

CU-249 - Miles Sand, Inc., et al  
request Conditional Use Permit to  
Modify an Existing Sand & Gravel  
Extraction Operation on property  
zoned "R-1" Rural Residential

# ACTION

*POSTED*  
*9-22-81*

DATE

COMMITTEE

M.A.P.C. *Approval subject to* 10-22-81

*conditions to amended*

B.P.C. R. C. C. *Approved on* 11-18-81

*Recommnded*

*closed*

Map No. 5353C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 249  
Filed 9-15-81

ASSOCIATED CASE: \_\_\_\_\_

- APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_
1. Applicant: Miles Sand, Inc. by V. Harley Miles  
Address 4852 N. Meridian, 67204 Phone 838-3362
  2. Agent: Planning Development Services, Inc.  
Address 625 1st Natl Bank Bldg, 67202 Phone 262-0451
  3. General Location: at the northeast corner of Meridian and 45th Sr North.  
Address \_\_\_\_\_
  4. Proposed Use: To Modify an Existing Sand and Gravel Extraction Operation  
on property zoned "R-1" & "LC".

- AREA DATA:
1. Acres: 159+ ( 2640 ft. by 2610 ft.)
  2. Adjoining Zoning: E "R-1" S "AA&K&LC" W "AA&K&LC" N "R-1"
  3. Land Use: East ARKANSAS RIVER South UNDEVELOPED  
West UNDEVELOPED North UNDEVELOPED
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: SAND PIT
  6. Area (is) (is not) platted.

- PROCEDURE DATA:
1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
  2. MAPC Meeting:

Date	Action
<u>10-22-81</u>	<u>Approval subject to amended conditions</u>
_____	_____
_____	_____

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

Date	Action	Resolution
<u>11-18-81</u>	<u>Approved as Resonated</u>	<u>Dec 29, 1981</u>
_____	_____	_____
_____	_____	_____

NOTES:

SPREAD  
No. 2153C  
MASTING, MN  
1401 ANGLETS-CHICAGO, ILL. 60604  
MERCEDON, TX, LOCUST GROVE, GA  
U.S.A.

Map No. 5353C  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 249  
Filed 9-15-81

ASSOCIATED CASE: \_\_\_\_\_

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

1. Applicant: Miles Sand, Inc. by V. Harley Miles  
Address 4852 N. Meridian, 67204 Phone 838-3362
2. Agent: Planning Development Services, Inc.  
Address 625 1st Natl Bank Bldg, 67202 Phone 262-0451
3. General Location: at the northeast corner of Meridian and 45th St. North.  
Address \_\_\_\_\_
4. Proposed Use: To Modify an Existing Sand and Gravel Extraction Operation  
on property zoned "R-1" & "LC".

AREA DATA:

1. Acres: 1.591 (2640 ft. by 2610 ft.)
2. Adjoining zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East ARKANSAS RIVER South UNDEVELOPED  
West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SAND PIT
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Map No. 5353C  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

DATA SHEET  
 (ZONING & CONDITIONAL USE)

*Karen*  
 Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- 249  
 Filed 9-15-81

ASSOCIATED CASE: \_\_\_\_\_

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

- Applicant: Miles Sand, Inc. by V. Harley Miles  
 Address 4852 N. Meridian, 67204 Phone 838-3362
- Agent: Planning Development Services, Inc.  
 Address 625 1st Natl Bank Bldg, 67202 Phone 262-0451
- General Location: at the northeast corner of Meridian and 45th St. North  
 Address \_\_\_\_\_
- Proposed Use: To Modify an Existing Sand and Gravel Extraction Operation  
on property zoned "R-1" & "LC".

AREA DATA:

- Acres: 1.59 (2640 ft. by 2610 ft.)
- Adjoining Zoning: E UNDEVELOPED S UNDEVELOPED W UNDEVELOPED N UNDEVELOPED
- Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: SAND PIT
- Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



PICTURE SHEET - ~~5353C~~ CU - 249

Karen

2- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 249  
Filed 9-15-81

RELATED CASE: \_\_\_\_\_

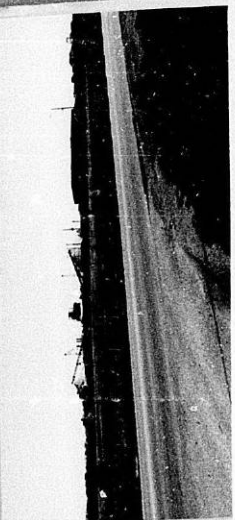
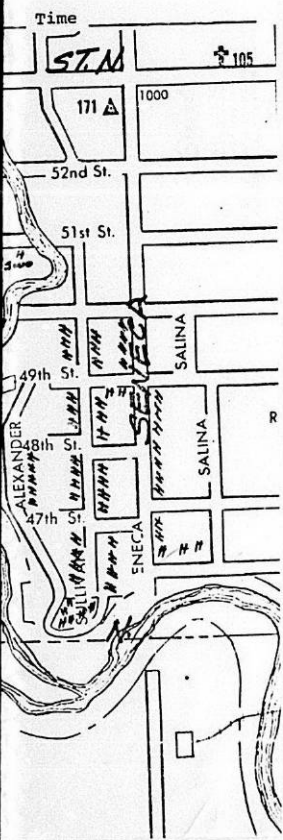
Phone 838-3362  
Phone 262-0451

Meridian and 45th St. North  
Address \_\_\_\_\_

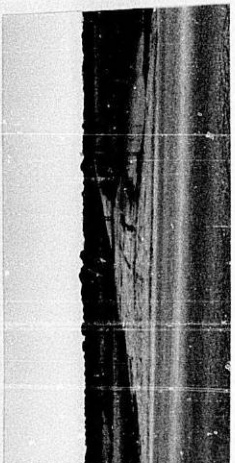
Gravel Extraction Operation

by 2610 ft.)

