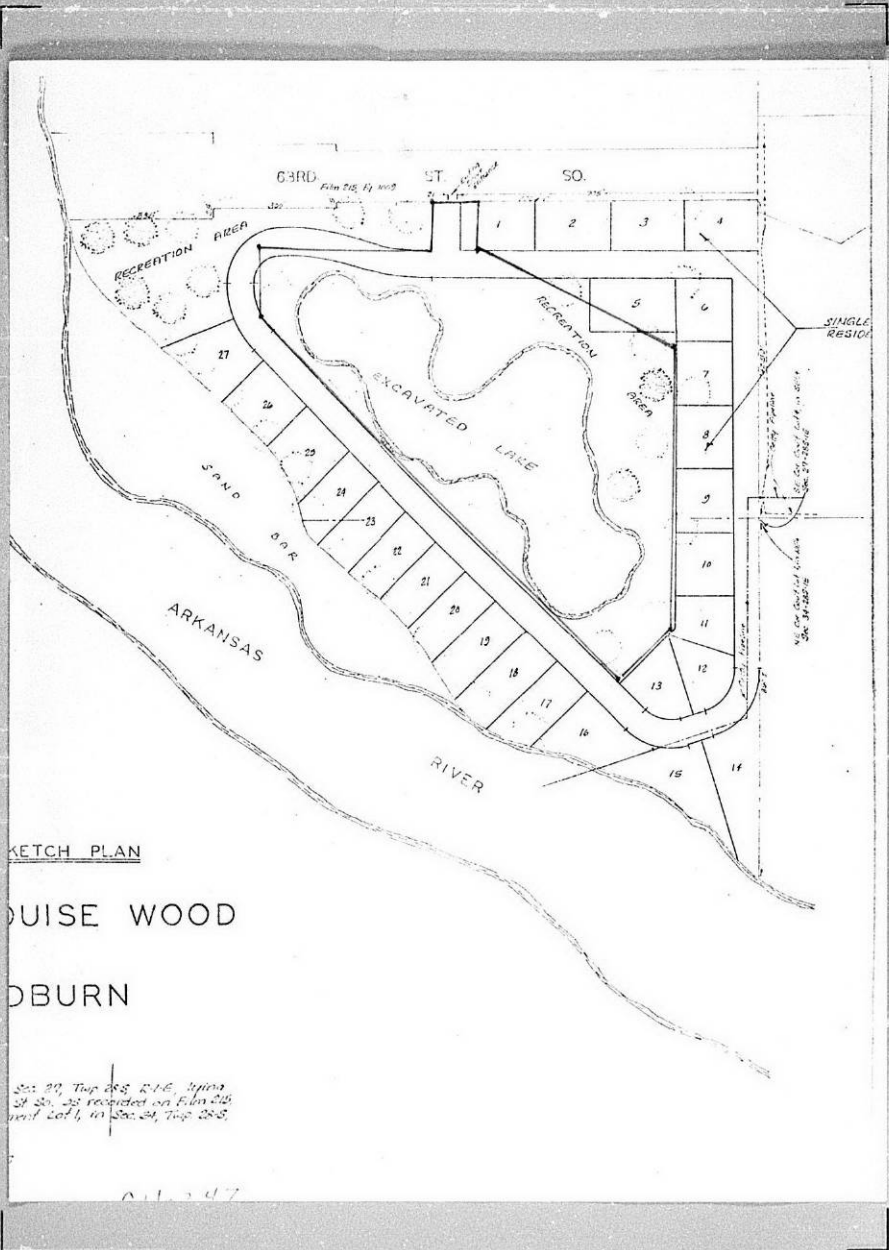
RECEIVED

SEP 17 1986

METROPOLITAN PLANNING

ROUTE





SKETCH PLAN

DUISE WOOD

DBURN

Lot 27, Top 285, S. 1/4, 27th
 Lot 25, 26 recorded on Film 225
 and Lot 4, on Lot 24, Top 285

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO HAYSVILLE CITY PLANNING COMMISSION.

CASE No. CU-247 TO BE HEARD BY THE M. A. P. C. ON 7-16-81

REQUEST FOR Conditional Use permit for extraction of raw materials

REASON FOR REQUEST (AS PROVIDED BY PETITIONER):

Create a ten acre private lake

LOCATION OF PROPERTY: South side of 63rd Street South in an area
approximately 1/2 mile west of Clifton

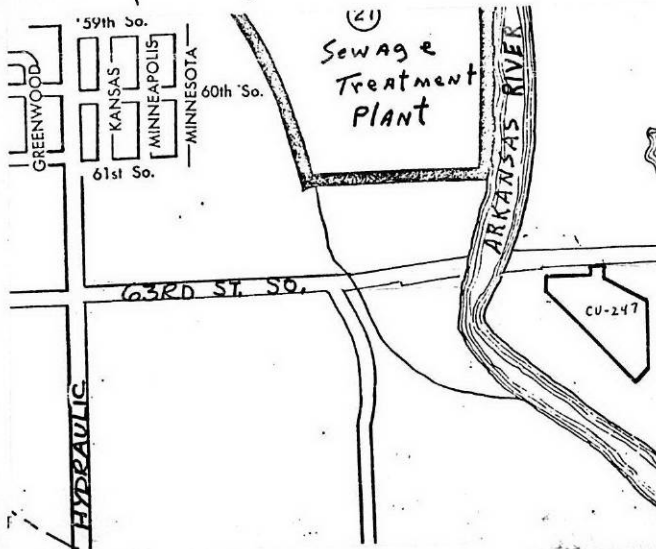
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APPLICANT: Marion and Olive Louise Wood
Address: R.R. 5, Box 631, Springfield, MO 67803

AGENT FOR APPLICANT: Barbara J. Fry
Address: 3946 South Broadway, Wichita, KS 67216

Surrounding Land Use: Undeveloped



REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION TO
DERBY CITY PLANNING COMMISSION.