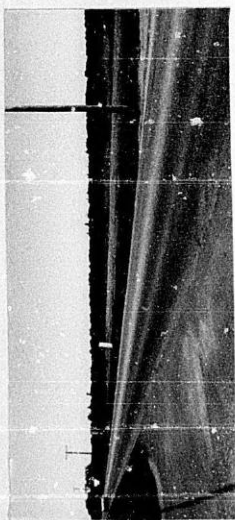
UNDEVELOPED  
UNDEVELOPED



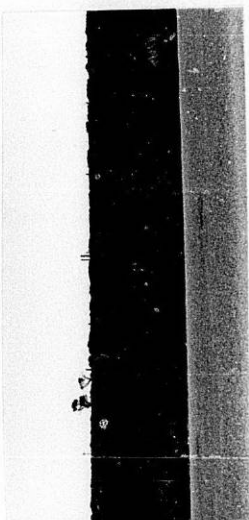
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2



1



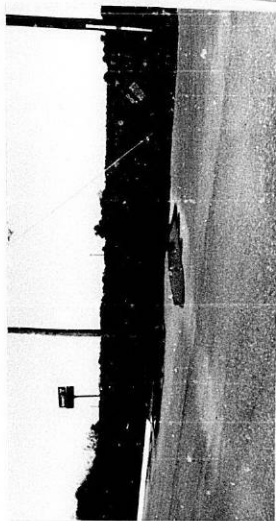
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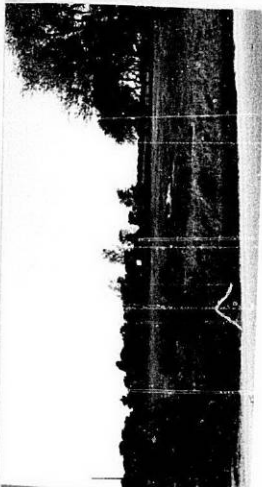
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8



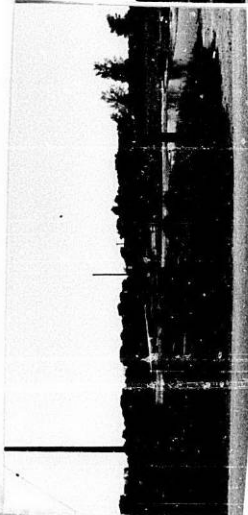
11



7



10



6



9

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

Current Plans Division

Public Inquiry Slip

NAME Harley Zule DATE 10-27-83  
 PHONE \_\_\_\_\_ PHONE COUNTER   
 PROPERTY LOCATION 45th St N. MAP # 5353  
2 Sweeney

NATURE OF REQUEST:

City Zoning \_\_\_\_\_ County Zoning \_\_\_\_\_ Conditional Use \_\_\_\_\_  
 Plat \_\_\_\_\_ Lot Split \_\_\_\_\_ Vacation  Dedication \_\_\_\_\_  
 BZA \_\_\_\_\_ Street Name Change \_\_\_\_\_ Other \_\_\_\_\_

REMARKS: *Interested in Vacating 45th so that he can extend two lakes together. Did not want a bridge over a channel. Advised him that he needed two other signatures to the east, one was K6-E. He possibly could provide access to them by some other route. He also mentioned purchasing the property to the north which goes to 57th for additional excavation. 4-20-84 Ken Hill discussed this proposal this date: Bernard Ruddick K6-E 2016343*

ROUTE TO:

LAKIN \_\_\_\_\_ GALBRAITH \_\_\_\_\_ YOUNG \_\_\_\_\_ LYTLE \_\_\_\_\_ OLIVAREZ \_\_\_\_\_ CHAMBERS \_\_\_\_\_  
 NAGLEY \_\_\_\_\_ FLECK \_\_\_\_\_ SHIRKEY \_\_\_\_\_ RETURN TO \_\_\_\_\_

COMMENTS:

*Discussed with Diet on 10-31-83. He did not have a signature showing the 2 sections together.*

R# 233-1921

(None given) Published in The Wichita Eagle-Beacon on Dec. 29, 1981

R E S O L U T I O N

CASE NO. CU-249

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN 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 4.A.10.f AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF 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 4.A.10.f and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338. Generally located at the northeast corner of Meridian and 45th Street North.

SUBJECT TO THE FOLLOWING:

- a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.

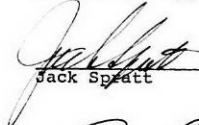
- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.
- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.
- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.
- l. Concrete and 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 Zoning Resolution and amendments thereto.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a, b and k prior to the publication of the resolution establishing the conditional use.
- o. At such time that it is intended to either excavate the lake under 45th Street right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.
- p. All conditons of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

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.

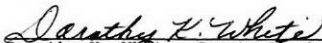
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 18 day of November, 1981.

  
Donald E. Gragg, Chairman

  
Jack Spratt, Commissioner

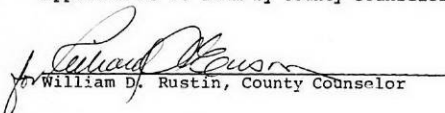
  
Tom Scott, Commissioner

ATTEST:

  
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

  
William D. Rustin, County Counselor

**RESTRICTIVE COVENANT**

FILM 507 PAGE 913

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, Miles Sand, Inc., does hereby impose upon the following described real property, to-wit:

The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, (Generally located at the northeast corner of Meridian and 45th Street North),

covenant to run with the land as follows:

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenant herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF, we have hereunto set our hand this 5th day of November, 1981.

MILES SAND, INC.

X  
BY: *V. Harley Miles*  
V. Harley Miles

MICROFILMED  
OF RECORD

STATE OF KANSAS  
SEDGWICK COUNTY } 33  
FILED FOR RECORD AT  
DEC 9 1981  
NO. 5 65925  
BETTE F. McCART  
REGISTER OF DEEDS

STATE OF KANSAS )  
                          ) SS  
SEDGWICK COUNTY)

*Ed. Reed*  
Deputy

BE IT REMEMBERED, that on this 5th day of November, 1981, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came V. Harley Miles

personally known to me to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

*Michael C. Rowe*  
Notary Public

MICHAEL C. ROWE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires 10-23-84

My Commission Expires: 10-23-84

10-23-84

500  
city clerk

COVENANT RUNNING WITH THE LAND

MILES SAND, INC., owners of the following described realty,

to wit:

The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, (Generally located at the northeast corner of Meridian and 45th Street North),

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

If the construction of a loop levee is deemed necessary by the City-County Flood Control Office, or their successors of office, in connection with conducting operations for the removal of sand and gravel from the premises, the fee owners agree to construct and maintain a loop levee on the premises at such a location as the Flood Control Office may direct, in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office.

MICROFILMED  
OF RECORD  
STATE OF KANSAS  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
DEC 9 1981  
5 65026  
NO.  
BETTE F. McCART  
REGISTER OF DEEDS

*Ed. Reed  
Deputy*

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed without written consent of the City-County Flood Control Office, or their successors of office.

In the event of the failure by the undersigned or any successors of title to fulfill the obligation set forth above within sixty (60) days after receipt of written notice from the City-County Flood Control Office, or their successors of Office, then the appropriate governing body may order such work done and maintained and charge the entire cost of such construction and maintenance as a first lien against said realty to be collected and foreclosed in the same manner as a mortgage is foreclosed.

600 City Clerk

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

Executed this 6th day of November, 1981.

MILES SAND, INC.

X  
BY: *Harley Miles*  
v. *Harley Miles*

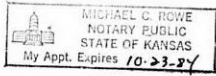
ACKNOWLEDGMENT

STATE OF KANSAS  
ss.  
SEDGWICK COUNTY

Be it remembered, that on this 6th day of November, 1981, before me, the undersigned, a notary public, in and for the County and State aforesaid, came v. Harley Miles who are personally known to me to be the same person(s) who executed the foregoing instrument of writing, and such person(s) duly acknowledged the execution of the same.

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

*Michael C. Rowe*  
Notary Public



My Commission Expires:  
10-23-84

KNOW ALL MEN BY THESE PRESENTS:

*File 507 Page 911*

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned,       MILES SAND, INC.      

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

The west 50 feet of the south 400 feet of the southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

STATE OF KANSAS  
SEDGWICK COUNTY

FILED FOR RECORD AT

MICROFILMED  
OF RECORD

ENTERED ON  
TRANSFER RECORD

DEC 9 1981

DOROTHY K. WHITE  
COUNTY CLERK

DEC 9 1981

5 65023

NO. 5 65023  
BETTE F. McCART  
REGISTER OF DEEDS

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

Executed this 6th day of November, 1981.

*Ed Beal  
Deputy*  
15 61

      MILES SAND, INC.      

X  
BY: *Harley Miles*  
V. Harley Miles

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss

BE IT REMEMBERED, that on this 6th day of November, 1981,  
came       V. Harley Miles      

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

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

MICHAEL C. ROWE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Comm. Expires 10-23-84

*Michael C. Rowe*  
Notary Public

My Commission Expires: 10-23-84

~~Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas.~~  
this \_\_\_\_\_  
\_\_\_\_\_  
City Clerk

November 19, 1981

Donald C. Gisick, City Clerk

G. Lynn Shirkey, Junior Planner

Recording of Street Dedication and Covenants Associated with  
Conditional Use CU-249

At the November 18, 1981 meeting of the Board of County Commissioners the above-referenced street dedication was accepted and the covenants approved. The dedication and covenant documents are attached. Please record the dedication and covenants with the Register of Deeds and bill the recording cost to MAPD account No. 755-68-360-500000-240-000-000.

G. Lynn Shirkey  
Junior Planner

GLS:jps  
Attachments

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

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CASE NO. CU-249

CONSIDERED BY MAPC: 10-22-81

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"Sand and Gravel Extraction Operation."

GENERAL LOCATION: Northeast corner of 45th Street North and Meridian.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of  
October 22, 1981)

APPLICANT: Miles Sand, Inc., 4852 N. Meridian.

AGENT FOR APPLICANT: John Gist, Planning Development Services, Inc.,  
625 1st National Bank Building.

PROTESTORS ( LIST AGENT ) IF ANY: None

SURROUNDING ZONING: North and East, "R-1"; South and West, "AA" & "LC".

LAND USE: Existing, Sand extraction operation & undeveloped; North,  
South and West, Undeveloped; East, Arkansas River.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to conditions as shown in  
excerpt from Planning Commission minutes of October 22, 1981.  
Bayouth moved, Martens seconded and it carried unanimously.

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ACTION: 1. Concur with the findings of fact of the Metropolitan Area  
Planning Commission, approve the application subject to the recommended  
conditions and adopt a resolution establishing the conditional use; or  
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 22, 1981

5. Case No. CU-249 - Miles Sand, Inc. request Conditional Use Permit for the Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338. Generally located at the northeast corner of Meridian and 45th Street North.

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 to expand an established sand and gravel operation on approximately 159 acres of land zoned "R-1" Suburban Residential and "LC" Light Commercial located at the northeast corner of Meridian and 45th Street.

On January 24, 1974, the Board of County Commissioners approved a sand and gravel operation on subject property except the south 400 feet thereof which was not included in the previous request (CU-157).

On June 28, 1977, the City Board of Zoning Appeals considered a request for an exception to permit the extraction of raw materials on property adjacent to the south of the area contained in this application owned by this same applicant. Action of the Board was to approve the request subject to certain conditions.

The applicant now desires to tie the two operations together which are separated by a 400 foot strip not approved for this use and also to delete one of the conditions of approval of CU-157 that the operation cease in 15 years (1989).

The applicant indicates that approval of this request would allow him to accommodate a future connection and pumping of sand and gravel from the proposed extraction operation south of 45th Street, from the present sand plant facilities located north of 45th Street.

2. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:
  - a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
  - b. The applicant shall contact Paul Johnston of the Flood Control Office and shall obtain a letter stating that satisfactory arrangements have been made to resolve the drainage problems and construct the loop levee, a copy of which shall be submitted to the Planning Department.

The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by

Paul Johnston, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.
- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.
- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for:
  - 1. Insuring that the loop levee elevation be maintained.
  - 2. Seeing that all operational roads are maintained in a graveled condition.
  - 3. Seeing that the three drainageways are constructed and maintained as part of the operational plan.
  - 4. The construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  - 5. Seeing that the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.
- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.

1. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer, and shall be according to the specifications and standards of these authorities.
- m. Concrete and 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 Zoning Resolution and amendments thereto.
- n. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- o. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- p. Five copies of the revised operational plan, indicating the loop levee around the entire lake area, and the location of the sand plant operation shall be submitted to the Planning Department.
- q. The applicant shall comply with conditions 1, 2, 11 and 16 prior to the publication of the resolution effectuating the conditional use.
- r. At such time that it is intended to either excavate the lake under 45th Street Right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.
- s. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

GALBRAITH stated that one of the conditions that the Planning Commission established in 1974 was that this operation should cease after a 15 year period. He said that several weeks ago staff was contacted by representatives of the applicant asking what procedure would be necessary to see if the Planning Commission would be willing to eliminate that condition of approval. The applicant also desired to add 400 feet adjacent to 45th Street that was not included in the previous application. GALBRAITH said that it was the applicant's desire to have the two lakes (the one south of 45th Street and the one north of 45th) connected.

GALBRAITH stated that after the staff reports were mailed, it was brought to the staff's attention that in the development of the Moorings some agreements were made with the County Engineering Department to resolve some of the drainage problems. They believe that some of the conditions of approval that have been included in cases over the years are probably not applicable in this instance. He said that staff generally agrees with that opinion, and that some of the conditions could be eliminated. He explained the changes and deletions to the recommended conditions of approval contained in the staff report.

There was no one present in opposition to the application.