CASE No. CU-247 TO BE HEARD BY THE M. A. P. C. ON 7-16-81

REQUEST FOR Conditional Use permit for extraction of raw materials

REASON FOR REQUEST (AS PROVIDED BY PETITIONER):

Create a ten acre private lake

LOCATION OF PROPERTY: South side of 63rd Street South in an area
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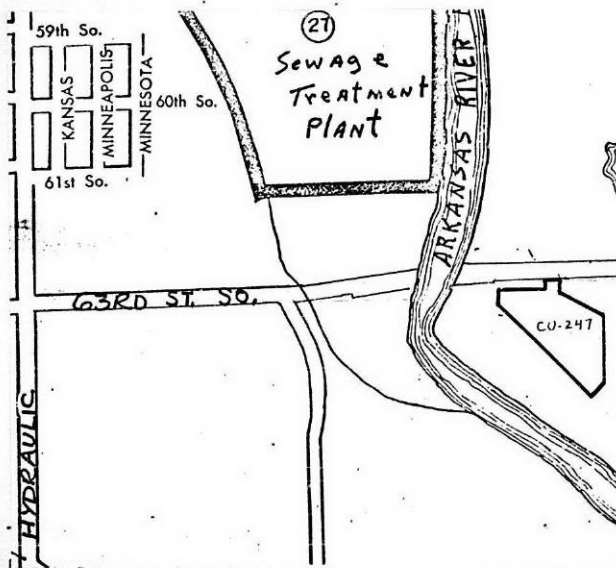
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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

HCPC HEARING DATE: 6-25-81
MCPC HEARING DATE: 7-09-81
MAPC HEARING DATE: 7-16-81

Case No. CU-247 Request: Conditional Use Permit for extraction of raw materials

Location: South side of 63rd Street South in an area approximately 1/2 mile west of Clifton.

Reason: Create a ten acre private lake.

Acres: 13.5 Size: Irregular shape

	Land Use	Zoning
Existing	Undeveloped	"R"
North	Undeveloped	"R-1"
East	Undeveloped	"R-1"
South	Undeveloped	"R"
West	Undeveloped	"R" & "R-1"

Platted: No History: None

COMMENTS:

- The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use permit for a raw materials extraction operation on an approximate 13.5 acre site located on the south side of 63rd Street South approximately one-half mile west of Clifton.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, minimum depth of the excavation and proposed fencing.

The applicant has also submitted a redevelopment plan which proposes residential lots and two open space recreation areas around the lake after the extraction operation ceases. The redevelopment area contains approximately 35 acres which includes the 13.5 acres contained in this request.

- Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:

- The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
- To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.

*30th Street
40
average*

Time frame to close pits why not limit excavation to five years

Donnie Cook spoke

*Tom Berger
future at most 5th June*

Check road out by Pw re Flood Plain

*1st motion approve as per 5 year time limit
1-8*

2nd table for clarification on second application second want to fence would not water levels

*3rd motion approve 9-0
1. 5 year time limit*

*be off right
2 change it to allow clearing & grading before fence*

- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.

→
A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:

1. A 48" or higher chain link fence with three or more strands of barbed wire; or
2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
3. A 48" 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 150 degrees facing away from the excavation.

No fence shall be required during the clearing and grading of the site prior to the excavation of sand *for date below the water table.*

- h.* Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- k.* All slopes 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.
- l.* The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- m.* Violation of conditions of approval shall render the conditional use permit null and void.
- n.* The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

h. The minimum building elevation shall not be less than 1263 MSL.

August 1, 1986

Mr. Kenneth Bradburn
Bradburn Sand Company
3201 East 63rd Street South *451 Wabash*
Wichita, KS. 67236 *67214*

RE: Conditional Use Permit Time Extension

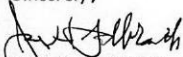
Dear Mr. Bradburn:

After receiving your letter requesting an extension of time for operation of your sand pit, I checked with the County Counselor to find out if the County Commission could grant an extension without a new public hearing first being held by the Planning Commission. He advised me that a new public hearing would be required. Therefore, a new conditional use application, with appropriate filing fee and ownership list, needs to be submitted to our office. We will then schedule your request for hearing by the Derby City Planning Commission (in whose area of influence this site is located) and the Metropolitan Area Planning Commission. Both recommendations will be forwarded to the County Commission for review and final determination.

Your neighbor to the east, Donnie Cook, has just submitted a similar request for a time extension for his sand extraction permit. That request is scheduled for review by Derby on August 7th and by MAPC on August 21st.

I have enclosed an application form for your use. Unless you wish to change your operational plan or redevelopment plan, no new prints of these plans will be needed. If you have any questions regarding this matter, please call.

Sincerely,


Jack H. Galbraith
Chief Planner

JHG/LO:blw
Enclosure

*revised 2-22
should not be 7-12 but 7-13
not revised it. No will pending.*

Bradburn Sand Company

3201 E. 63rd SOUTH • WICHITA, KS 67236 • 316/263-1959

263-1959

Jack Galbraith
Chief Planner, Current Plans
Metropolitan Area Planning Department
455 N. Main
Wichita, Ks. 67202

July 29, 1986

Bradburn Sand Company 3201 E. 63rd South Wichita, Ks.
are requesting a 5yr extention of time so that we can
complete our original plan.

This extention of time is needed because of the slow
economy that we have experienced for the past 5 years.

Bradburn Sand Company



Kenneth Bradburn

7-31-86 R. Euson said a new public hearing
(application, fee, ownership list) is
required.