JOHN GIST, Planning Development Services, Inc., appearing on behalf of the applicant, stated that the applicant was agreeable with the revised conditions as outlined by Galbraith. He stated for the record that the applicant was concerned about the term "fishing" as it appeared in the recommended condition "m". Galbraith stated that the reason for that term was so the applicant does not create a recreational area that charges fees for people to fish in the lake. GIST said that if that was the case, the applicant was not concerned because it had been customary for him to fish in his own lake from time to time.

GALBRAITH stated for the record that if this was a commercial fishing lake then it requires a zoning change.

GIST said that the explanation was satisfactory at this time. He commented that as a result of the modification and revision to the operational plan, they feel that it really has enabled a better potential redevelopment plan.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the residential and undeveloped character of the general area; the existing sandpit to the south; the suitability of the subject property for sandpit operation; and the recommendation of staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.
- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.

- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.
- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.
- l. Concrete and 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 Zoning Resolution and amendments thereto.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a, b and k prior to the publication of the resolution establishing the conditional use.
- o. At such time that it is intended to either excavate the lake under 45th Street right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.
- p. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

Bayouth moved, Martens seconded and it carried unanimously.

-----

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, MILES SAND, INC.

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

The west 50 feet of the south 400 feet of the southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

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

Executed this 6th day of November, 1981.

MILES SAND, INC.

X  
By: Harley Miles

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss

BE IT REMEMBERED, that on this 6th day of November, 1981,

came V. Harley Miles

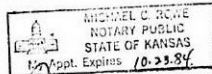
to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

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

this \_\_\_\_\_,

City Clerk



Michael Rowe  
Notary Public

My Commission Expires: 10-23-84

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, Miles Sand, Inc., does hereby impose upon the following described real property, to-wit:

The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, (Generally located at the northeast corner of Meridian and 45th Street North),

covenant to run with the land as follows:

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenant herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF, we have hereunto set our hand this 6th day of November, 1981.

MILES SAND, INC.

X  
BY: Harley Miles

STATE OF KANSAS )  
                          ) SS  
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 6th day of November, 1981, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Harley Miles

personally known to me to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Michael C. Rowe  
Notary Public

MICHAEL C. ROWE NOTARY PUBLIC STATE OF KANSAS My Appt. Expires 10-23-84
--

My Commission Expires: 10-23-84

10-23-84

COVENANT RUNNING WITH THE LAND

MILES SAND, INC., owners of the following described realty,

to wit:

The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P. M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338, (Generally located at the northeast corner of Meridian and 45th Street North),

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

If the construction of a loop levee is deemed necessary by the City-County Flood Control Office, or their successors of office, in connection with conducting operations for the removal of sand and gravel from the premises, the fee owners agree to construct and maintain a loop levee on the premises at such a location as the Flood Control Office may direct, in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office.

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed without written consent of the City-County Flood Control Office, or their successors of office.

In the event of the failure by the undersigned or any successors of title to fulfill the obligation set forth above within sixty (60) days after receipt of written notice from the City-County Flood Control Office, or their successors of Office, then the appropriate governing body may order such work done and maintained and charge the entire cost of such construction and maintenance as a first lien against said realty to be collected and foreclosed in the same manner as a mortgage is foreclosed.

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

Executed this 6th day of November, 1981.

MILES SAND, INC.

X  
BY: *Harley Miles*

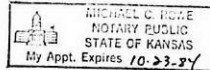
ACKNOWLEDGMENT

STATE OF KANSAS  
ss.  
SEDGWICK COUNTY

Be it remembered, that on this 6th day of November, 1981, before me, the undersigned, a notary public, in and for the County and State aforesaid, came V. Harley Miles who are personally known to me to be the same person(s) who executed the foregoing instrument of writing, and such person(s) duly acknowledged the execution of the same.

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

*Michael C. Rose*  
Notary Public



My Commission Expires:  
10-23-84

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

R E S O L U T I O N

CASE NO. CU-249

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A SAND AND GRAVEL OPERATION IN THE "R-1" SUBURBAN 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 4.A.10.f AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF 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 4.A.10.f and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a sand and gravel operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338. Generally located at the northeast corner of Meridian and 45th Street North.

SUBJECT TO THE FOLLOWING:

- a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.

- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.
- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.
- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.
- l. Concrete and 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 Zoning Resolution and amendments thereto.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a, b and k prior to the publication of the resolution establishing the conditional use.
- o. At such time that it is intended to either excavate the lake under 45th Street right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.
- p. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

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

October 23, 1981

John D. Gist  
Planning Development Services, Inc.  
625 First National Bank Bldg.  
Wichita, Kansas 67202

Re: CU-249 - Conditional Use Permit  
Northeast corner of Meridian &  
45th St. No.

Dear Mr. Gist:

At its regular meeting of October 22, 1981, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to modify an existing sand and gravel extraction operation. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- b. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Flood Control, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.

- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.
- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for seeing that all operational roads are maintained in a graveled condition.
- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.
- l. Concrete and 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 Zoning Resolution and amendments thereto.
- m. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- n. The applicant shall comply with conditions a, b & k prior to the publication of the resolution effectuating the conditional use.
- o. At such time that it is intended to either excavate the lake under 45th Street Right-of-way, or extend the

excavation equipment under 45th, approval shall be obtained from the appropriate governing body.

- p. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

It is necessary that items a, b and k be complied with prior to forwarding this case on to the County Commission. Enclosed is the necessary dedication and sample covenants for your use. These appropriate documents need to be executed and returned to our office by November 6, 1981 so that subject case can be scheduled for consideration by the Board of County Commissioners on Wednesday, November 18, 1981. This meeting to be held at 9:00 a.m., in Room 320, Sedgwick County Courthouse.

If you have any questions or would like for us to review your draft covenants, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

Encl.

cc: Harley Miles, Miles Sand Inc., 4852 North Meridian, Wichita 67204

Sample  
Type on  
legal size paper

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, James O. and Ruby Smith, do hereby impose upon the following described real property, to-wit:

That part of Government Lots 5 and 6 and the west half of the northwest quarter (NW 1/4) of Section 36, Township 26 South, Range 1 West of the 6th P.M., lying west of the Arkansas River Levee, except: The south 120 feet of the west 360 feet; and except: The south 415 feet ± of the west 360 feet of the north 1,285 feet ±, all in Sedgwick County, Kansas. Generally located at the southeast corner of 37th St. North and West Street.

covenant to run with the land as follows:

1. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenant herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenant may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit this covenant is made.

IN WITNESS WHEREOF, we have hereunto set our hand this 2 day of December, 1976

James O. Smith  
James O. Smith

Ruby Smith  
Ruby Smith

STATE OF KANSAS }  
SEDGWICK COUNTY } SS

BE IT REMEMBERED, that on this 2 day of December, 1976 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came

James O. Smith and Ruby Smith  
personally known to me to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.



IN WITNESS WHEREOF, I have hereunto set my hand and official seal day and year last above written.

Ronda Hoover  
Notary Public

My Commission Expires: March 1, 1979

Sample

AMENDED  
COVENANT RUNNING WITH THE LAND

JAMES O. SMITH and RUBY J. SMITH fee owners of the following described realty, to wit:

That part of Government Lots 5 and 6 and the west half of the northwest quarter (W $\frac{1}{2}$ ; NW $\frac{1}{4}$ ) of Section 36, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying west of the Arkansas River Levee, except: The south 120 feet of the west 360 feet; and except: The south 415 feet more or less of the west 360 feet of the north 1,285 feet more or less. (Generally located at the southeast corner of 37th St. North and West Street,

who wish to amend and revise a COVENANT RUNNING WITH THE LAND executed by us on December 2, 1976, and recorded on Film 224 at Page 1477 in the Office of the Register of Deeds of Sedgwick County, Kansas, do hereby make the following declaration of restrictions, limitations and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

If the construction of a loop levee is deemed necessary by the City-County Flood Control Office, or their successors of office, in connection with conducting operations for the removal of sand and gravel from the premises, the fee owners agree to construct and maintain a loop levee on the premises at such a location as the Flood Control Office may direct, in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office.

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed without written consent of the City-County Flood Control Office, or their successors of office.

In the event of the failure by the undersigned or any successors of title to fulfill the obligation set forth above within sixty (60) days after receipt of written notice from the City-County Flood Control Office, or their successors of Office, then the appropriate governing body may order such work done and maintained and charge the entire cost of such construction and maintenance as a first lien against said realty to be collected and foreclosed in the same manner as a mortgage is foreclosed.

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

Executed this 2nd day of July, 1980

James O. Smith  
James O. Smith

Ruby J. Smith  
Ruby J. Smith

ACKNOWLEDGMENT

STATE OF KANSAS  
SEDGWICK COUNTY <sup>SS.</sup>

Be it remembered, that on this 2nd day of JULY, 1980, before me, the undersigned, a notary public, in and for the County and State aforesaid, came JAMES O. SMITH and RUBY J. SMITH who are personally known to me to be the same persons who executed the foregoing instrument of writing, and such persons duly acknowledged the execution of the same.

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



R.K. Eshelman  
Notary Public

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, \_\_\_\_\_

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

The west 50 feet of the south 400 feet of the southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, came \_\_\_\_\_

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

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

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

this \_\_\_\_\_,

\_\_\_\_\_  
City Clerk

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

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

WICHITA, SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 10-22-81

Case No. CU-249 Request: Conditional Use Permit  
for sand and gravel operation

Location: Northeast corner of 45th Street North & Meridian

Reason: Sand and Gravel Extraction Operation

Acres: 159 Size: 2640' x 2610'

	Land Use	Zoning
Existing	Sand extraction operation & undeveloped	"R-1" & "LC"
North	Undeveloped	"R-1"
East	Arkansas River	"R-1"
South	Approved for sand extraction operation	"AA" & "LC"
West	Developing with single-family	"AA" & "LC"

Platted: No

History: CU-157 1-10-74 MAPC Deny  
1-24-74 ECOC Approve

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 to expand an established sand and gravel operation on approximately 159 acres of land zoned "R-1" Suburban Residential and "LC" Light Commercial located at the northeast corner of Meridian and 45th Street.

On January 24, 1974, the Board of County Commissioners approved a sand and gravel operation on subject property except the south 400 feet thereof which was not included in the previous request (CU-157).

On June 28, 1977, the City Board of Zoning Appeals considered a request for an exception to permit the extraction of raw materials on property adjacent to the south of the area contained in this application owned by this same applicant. Action of the Board was to approve the request subject to certain conditions.

The applicant now desires to tie the two operations together which are separated by a 400 foot strip not approved for this use and also to delete one of the conditions of approval of CU-157 that the operation cease in 15 years (1989).

The applicant indicates that approval of this request would allow him to accommodate a future connection and pumping of sand and gravel from the proposed extraction operation south of 45th Street, from the present sand plant facilities located north of 45th Street.

2. Should the Planning Commission recommend approval of this request, it should be approved subject to the following conditions:

- a. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way for Meridian for the south 400 feet of the application area.
- b. The applicant shall contact Paul Johnston of the Flood Control Office and shall obtain a letter stating that satisfactory arrangements have been made to resolve the drainage problems and construct the loop levee, a copy of which shall be submitted to the Planning Department.

The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Office and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the sandpit as may be required by Paul Johnston, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Operations and Maintenance Division of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

- c. No part of the sand plant operation, including the stockpiling of sand or storage of equipment, shall occur in the north 180 feet or the west 100 feet except ingress and egress to Meridian.
- d. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate, 72 acre size as indicated on the approved plan.
- e. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use.
- f. The earth shall be extracted to at least a minimum depth of six feet below water table as determined by the City-County Health Department.
- g. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
- h. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
- i. The sand plant operator shall be responsible for:
  1. Insuring that the loop levee elevation be maintained.
  2. Seeing that all operational roads are maintained in a graveled condition.
  3. Seeing that the three drainageways are constructed and maintained as part of the operational plan.
  4. The construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
  5. Seeing that the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.

- j. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line.
- k. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to 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.
- l. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer, and shall be according to the specifications and standards of these authorities.
- m. Concrete and 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 Zoning Resolution and amendments thereto.
- n. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- o. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
- p. Five copies of the revised operational plan, indicating the loop levee around the entire lake area, and the location of the sand plant operation shall be submitted to the Planning Department.
- q. The applicant shall comply with conditions <sup>a, b + K</sup>~~1, 2, 11~~ and ~~2~~ prior to the publication of the resolution effectuating the conditional use.
- r. At such time that it is intended to either excavate the lake under 45th Street Right-of-way, or extend the excavation equipment under 45th, approval shall be obtained from the appropriate governing body.
- s. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be null and void.

**THE CITY OF WICHITA**

**OFFICE OF** The Director  
Flood Control & Landfill Division

**DATE** October 13, 1981

**TO** Arthur D. Chambers, Senior Planner  
**FROM** Paul Johnston, Flood Control & Landfill Director



**SUBJECT** CU 249 - Proposed Sand  
Excavation Operation at  
NE Corner of Meridian and  
45th Street North

Upon review of the proposed application to expand and continue the operation of the Miles Sand Pit, the following comments are offered:

1. The submitted plans failed to provide information pertaining to the depth, proposed site grading or topography. It is suggested that this be provided.
2. *Will be under plan 202*  
The proposed lake appears to abutt sections of future lots. Provisions for access for maintenance purposes should be provided or adjustments made.
3. Provisions for the drainageway shown in the southwest section of the operational plan does not exist in the redevelopment plan. If this is tied into the Meridian Street drainage scheme, adjustments may be necessary.
4. *Condition of approval*  
It is suggested that a copy of a covenant running with the land be secured which guarantees construction and maintenance of a loop levee, if conditions exist which make the levee necessary.