R # 165-1981

(Actual copies) Published in The Wichita Eagle-Beacon on 8-31-81, 1981

R E S O L U T I O N

CASE NO. CU-247

A RESOLUTION PERMITTING A RAW MATERIALS EXTRACTION OPERATION ON PROPERTY ZONED "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.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 COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 3.A.8.f and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow a raw materials extraction operation on property zoned "R" Rural Residential District, is hereby approved on the lands legally described as follows:

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded in Film 215 at Page 1009 and the East line of said government Lot 4; thence west along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of 63°56'47" 500.9 ft.; thence south with a deflection angle to the right of 63°56'47" 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning. Generally located on the south side of 63rd Street South, in an area between Clifton and the Arkansas River.

SUBJECT TO THE FOLLOWING:

- a. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.

- b. The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
- c. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- h. The minimum building elevation shall not be less than 1263 MSL.
- i. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 - 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" 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 150 degrees facing away from the excavation.

No fence shall be required during the clearing and grading of the site prior to the excavation of sand below the water table.

- j. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- k. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- l. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- m. Violation of conditions of approval shall render the conditional use permit null and void.
- n. The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered 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 by the Board of County Commissioners at Wichita, Kansas, this 12th day of August, 19 81.

Donald E. Gragg Chairman
Donald E. Gragg

Jack Spatt Commissioner
Jack Spatt

Tom Scott Commissioner
Tom Scott



ATTEST:

Dorothy K. White by Judy Smith, Deputy
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO Donald C. Gisick, City Clerk
FROM Jack H. Galbraith, Chief Planner
SUBJECT CU-247 - Conditional Use Permit - Earth Borrow Operation for extraction of sand. Generally located on the south side of 63rd Street South, in an area approximately 1/2 mile west of Clifton.

DATE
August 13, 1981

RECEIVED

SEP 3 1981

METROPOLITAN PLANNING

ROUTE 76

Attached is a copy of a covenant which was a condition of approval on the above captioned case by the Board of County Commissioners at their meeting of August 12, 1981. This covenant should be filed of record with the Register of Deeds, with the cost being billed to the Planning Department.

755-68-360-500000-240-000-000

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:GLS:e1
Attachment

RECEIVED
OFFICE OF CITY CLERK
AUG 12 1981
 DG DR
 Agenda JE
 File

RESTRICTIVE COVENANT

MARION W. WOOD and OLIVE LOUISE WOOD, husband and wife,
hereby make the following declaration as to restrictions, limita-
tions and use of the following described real estate:

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded on Film 215 at Page 1009 and the East line of said government Lot 4; thence West along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of 63°56'47" 500.9 ft.; thence south with a deflection angle to the right of 63°56'47" 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning.

which said Declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs;

"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 a covenant running with the land and shall not be amended, deleted or changed.

IN WITNESS WHEREOF, this Restriction has been executed on this 20th day of JULY, 1981.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
M

MICROFILMED
OF RECORD

Marion W. Wood
MARION W. WOOD

AUG 18 1981
5 51135

Olive Louise Wood
OLIVE LOUISE WOOD

Bette
McCap

NO.
BETTE F. McCAP
REGISTER OF DEEDS

STATE OF Missouri }
COUNTY OF Greene } ss:

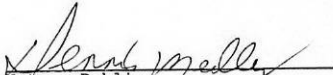
BE IT REMEMBERED that on this 20th day of JULY, 1981, before me a Notary Public in and for said County and State,

RECEIVED
OFFICE OF CITY CLERK
AUG 12 1981
 DG _____ DR _____
 Pendas _____ JE _____
 File _____

6.00 City Clerk
278 Floor City Bldg.

came Marion W. Wood and Olive Louise Wood to me personally known to be the same persons 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.


Notary Public
DENNIS HEDLEY



My Appointment Expires:
3-2-85

August 13, 1981

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

CU-247 - Conditional Use Permit - Earth Borrow Operation for extraction of sand. Generally located on the south side of 63rd Street South, in an area approximately 1/2 mile west of Clifton.

Attached is a copy of a covenant which was a condition of approval on the above captioned case by the Board of County Commissioners at their meeting of August 12, 1981. This covenant should be filed of record with the Register of Deeds, with the cost being billed to the Planning Department.

Jack H. Galbraith
Chief Planner

JHG:GLS:e1

Attachment

LAW OFFICES OF
CURFMAN, HARRIS & WEIGAND

SUITE 800 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

(316) 263-9111

LAWRENCE WEIGAND
COUNSEL

LAWRENCE E. CURFMAN
CHARLES W. HARRIS
J. L. WEIGAND, JR.
JOHN R. STALLINGS
BRIAN G. GRACE
WINDELL G. SNOW
VAN R. DELHOTEL
THOMAS D. BORNIGER
RONALD B. ROSE

July 28, 1981

RECEIVED

JUL 29 1981

METROPOLITAN PLANNING
ROUTE _____

Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Commission
City Hall, 10th Floor
455 North Main
Wichita, Kansas 67202

Re: CU-247 - Conditional Use Permit
Earth Borrow operation for extraction
of sand-South side of 63rd Street
South in an area approximately 1/2
mile west of Clifton

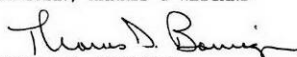
Dear Mr. Galbraith:

Pursuant to your letter of July 17, 1981, enclosed please find a fully executed, notarized, Restrictive Covenant to meet the requirements of Condition F of the staff comments. The Restrictive Covenant is in recordable form. Please note that it has been signed by both Marion W. Wood and Olive Louise Wood, the legal owners of the property on which the covenant is to run.

Thank you for your patience and assistance in this matter. If there is anything further we need to do in order to have this matter brought before the County Commission on August 12, 1981, please advise.