Runoff from the area in question eventually crosses Interstate 235 and enters the Woodrow Ditch, prior to entering the Flood Control Diversion Channel. In the past, during high-water conditions, this drainageway has backed up, requiring the sluice gate at the Interstate to be closed. Unless saturated conditions exist, the proposed excavation should improve the drainage situation by providing additional storage.

Should questions exist or clarification be necessary, please advise.

Paul Johnston  
Flood Control & Landfill Director

PJ:jb

cc: David Stowe, Director of Operations & Maintenance  
FC Memo File  
Sand Pit Correspondence - General File  
Miles Sand Pit  
Sherwood Glen 2nd Addition

CU-249 - 31 "Notice to Adjoining Property Owners" mailed 10-8-81 for  
the MAPC meeting for 10-22-81

1 to Claud S. Shelor, Director-County 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:

October 3, 1931

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on October 22, 1931 which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-249

Conditional Use Permit for Reapproval and to Extend  
an Existing Sand and Gravel Extraction Operation  
on Property Zoned "R-1" Suburban Residential District  
and "LC" Light Commercial District

The Southwest Quarter of Section 19, Township 26 South, Range 1  
East of the 6th P.M., Sedgwick County, Kansas, except that part  
condemned in Case no. A-39330. Generally located at the northeast  
corner of Meridian and 49th Street North.

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

T9-216

Summary Description of County Zoning Districts

- "R" - Rural Residential District  
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District  
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District  
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District  
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District  
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District  
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District  
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District  
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts  
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

4100 Maple  
Wichita, Kansas 67209  
942-8422

September 24, 1981

**RECEIVED**

SEP 25 1981

METROPOLITAN PLANNING

ROUTE      
   

Arthur D. Chambers  
Senior Planner  
Metropolitan Area Planning Department  
455 N. Main  
Wichita, Kansas 67202

Dear Mr. Chambers:

In reference to CU-249, request to permit a sand excavation operation at the northeast corner of Meridian and 45th Street North, I have the following comments: The area is made up of Elandco Silt Loam, Naron Fine Sandy Loam, and Tabler Silty Clay Loam. All of these soils have an excess amount of fines in them, so are not real good for sand. Since they are using it for sand now, this should not be a problem.

The redevelopment plan appears to be a good one.

In summary, this is a good use for this land.

Sincerely,

*Larry L. Henry*

Larry L. Henry  
District Conservationist



September 22, 1981

Claud S. Shelor, Director, County Department of Public Works  
Paul Johnston, Director Flood Control and Landfill Division  
Paul Graves, Chief Engineer, Department of Engineering  
Larry Henry, USDA Soil Conservation Service, 4100 Maple, 67209

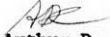
Arthur D. Chambers, Senior Planner

CU-249 - Request to permit a sand excavation operation  
at the northeast corner of Meridian and 45th St. North.

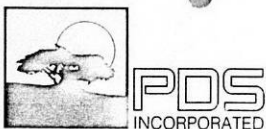
We have received an application to permit the continued operation of a sand excavation operation at the above referenced location. The owner of the existing sandpit has submitted a new application in order to include the south 400 feet of the SW<sup>1</sup>/<sub>4</sub>, Sec. 19, T26S, R1E, to accommodate a future connection with the sandpit to the south, and to remove the fifteen year time limit for excavation.

I have enclosed a copy of the revised operational plan and redevelopment plan for your information and review. We have scheduled the case for MAPC consideration on October 22, 1981. We would appreciate receiving any comments you might have by Tuesday, September 29, 1981, so that they can be included in our staff report.

If you have any questions, please call.

  
Arthur D. Chambers  
Senior Planner

ADC:el  
Enclosures



PLANNING DEVELOPMENT SERVICES, INC.

625 First National Bank Bldg., Wichita, Kansas, 67202 / 316-262-0451. Telex 417 • 375 PDS WIC

September 10, 1981

Mr. Jack H. Galbraith, Chief Planner  
Metropolitan Area Planning Department  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

RE: Revised Conditional Use Permit for Extraction of  
Raw Materials (previous case No. CU-157) - East  
Side of Meridian North of 45th Street North.

Dear Jack:

In accordance with our previous meeting and discussions concerning the approved sand extraction operations for Miles Sand, Inc. on North Meridian, submitted herewith are the following:

- Application for Approval of Conditional Use Permit
- Revised "operational" and "redevelopment" plans (15 copies)
- Current abstractor's Certificate for Application Area and all properties within a distance of 1,000 feet
- Check for filing fee in the amount of \$500.00.

As you are aware, this site was originally approved for a sand and gravel extraction operation by the Board of Commissioners of Sedgwick County, Kansas in 1974 (Case No. CU-157). The new application is submitted for the special purpose of:

1. Amending the application area to also include the south 400 feet of the SW 1/4, Sec. 19-T265-RIE;
2. Revising the operational and redevelopment plans to accommodate a future connection and pumping of the sand and gravel extraction operation south of 45th Street, from the present sand plant facilities located north of 45th Street; and,

Tucson, AZ Denver, CO Dallas, TX  
Formerly Oblinger-Smith Corporation

RECEIVED

SEP 16 1981

METROPOLITAN PLANNING

ROUTE

*Any processed  
provisions and  
conflicts? Let  
me know.*

*me*

3. Eliminating the 15 year time limitation for operation of the sand and gravel business.

Should there be need for additional copies of the plans or any other information, please call.

Sincerely,

PLANNING DEVELOPMENT SERVICES, INC.

A handwritten signature in cursive script, appearing to read "John D. Gist", is written over the typed name. The signature is fluid and extends to the right.

John D. Gist

cc: Robert A Lakin,  
Director MAPD

Mr. V. Harley Miles

JDG:mb

5353-C

MAPC

N-R-1

S-AA+LC

E-R-1

W-AA+LC

CU-249

MAPC  
10-22-81

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 MILES SAND INC. by V. Harley Miles

ADDRESS 4852 N. Meridian; Wichita KS. 67204 PHONE 838-3362

AGENT PLANNING DEVELOPMENT SERVICES, INC.