Yours truly,

CURFMAN, HARRIS & WEIGAND


Thomas D. Borniger

TDB:dfc
Enclosure
cc: Kenny Bradburn

RESTRICTIVE COVENANT

MARION W. WOOD and OLIVE LOUISE WOOD, husband and wife,
hereby make the following declaration as to restrictions, limita-
tions and use of the following described real estate:

Part of government Lot 4 in Section 27, Township
28 South, Range 1 East and part of government Lot
1 in Section 34, Township 28 South, Range 1 East,
Sedgwick County, Kansas, described as commencing
at the intersection of the South line of 63rd Street
South as recorded on Film 215 at Page 1009 and the
East line of said government Lot 4; thence West
along the south line of said 63rd Street South,
650 feet for a place of beginning; thence South at
right angles 115 ft.; thence southeasterly with a
deflection angle to the left of 63°56'47" 500.9 ft.;
thence south with a deflection angle to the right
of 63°56'47" 665 feet; thence southwesterly with
a deflection angle to the right of 45° 180 ft.;
thence northwesterly at right angles 1234.21 ft.;
thence north with a deflection angle to the right
of 45° 139.56 feet; thence east at right angles
430 ft.; thence north at right angles 115 ft. to
the south line of said 63rd Street South; thence
east 115 ft. to place of beginning.

which said Declaration shall constitute covenants running with
said land and shall be binding upon all owners and their successors,
assigns and heirs;

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

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

IN WITNESS WHEREOF, this Restriction has been executed
on this 20th day of JULY, 1981.

Marion W. Wood
MARION W. WOOD

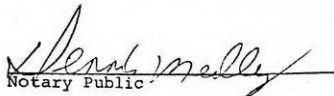
Olive Louise Wood
OLIVE LOUISE WOOD

STATE OF Missouri }
COUNTY OF Carroll } ss:

BE IT REMEMBERED that on this 20th day of JULY,
1981, before me a Notary Public in and for said County and State,

came Marion W. Wood and Olive Louise Wood to me personally known to be the same persons 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.


Notary Public

My Appointment Expires:

3-2-85

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 16, 1981

5. Case No. CU-247 - Marion W. Wood and Olive Louise Wood request Conditional Use Permit for that part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded in Film 215 at Page 1009 and the East line of said government Lot 4; thence west along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of $63^{\circ}56'47''$ 500.9 ft.; thence south with a deflection angle to the right of $63^{\circ}56'47''$ 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning. Generally located on the south side of 63rd Street South, in an area between Clifton and the Arkansas River.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use permit for a raw materials extraction operation on an approximate 13.5 acre site located on the south side of 63rd Street South approximately one-half mile west of Clifton.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, minimum depth of the excavation and proposed fencing.

The applicant has also submitted a redevelopment plan which proposes residential lots and two open space recreation areas around the lake after the extraction operation ceases. The redevelopment area contains approximately 35 acres which includes the 13.5 acres contained in this request.

2. Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:
- a. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - b. The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
 - c. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.

- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 - e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
 - f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
 - g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
 - h. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 - 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" 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 150 degrees facing away from the excavation.
- No fence shall be required during the clearing and grading of the site prior to the excavation of sand below the water table.
- i. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
 - j. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.

- k. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- l. Violation of conditions of approval shall render the conditional use permit null and void.
- m. The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

GARDNER returned to the meeting.

GALBRAITH stated that just this morning County Engineering advised the MAPD staff that many of the lots adjacent to the river would not be able to be developed for residential purposes. They are in an area where the established high bank line goes through the lots, and County Engineering stated that in their opinion that only approximately seven lots are developable at this time without a large amount of the land having to be filled to a certain elevation. GALBRAITH said that he has discussed this with the applicant's surveyor and attorney, and they understand this.

This application was considered by the Haysville Planning Commission and they recommended approval with a couple of changes to the conditions that were originally sent out to them. GALBRAITH mentioned that the Derby Planning Commission failed to have a quorum. He said that he asked if any of the Commissioners at Derby had any disagreements with the conditions recommended by Haysville, and they said that they did not. He also asked if they had any objections to his making recommendations to the MAPC based on the conditions recommended in the staff report, as recommended by Haysville, then if for some reason the full Derby Planning Commission did not concur with the recommendations, the case could come back to them. They had no disagreement with MAPC taking action today.

GALBRAITH pointed out that based on the discussion this morning with the County Public Works Department, there is an additional condition that needs to be added and the applicants' attorney advises that he has no objections. He read the condition to the Commission that no building was to be constructed at an elevation below 1263 MSL.

TOM BORNIGER, attorney, representing the applicant, stated that it was their understanding about redevelopment plans that the County and this Commission would like to see some proposal or some idea of what could be done with the property so that it did not end up as just an unimproved hole in the ground. He said the applicants have no intentions of building on all of the lots and have no objections to limiting it to the upper seven lots so long as he is allowed to build one house there. He has no problem with the requirement of having him bring it up to the minimum pad elevation of 1263 feet, mean sea level.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the rural character of the area; the residential zoning of adjoining properties; the sand excavation operation to the east; the suitability of the subject site for sand extraction; and the recommendation of approval by staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- a. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the

lake and form the banks as indicated on the approved plan.

- b. The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
- c. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- h. The minimum building elevation shall not be less than 1263 MSL.
- i. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 3. A 48" 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 150 degrees facing away from the excavation.

No fence shall be required during the clearing and grading of the site prior to the excavation of sand below the water table.

- j. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- k. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- l. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- m. Violation of conditions of approval shall render the conditional use permit null and void.
- n. The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

Bayouth moved, Gardner seconded and it carried unanimously. Goebel, Jones and Lofton were absent.

() Published in The Wichita Eagle-Beacon on _____, 1981

RESOLUTION

CASE NO. CU-247

A RESOLUTION PERMITTING A RAW MATERIALS EXTRACTION OPERATION ON PROPERTY ZONED "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 3.A.8.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 COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 3.A.8.f and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow a raw materials extraction operation on property zoned "R" Rural Residential District, is hereby approved on the lands legally described as follows:

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded in Film 215 at Page 1009 and the East line of said government Lot 4; thence west along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of 63°56'47" 500.9 ft.; thence south with a deflection angle to the right of 63°56'47" 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning. Generally located on the south side of 63rd Street South, in an area between Clifton and the Arkansas River.

SUBJECT TO THE FOLLOWING:

- a. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.

- b. The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
- c. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.
- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- h. The minimum building elevation shall not be less than 1263 MSL.
- i. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 - 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" 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 150 degrees facing away from the excavation.

No fence shall be required during the clearing and grading of the site prior to the excavation of sand below the water table.

- j. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- k. All slopes shall have vegetative covering consisting of a perennial growth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- l. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- m. Violation of conditions of approval shall render the conditional use permit null and void.
- n. The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered 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 by the Board of County Commissioners at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Donald E. Gragg

_____, Commissioner
Jack Spratt

_____, Commissioner
Tom Scott

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

City of Derby



229 N. BALTIMORE • DERBY, KANSAS 67037 • 316/788-1519



Planning Commission Meeting July 9, 1981

Members Present: Tate Butler
Dottie Janssens
Luther Payne
Larry Sims
Bill Smith

Members Absent: Dave Cunningham
John Lauber Jr.
Dolan Pelley
Richard Schaffer

Next representative to the City Council: Dolan Pelley.....July 21, 1981
Richard Schaffer.....August 4, 1981
Larry Sims.....August 18, 1981

C.T.O. _____ pm.

Public Hearing-M.A.P.D. Case # Cu-247: Request for conditional use permit for extraction of raw materials.

This case was presented by Mr. Jack Gailbraith of the Wichita M.A.P.D. Dept.

The stated reason for this request was for the creation of a ten acre private lake. The applicant proposes a redevelopment plan for use as residential lots, and two open spaces for recreational spaces around the lake after the extraction operation ceases.

Also submitted was an operational plan which indicated the maximum limits of excavation, minimum depth of the excavation, and proposed fencing for the site. Planning Commission members discussed the fencing of the area during the extraction stage. It was felt by the Planning Commission members, that the extraction area should be enclosed by a fence once ground water was visible.

This request was previously heard by the Haysville Planning Commission, and as a result the M.A.P.D. Dept revised their comments, and presented the revision to the members of the Derby Planning Commission. The changes were on page 2, after item 3, the following wording was added; "No fence shall be required during the clearing and grading of the site prior to the excavation of sand for sale." The Planning Commission felt that the paragraph should be reworded, and suggested the following wording be added after the word "sale", "below the water level."

Paragraph "m" was added, and stated; "The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County ommissioners."

Mr. Tom Borniger, 830, 1st National Bank Bldg., attorney for the property owner, stated that the owner felt that if the Planning Commission felt strongly about the five year time limit that he could live with it, but he (the owner), felt that he would need from 8 to 10 years to complete the project. The owner would like a recommendation from the Derby Planning Commission for a time

limit of 8 to 10 years for the operation to cease.

Mr. Cook-RR # 2 Derby, Kansas: Was present at the planning commission meeting, and owns the property adjacent to the proposed project. Mr. Cook stated he supported the request and had no objections. Mr. Cook stated that the site is hidden from view by trees, and he felt that it would make an excellent site for residential homes as proposed by the owner of the land.

Due to the lack of further public response the hearing was closed at 7:26pm.

Public Hearing: Amendment to Zoning Regulations, Paragraph 3-129, subparagraph A.

Leon Sallee, Zoning Administrator for the City of Derby, reviewed the proposed change in the zoning regulations with the Planning Commission members. Public comment was invited. Due to the lack of response the public hearing was closed at 7:32pm.

Due to the lack of a quorum, the planning decided to take action on this item at the next regularly scheduled planning commission meeting.

Business: Minutes of June 18, 1981 - were not approved due to the lack of a quorum.

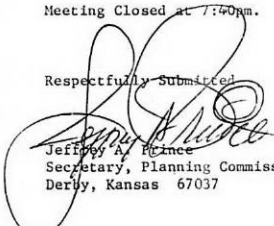
M.A.P.D. Case # Cu-247: This item was not acted upon due to the lack of a quorum. However, it was agreed by the members of the planning commission in attendance that Mr. Gailbraith could inform the members of the M.A.P.D. that the item was considered at the Derby Planning Commission meeting, and there were no objections, and that the M.A.P.D. go ahead and consider approval subject to the conditions discussed, and that in any event that the conditions are added that the case will be placed back on the next M.A.P.D. agenda. This item will be on the next Derby Planning Commission Agenda for the next regularly scheduled meeting to be held on the 23 of July.

Public Hearing: Amendment to Zoning Regulations, Paragraph 3-129, subparagraph A.

Action deferred until July 23, 1981, due to the lack of a quorum.

Meeting Closed at 7:40pm.

Respectfully Submitted


Jeffrey A. Prince
Secretary, Planning Commission
Derby, Kansas 67037

LAW OFFICES OF
CURFMAN, HARRIS & WEIGAND
SUITE 800 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202
(316) 263-9111

LAWRENCE E. CURFMAN
CHARLES W. HARRIS
J. L. WEIGAND, JR.
JOHN R. STALLINGS
BRIAN G. GRACE
WINDELL G. SNOW
VAN R. DELHOTAL
THOMAS D. BORNIGER
RONALD B. ROSE

LAWRENCE WEIGAND
COUNSEL

July 16, 1981

RECEIVED

JUL 17 1981

METROPOLITAN PLANNING

ROUTE

Mr. Jack Galbraith, Chief Planner, MAPD
10th Floor, City Hall
455 North Main
Wichita, Kansas 67202

Re: CU-247 - Proposed sand extraction
south of 63rd Street South and Clifton

Dear Jack:

Thank you for your assistance in resolving the potential problems concerning the redevelopment sketch plan on the above project.