ADDRESS 625 1st Natl. Bank Bldg.; Wichita, 67202 PHONE 262-0451

B. APPLICANT N/A

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

C. APPLICANT N/A

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

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

2. a. The applicant proposes to ~~XXXXXX~~ MODIFY AN EXISTING SAND AND GRAVEL  
EXTRACTION OPERATION (use)

on property legally described as Lot(s) \* (See below)

\_\_\_\_\_, Block(s)

of the \_\_\_\_\_ Addition.

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

\* The Southwest quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part condemned in Case No. A-39338.

*OK for legal*

2. b. There are 159<sup>+</sup> acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 4852 N. Meridian.  
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

- A. AT THE Northeast CORNER OF Meridian AND  
45th Street North, OR
- B. ON THE \_\_\_\_\_ SIDE OF \_\_\_\_\_ (AVE.) STREET BETWEEN  
\_\_\_\_\_ (AVE.) STREET AND \_\_\_\_\_ (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED "R-1" & "LC"  
(ZONING DISTRICT CLASSIFICATION).

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

(See attached transmittal letter)

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 ABTRACTOR'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.

\_\_\_\_\_ MILES SAND, INC. \_\_\_\_\_

X BY [Signature] BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at 2:45  
(AM, PM) on September 15, 1991 (day, month, year). It has been checked and  
found to be complete and accompanied by required documents and the appropriate  
fee of \$ 500.00.

[Signature] Name  
J. Planner Title



**PDS**  
INCORPORATED

**PLANNING DEVELOPMENT SERVICES, INC.**

625 First National Bank Bldg., Wichita, Kansas, 67202 / 316-262-0451. Telex 417 • 375 PDS WIC

September 10, 1981

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Metropolitan Area Planning Department  
City Hall - Tenth Floor  
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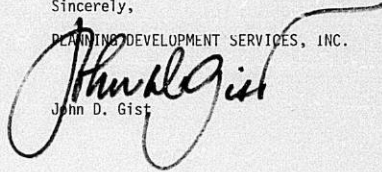
Tucson, AZ, Denver, CO, Dallas, TX  
Formerly Oblinger-Smith Corporation

3. Eliminating the 15 year time limitation for operation of the sand and gravel business.

Should there be need for additional copies of the plans or any other information, please call.

Sincerely,

PLANNING DEVELOPMENT SERVICES, INC.

A handwritten signature in cursive script, reading "John D. Gist". The signature is written in dark ink and is positioned over the typed name and company name.

John D. Gist

cc: Robert A Lakin,  
Director MAPD

Mr. V. Harley Miles

JDG:mb

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
21	1	The Moorings	✓ MIBAC, Inc., 1901 W. 13th, 67203
22	1	"	Same as above
23	1	"	✓ V. Harley Miles and Ro Jean Miles, Miles Sand Co., 2823 Timbercreek, 67204
24	1	"	Same as above
25,26 & 27	1	"	Ⓟ MIBAC, Inc., 1901 W. 13th, 67203
28	1	"	✓ Pate Construction Co., Inc., 7200 W. 13th, 67212
29	1	"	✓ Bill Bachman & Associates, Inc., 1901 W. 13th, 67203
30	1	"	✓ Robert L. Winder and Phyllis A. Winder, 1711 N. Young, 67212
31	1	"	✓ Sylvester F. Schaefer and Ruth J. Schaefer, 2708 Bentbay Circle, 67204
32	1	"	✓ Sophokles Anthimides, 1052 S. Christine, 67218
40	1	"	✓ N. J. Tiemeyer and Nadine C. Tiemeyer, 2723 Bentbay Circle, 67204
41	1	"	Ⓟ MIBAC, Inc., 1901 W. 13th, 67203
42	1	"	✓ Jerry A. Langrehr and Kathryn L. Langrehr, 2703 Bentbay Circle, 67204
43	1	"	Ⓟ MIBAC, Inc., 1901 W. 13th, 67203
44	1	"	✓ William Nicholas Conner, Jr. 4737 Cobblestone, 67204
45	1	"	Ⓟ Bill Bachman & Associates, Inc., 1901 W. 13th, 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
46	1	The Moorings	MIBAC, Inc., 1901 W. 13th, 67203
47	1	"	Same as above
48	1	"	Same as above
55	1	"	Timbercreek Partnership, 1010 N. Main, 67203
56	1	"	MIBAC, Inc., 1901 W. 13th, 67203
57	1	"	Same as above
58	1	"	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
59	1	"	Same as above
60	1	"	Same as above
67	1	"	Same as above
68	1	"	Same as above
69	1	"	Same as above
70	1	"	Same as above
71	1	"	Same as above
72	1	"	Same as above
73	1	"	Same as above
74	1	"	Same as above
82	1	"	Same as above
83	1	"	Same as above
84	1	"	Same as above
85	1	"	Same as above
Part of Reserve A, Block 1, lying N of an East-West line extended thru the N lot corner between Lots 62 & 63, Blk 1; sd part of Res. A being adjacent to Lots 13 thru 22, Blk 1 & Lots 26 thru 62, Blk 1.			MIBAC, Inc., 1901 W. 13th, 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
That part of Reserve A, adjacent to Lots 67 thru 74.	1	The Moorings	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
Reserve B,	1	"	MIBAC, Inc., 1901 W. 13th, 67203
adjacent to Lots 30 & 31			
Reserve C	1	"	Same as above
1 thru 12, inclusive	2	"	V. Harley Miles and Ro Jean, Miles, 2823 Timbercreek, 67204
1	3	"	✓ Weston Sampson, 4754 Cobble- stone, 67204
2 thru 15, inclusive	3	"	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
16	3	"	✓ Murray C. Triplett and Barbara A. Triplett, 2630 Timbercreek, 67204
17	3	"	✓ Sherwood Glen Developers, Inc., 3535 W. 13th, 67203
18	3	"	✓ Frederic E. Hobaugh and Cynthia Gail Hobaugh, 4746 Cobblestone, 67204
19	3	"	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
1	4	"	✓ Neil L. Guthrie and De Ann R. Guthrie, 1032 Westridge, 67203
2 thru 16, inclusive	4	"	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
17,18,19	4	"	✓ Richard L. Bridgman and Virginia L. Bridgman, 2906 Benjamin, 67204
20	4	"	Richard L. Bridgman, 2906 Benjamin, 67204
21,22,23	4	"	V. Harley Miles and Ro Jean Miles, 2823 Timbercreek, 67204
1 & 2	5	"	Same as above