As I understand it, we do not need to submit a new drawing of the redevelopment sketch plan but the record will reflect that we have orally modified it to limit it at this time to the seven lots and the adjoining roadway with the understanding that this is not binding on anyone. This is also to confirm that the conditions will be modified to add a requirement that any structure built upon the property must be at a minimum pad elevation of 1263' above mean sea level.

Unless I hear otherwise from you I will not plan on attending the Derby Planning Commission meeting, unless you feel that the quorum would perhaps have some questions for which I could provide some assistance on behalf of the applicant.

If there is anything further we need to do other than provide to you the restrictive covenant required by the conditions prior to the County Commission hearing, please advise.

Again, thank you for your assistance in resolving this potential problem.

Yours truly,
CURFMAN, HARRIS & WEIGAND


Thomas D. Borniger

TDB:dfc

July 17, 1981

Thomas D. Borniger, Attorney
105 North Main Street, Suite 830
Wichita, Kansas 67202

Re: CU-247 - Conditional Use Permit
Earth Borrow Operation for Extraction
of Sand - South side of 63rd Street
South in an area approximately 1/2 mile
west of Clifton

Dear Mr. Borniger:

At its regular meeting of July 16, 1981, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to approve the request subject to the conditions in the Planning Department's Staff Report and in addition the following condition:

b. The minimum building elevation shall not be less than 1263 MSL.

Enclosed is a sample covenant that should be prepared and submitted to your client for his signature and returned to our office by July 31, 1981 so that subject case can be scheduled for consideration by the Board of County Commissioners at their regular meeting at 9:00 a.m. on Wednesday, August 12, 1981 in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:rad

Encl.

cc: Marion W. & Olive L. Wood, R.R.5, Box 631, Springfield, Mo. 67803
Barbara J. Fry, 3946 South Broadway, Wichita 67216
Kenny Bradburn, 451 Wabash, Wichita 67214
William Korber, Baughman Company, P.A., 330 Laura, Wichita 67211
Eyd Werbir, County Zoning Officer



SEDGWICK COUNTY COURTHOUSE

RECEIVED

COUNTY OF SEDGWICK JUL 15 1981

DEPARTMENT OF PUBLIC WORKS ROUTE 1

1250 S. SENECA WICHITA, KANSAS 67213

Claud S. Shelor, P.E.

County Engineer/Director of Public Works

TO: Jack Galbraith, Chief Planner, MAPD

FROM: Joe D. Freeman & M. S. Mitchell *MSM*

DATE: July 15, 1981

SUBJ: CU-247. Proposed sand extraction operation along Arkansas River south of 63rd Street South.

Reference is made to your memo dated June 30, 1981, and enclosures titled "Operational Sketch Plan" and "Redevelopment Sketch Plan" by Baughman Co., dated April 23, 1981.

Staff review of the "Operational Sketch Plan" reported no problems which would have an adverse effect on 63rd Street or on the stream maintenance program on the Arkansas River. We note, however, that the Northwestern and North Central Nodes of the excavation remove a portion of natural sand hill dikes which if connected in the future to form a left bank levee could provide some flood protection to several acres downstream from subject site.

Review of the "Redevelopment Sketch Plan" brought up several problems and a recommendation.

1. The stream maintenance program on the Arkansas River permits the County or its agents to remove obstructions to flood flow within limits of "Established Bank Lines." The Established Bank Line on the left bank cuts across lots 17 thru 27 and severely limits the area which could be used for building on lots 21 thru 27. If changes in the river channel occur, either by natural causes or because of County Stream Maintenance work, which would move the left bank to its established location, structures built on the river front lots would be in jeopardy. Cost of building bank protection works such as riprap or jetties to prevent river erosion adjacent to the proposed lots is not warranted.
2. Design Water Surface elevation for this reach of the Arkansas River varies from 1260 at 63rd Street South to 1259.5 at the east edge of subject tract. County policy would recommend a minimum building elevation three feet above Design Water Surface which would be 1263 MSL. Lots 1 thru 7 have portions of the lot which are at or above 1263, or which could be elevated to 1263 without an unusual amount of grading or fill. Heights of fill on all other lots makes them impractical building sites.

Page 2
Jack Galbraith
CU-247

3. County policy would require that the public street be constructed to a minimum of one foot above Design Water Surface (elevation 1261). The portion of the street which is adjacent to lots 16 thru 27 is approximately parallel to and 700 feet from the flood control levee on the right bank of the river. Fill of the proposed street would in effect construct a left bank levee. Good engineering practices dictates that Arkansas River levees be set back a minimum of 300 feet from the river bank in order to protect them from river erosion. The natural river channel in this reach occupies a width of 300 to 400 feet, therefore, levees should be no less than 900 to 1000 feet apart.
4. For the public street to be brought up to minimum of one foot above Design Water Surface would require fills up to 6 feet which is not practical for this type of development.
5. With the above described problems in mind, we recommend that the "Redevelopment Sketch Plan" be revised to show only lots 1 thru 7 and that the public street not extend west of the entrance from 63rd street or south of access to lot 7.

cc: Pauline Ozbun

Sample

RESTRICTIVE COVENANTS

GAIL WOODARD and JEAN E. WOODARD, husband and wife, do hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

The East Half of the Southeast Quarter of Section 33, Township 26 South, Range 1 West, Sedgwick County, Kansas (E/2 SE/4 33-26S-12),

which said Declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs;

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

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

IN WITNESS WHEREOF, this Restriction has been executed on the 26th day of February, 1981.

Gail Woodard
Gail Woodard

Jean E. Woodard
Jean E. Woodard

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me this 26th day of February, 1981, by Gail Woodard and Jean E. Woodard, husband and wife.



Mary L. Logan
Notary Public

My Appointment Expires:
August 4, 1983

June 30, 1981

Claud S. Shelor, County Director - Department of Public Works
Jack H. Galbraith, Chief Planner

CU-247 - Conditional Use to establish an earth borrow operation for the extraction of sand. Generally located on the south side of 63rd Street South, in an area between Clifton and the Arkansas River.

I have attached a copy of a map showing the proposed application area (outlined in red) and a possible redevelopment plan for the surrounding area. We have scheduled this for consideration at the July 16, 1981 MAPC meeting. We would appreciate receiving any comments you may have regarding flood hazards, location of the proposed lake relative to the river, minimum pad elevations, etc., at your earliest convenience.

Jack H. Galbraith
Chief Planner

JHG:ADC:el
Attachment

cc: Phil Dietrich, County Senior Engineer

*Revised
Pg. 2*

WICHITA-SEDDWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

HCPC HEARING DATE: 6-25-81
DCFC HEARING DATE: 7-09-81
MAPC HEARING DATE: 7-16-81

Case No. CU-247 Request: Conditional Use Permit
for extraction of raw
materials

Location: South side of 63rd Street South in an area approximately
1/2 mile west of Clifton.

Reason: Create a ten acre private lake.

Acres: 13.5 Size: Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R-1"
East	Undeveloped	"R-1"
South	Undeveloped	"R"
West	Undeveloped	"R" & "R-1"

Platted: No History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use permit for a raw materials extraction operation on an approximate 13.5 acre site located on the south side of 63rd Street South approximately one-half mile west of Clifton.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, minimum depth of the excavation and proposed fencing.

The applicant has also submitted a redevelopment plan which proposes residential lots and two open space recreation areas around the lake after the extraction operation ceases. The redevelopment area contains approximately 35 acres which includes the 13.5 acres contained in this request.

2. Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:
 - a. The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - b. The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
 - c. To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.

- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- h. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 - 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" 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 150 degrees facing away from the excavation.

No fence shall be required during the clearing and grading of the site prior to the excavation of sand ~~for~~ below the water table.

- i. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- j. All slopes 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.
- k. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- l. Violation of conditions of approval shall render the conditional use permit null and void.
- m. The operation shall cease within five years from the date of approval by the Board of County Commissioners, unless an extension of such time shall be granted by the Board of County Commissioners.

CU-247 - 1 - "Notice to adjoining property owners" mailed 6-19-81 for
the Haysville Planning Commission meeting of 6-25-81;
the Derby Planning Commission meeting for 7-9-81; and
the MAPC meeting for 7-16-81

THE FOLLOWING RECEIVED A NOTICE, STAFF REPORT & REFERRAL SHEET:

5	Applicants and agents <i>Re: Haysville + Derby Referrals</i>
12	Haysville P.C. (including Pauline Ozbun, Secretary)
1	to Claud S. Shelor, County Dir. of Public Works
11	Derby Planning commissioners (including Jeff Prince, City Clerk)
1	to C. Bickley Foster
1	to Claud S. Shelor, County Dir. - Dept. of Public Works
—	
32	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

June 19, 1981

NOTICE IS HEREBY GIVEN that on Thursday, June 25, 1981, at 8:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, City Hall, Haysville, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. CU-247

Conditional Use Permit to Establish
An Earth Borrow Operation for the Extraction of Sand
on Property Zoned "R" Rural Residential District

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded on Film 215 at Page 1009 and the East line of said government Lot 4; thence west along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of 63°56'47" 500.9 ft.; thence south with a deflection angle to the right of 63°56'47" 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning. Generally located on the south side of 63rd Street South, in an area between Clifton and the Arkansas River.

This matter will also appear on the agenda for the regular meeting of the DERBY CITY PLANNING COMMISSION at 7:00 p.m., Thursday, July 9, 1981, City Hall, Derby, Kansas, for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings before either the Haysville City Planning Commission or the Derby City Planning Commission, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, July 16, 1981, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed Conditional Use will be considered as by law provided.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

HCPC HEARING DATE: 6-25-81
MCPC HEARING DATE: 7-09-81
MAPC HEARING DATE: 7-16-81

Case No. CU-247 Request: Conditional Use Permit
for extraction of raw
materials

Location: South side of 63rd Street South in an area approximately
1/2 mile west of Clifton.

Reason: Create a ten acre private lake.

Acres: 13.5 Size: Irregular shape

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R"
North	Undeveloped	"R-1"
East	Undeveloped	"R-1"
South	Undeveloped	"R"
West	Undeveloped	"R" & "R-1"

Platted: No History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use permit for a raw materials extraction operation on an approximate 13.5 acre site located on the south side of 63rd Street South approximately one-half mile west of Clifton.

The applicant has submitted an operational plan which indicates the maximum limits of the excavation, minimum depth of the excavation and proposed fencing.

The applicant has also submitted a redevelopment plan which proposes residential lots and two open space recreation areas around the lake after the extraction operation ceases. The redevelopment area contains approximately 35 acres which includes the 13.5 acres contained in this request.

2. Should the Planning Commission determine the extraction use is appropriate for the area, it should be approved subject to the following conditions:
- The applicant shall proceed in accordance with the operational plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 - The earth shall be extracted to at least a minimum depth of six feet below the water table as determined by the City-County Health Department.
 - To provide for bank stabilization and safety of future uses, the side slopes of the excavation shall be no steeper than five horizontal to one vertical.

- d. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- e. Once the sand extraction operation has ceased, all foreign matter, such as rubbish, construction debris and equipment, shall be removed from the property within six months.
- f. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, 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.
- g. The applicant shall be responsible for maintaining all operational roads in a graveled condition.
- h. A minimum 50-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be 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 in 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 material:
 - 1. A 48" or higher chain link fence with three or more strands of barbed wire; or
 - 2. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - 3. A 48" 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.
- i. 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 150 degrees facing away from the excavation.
- j. Concrete or asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Resolution and amendments thereto.
- k. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 - 1. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- m. The applicant shall comply with condition F prior to the publication of the resolution effectuating the conditional use.
- n. Violation of conditions of approval shall render the conditional use permit null and void.