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
3	A	Beulahland, Fourth	X Beulah Alexander (Deceased)
4	A	" "	Same as above
5	A	" "	Same as above
6	A	" "	Same as above
7	A	" "	Same as above
8	A	" "	Same as above
9	A	" "	✓ Frankenbery Builders, Inc. 1600 W. 61st. St. N., 67204
38		Ormiston, Second	✓ Salvation Army, 126 N. Emporia, 67202
39		" "	Same as above
49 & 50		" "	Same as above
51		" "	Same as above
52 & 53, except part for flood control, cond. Case A-39338		" "	Same as above
54 & West $\frac{1}{2}$ of River, desc. as beg. at a point on the N line of Lot 55, 308' E of the NW corner of sd lot, th in a SWly direction at an angle of 74°30' to th left, 400' to an iron; th at an included angle of 143° 17' to th left, 1000.9' to an iron at the SW cor of sd Lot 54; th E along the S ln of Lot 54 to th center of the Little Arkansas River; th in a NELY direction along the center ln of sd river to th N ln of sd Lot 55; th W 292' to the place of beg.		" "	✓ Josephine A. Stabler, 1250 W. 49th St. N., 67204
54, except that tract described "		" "	D Salvation Army, 126 N. Emporia, 67202

Tract Description

The Southwest Quarter of Section 19, Township 26 South Range 1 East of the 6th P.M.

That portion of the Southeast Quarter of Section 19, Township 26 South Range 1 East lying West of land acquired in Chisholm Creek Condemnation Case A-39338, and except a tract now platted as Ormiston Second Addition, and except the South 40 feet for road.

The East  $3\frac{1}{2}$  acres of the Southeast  $\frac{1}{4}$  of the North West  $\frac{1}{4}$  of Section 19, Township 26 South Range 1 East of the 6th P.M.

The South half of the South half of the Southwest Quarter of the Northwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M.

A tract beginning 20 rods North of the Southwest corner of the  $SW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 19, Township 26 South, Range 1 East of the 6th P.M., thence North 440 feet, thence East 677 feet, thence North 237 feet, thence West 677 feet, thence North 313 feet to the Northwest corner of the South 80 rods of said  $NW\frac{1}{4}$ ; thence East 80 rods, thence South 60 rods, thence West 80 rods to the point of beginning.

A tract beginning 770 feet North of the Southwest corner of the  $NW\frac{1}{4}$  of Section 19, Township 26 South, Range 1 East, thence North 237 feet, thence East 677 feet, thence South 237 feet, thence West 677 feet, to the point of beginning, except the West 30 feet for road

Property Owner

D Miles Sand, Inc.  
4852 North Meridian  
67204

X Beulah Alexander, (Dec.)

✓ Daniel Charles Dreese  
8516 Arthur Circle  
67207

✓ Michael Dreese and  
Neva Jean Dreese  
3959 N. Clarence  
67204

✓ Joseph C. Short  
1019 West 50th St. North  
67204

Same as above.

✓ William S. Merrill  
Betty Rose Merrill  
X Address (Unknown)

Tract Description

Property Owner

The Northwest Quarter of Section 30, Township 26 South, Range 1 East, (also described as Government Lots 5, 6 and 7,) and the Southeast Quarter of the Northwest Quarter, and Government Lot 2, all in Section 30 Township 26 South, Range 1 East, except the West 50 feet for street.

D Miles Sand, Inc.  
4852 N. Meridian  
67204

A tract beginning at the NW corner of the Northeast Quarter of Section 30, Township 26 South Range 1 East of the 6th P.M., thence South 74 rods, thence East 80 rods, thence North 74 rods, thence West 80 rods to the point of beginning, except Cond. Case A-39338, and except the North 40 feet for road.

Same as Above

The North half of the East 4 acres of Lot 9, lying South of the North 18 feet of Lot 9, in Section 25, Township 26 South Range 1 West of the 6th P.M.

D MIBAC Inc.  
1901 West 13th St.  
67203

The South half of the East 4 Acres of Government Lot 9, lying South of the North 18 feet of Lot 9, in Section 25, Township 26 South, Range 1 West of the 6th P.M.

Same as above

The West 226.89 feet of the East 934.16 feet of Government Lot 9, Section 25, Township 26 South, Range 1 West of the 6th P.M., except the North 18 feet for road

Same as above

The West 120 feet of the East 1054.16 feet of Government Lot 9, in the Northeast Quarter of Section 25, Township 26 South Range 1 West of the 6th P.M., except the North 18 feet thereof

✓ Larry T. Ziesenis  
Bonnie L. Ziesenis  
2733 West 45th St. North  
67204

Tract Description

The East 1210 Feet of Government Lot 1, except the North 18 feet and except the East 30 feet for highway, and except a tract deeded to the Kansas Department of Transportation, being in the Northeast Quarter of Section 25, Township 26 South, Range 1 West

A tract of land in Government Lots 1 and 2, in Section 25, Township 26 South, Range 1 West of the 6th P.M., beginning at a point 771.83 feet North and 30 feet West of the Southeast corner of said Lot 2, the East line of said Lots 1 and 2 having an assumed bearing of North 0°0' West; thence North 0°0' West, 343 feet; thence North 90° 0' West, 70 feet; thence South 0°0' East, 293 feet; thence North 90°0' West, 750 feet; thence South 0°0' East to a point 820 feet West of the place of beginning; thence South 90°0' East, 820 feet to the place of beginning

The North 18 feet of the East 1054.16 feet of Government Lot 1, in Section 25, Township 26 South, Range 1 West of the 6th P.M.

The South half of the North east Quarter of Section 24 Township 26 South, Range 1 West of the 6th P.M.

Property Owner

✓ The Northwest Development Corp Inc.  
1901 West 13th Street  
67203

✓ Kansas Department of Transportation  
3200 East 45th St. North  
67204

✓ Janet V. Bachman  
2820 Bentbay Circle  
67204

✗ J. F. Gsell  
✗ Address Unknown  
✓ George F. Gsell  
3244 East Douglas  
67208

✓ George Greer Gsell  
8604 Limerick  
67206

Kelsey Gsell Riggs ✓  
✗ Address Unknown

Tract Description

The East half of the Southeast Quarter of Section 24, Township 26 south, Range 1 West of the 6th P.M. except that portion now platted as the Moorings.

Property Owner

V. Harley Miles and  
RoJean Miles  
2823 Timbercreek  
67204

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

The Southwest Quarter of Section 19  
Township 26 South, Range 1 East of  
the 6th P.M., Sedgwick County, Kansas  
except that part condemned in Case No.  
A-39338

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 8th day of September, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

*Mary Gable*  
Vice President

Order No: 301883  
AP

FORM 29 1

PAYMENT NOTICE  
City of Wichita

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

DESCRIPTION		AMOUNT
410		
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

\*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*