June 15, 1981

Mr. Clay Ricketts
The Daily Reporter
201 South Baltimore
Derby, Kansas 67037

Re: CU-247

Dear Mr. Ricketts:

Enclosed is a notice for public hearing which I would like to have published one time, June 18, 1981, or earliest possible date thereafter.

I would appreciate a copy of the Daily Reporter in which this notice will appear.

Sincerely,

Arthur D. Chambers
Senior Planner

ADC:el

Enclosure

CU-247
Map 5640B
Derby July 9
Haysville
7pm
admitted in Derby's Paper
MAP 6-16

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, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. 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 Marion W. Wood and Olive Louise Wood

ADDRESS R. R. 5, Box 631 PHONE _____
Springfield, Missouri 67802

AGENT Barbara J. Fry

ADDRESS 3946 South Broadway, Wichita, Kansas 67216 PHONE 522-9924

B. ~~APPLICANT~~ _____

~~ADDRESS~~ _____ PHONE _____

AGENT Kennv Bradburn

ADDRESS 451 Wabash, Wichita, Kansas 67204 PHONE 263-1959

C. ~~APPLICANT~~ _____

~~ADDRESS~~ _____ PHONE _____

AGENT Thomas D. Borniger

ADDRESS 105 NORTH MAIN ST. Suite 830 PHONE _____
830 First National Bank Building PHONE 263-9111
Wichita, Kansas 67202

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish an operation for the extraction of raw materials on property legally described as _____ (use)

on property legally described as Lot(s) (see attached sheet)

_____, Block(s) _____

of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

*use attached sheet
for reference and
property previously owned
with same lot block*

*N-R-1
W R#R-1
S
E R-1*

*use attached
sheet*

2. b. There are 13.5 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 3201 East 63rd St. South, Wichita
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR

B. ON THE South SIDE OF 63rd (AVE.) STREET BETWEEN
Clifton (AVE.) STREET AND the Arkansas River (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R
(ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:
Owner wishes to clear a ten acre portion of his land to create a ten acre private lake for the owner's sole benefit. Owner seeks a conditional use permit to allow the extraction and removal of the sand necessary to create such lake. Potential future redevelopment contemplates allowing up to 27 single family residences

6. 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 AT 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.

Marion W. Wood
BY Marion W. Wood
AUTHORIZED AGENT (IF ANY)

Olive Louise Wood
BY Olive Louise Wood
AUTHORIZED AGENT (IF ANY)

Barbara Fry
BY Barbara Fry
AUTHORIZED AGENT (IF ANY)

Bradburn Wrecking Co.
BY Kenny Bradburn
AUTHORIZED AGENT (IF ANY)

Alan D. Bain
BY Alan D. Bain
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on _____ (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ _____.

Name

Title

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded on Film 215 at Page 1009 and the East line of said government Lot 4; thence West along the South line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 feet; thence Southeasterly with a deflection angle to the left of 63° 56' 47" 500.9 feet; thence South with a deflection angle to the right of 63° 56' 47" 665 feet; thence Southwesterly with a deflection angle to the right of 45° 180'; thence Northwesterly at right angles 1234.21 feet; thence North with a deflection angle to the right of 45° 139.56 feet; thence East at right angles 430 feet; thence North at right angles 115 feet to the South line of said 63rd Street South; thence East 115 feet to the place of beginning.

Gross size 587,659.4 square feet - 13.5 acres

lake area (excavation area) 267,750 square feet - 6.1 acres
to 435,600 square feet - 10 acres

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
4 & 5	B	Woodvale Addition <i>Returned - see Applicant.</i>	✓ Marion W. Wood & Olive Louise Wood, 2267 S. Hydraulic, -67211
1	F	"	"
Govt. lot 4 in 27-28-1E			"
Govt. lot 1 in 34-28-1E			"
Govt. lot 2 in 35-28-1E			✓ Donnie E. Cook & Norma J. Cook, 6303 S. Clifton, Derby, 67037

We hereby certify the foregoing to be a true and correct list of the property owners within a 240 foot radius of

Part of government Lot 4 in Section 27, Township 28 South, Range 1 East and part of government Lot 1 in Section 34, Township 28 South, Range 1 East, Sedgwick County, Kansas, described as commencing at the intersection of the South line of 63rd Street South as recorded on Film 215 at Page 1009 and the East line of said government lot 4; thence west along the south line of said 63rd Street South, 650 feet for a place of beginning; thence South at right angles 115 ft.; thence southeasterly with a deflection angle to the left of 63°56'47" 500.9 ft.; thence south with a deflection angle to the right of 63°56'47" 665 feet; thence southwesterly with a deflection angle to the right of 45° 180 ft.; thence northwesterly at right angles 1234.21 ft.; thence north with a deflection angle to the right of 45° 139.56 feet; thence east at right angles 430 ft.; thence north at right angles 115 ft. to the south line of said 63rd Street South; thence east 115 ft. to place of beginning

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 30th day of April, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Cable
Vice-President

Order No. 298365
GE

FORM 25 11

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
Planning			

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

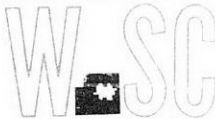
DATE _____ BY _____

CU-247

Ed



WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
425 NORTH MAIN STREET
WICHITA, KANSAS 67202

WUD 67X 25201741 06/20/81

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

MARION W. WOOD &
OLIVE LOUISE WOOD
2267 S. HYDRAULIC
WICHITA KS 67211

*We have sent all
to applicant*

*This is applicant, their address on application
is listed as R.R. 5, Box 631, Springfield, Mo. 67803*

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*