

PLAT NO. S/D 75-117 MAP NO. 4656

NAME DYSART ADDITION

LOCATION: S. W. Corner of 119th St. West and 77th
St. North

ENGINEER Baughman Company

OWNER Billy W. Dysart

APPLICATION FILED 12-22-75

SKETCH PLAT FILED 12-22-75

PRELIMINARY FILED Plans submitted

S/D ACTION N/A

FINAL FILED 12-22-75

S/D ACTION 1-2-76 refer indif.

MAPC ACTION 2-5-76 Approve

^{B.C. Com.}
REC ACTION 4-14-76 approve

RECORDED April 21, 1976

REMARKS

S/D final 1-29-76 - approve.

S/D 75-117 - DYSART ADDITION -
S.W. corner of 119th St. West
and 77th St. North, by Baughman
Company

B.C.C./B. CO. C. *4-14-76*

Subdivision Report and Progress

Map No. 4656
Sec. No. 1
Twp. No. 26S
Range 2W

S/D No.: 75-117

Name: DYSART ADDITION

General Location: S.W. Corner of 119th St. West and 77th St. North

Owner: Billy W. Dysart
Address: Rt. 7, Maize, Kansas 67101 Phone: 942-4637 722-4504
Subdivider: _____ Phone: _____
Address: _____
Engineer/Surveyor: Baughman Company Phone: 262-7271
Address: 330 Laura

Application Received 12-22-75
Conf. with Applicant _____
Sketch Plat Received 12-22-75
Present Zoning) None - outside
Proposed Zoning) County Zoning
Letter of Intent _____

PREL. PLAT RECEIVED none
S/D Comm. Action N/A
Dept. Report on Prel. N/A

TRACING PROGRESS:

Received _____
Released _____
Received _____
Released _____

FINAL PLAT RECEIVED 12-22-75
S/D Comm. Action 1-2-76 after audit
S/D 1-29-76 approved
Dept. Report on Final 4-30-76
M.A.P.C. ACTION 2-5-76 Approved
Dept. Report on Final 2-6-76
Letter on Irons Received N/A
Title/Taxes Rec'd & Reviewed 4-5-76
Final Review 4-13-76
Referral to B.COC. 4-12-76

B.COC. ACTION 4-14-76 approved

Recorded April 21, 1976

Comments:

DYSART ADDITION

Union Township

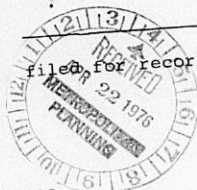
U.S.D. #266

Sedgwick County Elect. Coop

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

DYSART ADDITION was

filed for record on April 21, 1976



Robert J. McCall
Register Of Deeds

S/D 75-117
4-23-76



June 21, 1978

Vern Miller
District Attorney
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203

RE: Dysart Addition
(Billy W. Dysart)
7781 North 119th West
Wichita, Kansas)

Dear Mr. Miller:

A situation with which we have been working earnestly towards a proper and legal resolution has recently come to an impasse. We have now exhausted every possible administrative procedure known to be available and have allowed nearly 2 1/2 years for Mr. Dysart to fulfill his legal obligation with absolutely no success.

First, let me briefly summarize the situation and then go into detail in the ensuing paragraphs. As a condition of platting the Dysart Addition in February 1976, Mr. Dysart was required to replace an existing substandard septic system with a special elevated septic system to account for high ground water on the tract. He agreed to this requirement before plat approval and the system was to be installed before occupancy of his new house. The house was occupied in February 1977, but no special septic system was installed, nor is one installed to this date. He desires not to install the system and evidently intends not to install it.

Mr. Dysart bought the property in November 1975 and applied for a building permit very soon thereafter. He was told that the property would have to be platted but was allowed a building permit to move a mobile home on under the condition that it would be removed if platting were not completed. His intentions were to build a permanent house on the property and use the mobile home only in the interim.

The Metropolitan Area Planning Department (MAPD) received an application on December 22, 1975, for platting Dysart Addition. One requirement for platting was Health Department approval of individual septic tank system. Because of high ground water in the area and because of what the Flood Control Office calls "seepage water", a conventional septic tank system could not be approved.

This gave the Environmental Health Division of the Health Department two alternatives: recommend disapproval of the plat or devise a special sewerage

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street-Wichita, Kansas 67214 (316)268-8201

ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

Administration Budget Controller Data Processing Purchasing Duplicating Stationery Stores Ret. & Insurance Treasury Airport Authority Art Museum City Manager C. P. O. City Clerk City Commission Com. Status of Women Personnel Personnel Training Public Affairs Civil Rights & E. E. O. Community Development Administration Community Action	Community Services Contracts Admin. Job Teams Local Housing Authority Community Facilities Building Services Community Arts Omnisphere Credit Union Economic Development Energy Resources Industrial Development Emergency Communications Fire Department Grievance Office Health Department Law Department Library M. T. A. Municipal Court Park Department Forestry Recreation	Planning Department Graphics Empl. & Training Center Police Department Motor Pool Public Works Administration Central Inspection Engineering Flood Control Maintenance Sanitation Traffic Engineering Urban Renewal Water Department Accounting Engineering Filter Plant Gas Utility Mains & Services Water Pol. Control
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For: 1-101-Curtis Newby
For your information _____ For your comments _____
MESSAGE:

Signed
#000-013 R78

Heath Dept

Date: 6-22



June 21, 1978
Dysart Addition
Page 2

facility that would not be subject to the high ground water or seepage water problems. In an effort to provide a solution to Mr. Dysart in his dilemma, Mr. Innes and I spent a considerable amount of time and effort to develop a satisfactory method for sewage disposal to try to overcome the existing adverse conditions. Mr. Dysart concurred in our proposed solution and agreed to install the special facility and acknowledged this and the design of the facility in my presence on January 28, 1976.

Therefore, a memorandum, copy enclosed, dated February 12, 1976, was sent to MAPD approving the subdivision. References were made in the memo regarding the agreement with Mr. Dysart. On the same day, a Sewerage Facility Application was completed by Mr. Dysart and construction approval was granted for the exact same system agreed upon earlier. The notation appeared upon the sketch that the system was "to be constructed before occupancy of dwelling". On April 7, 1976, Mr. Dysart was sent the minimum pad elevation by us since it related to the minimum lateral trench elevation.

As the result of routine checks of outstanding permits, Steve Innes made a call to Mr. Dysart on February 1, 1977, to inquire why he had not yet installed his sewerage facility. He said that the house was just about finished and he did not see any reason to install the sewerage facility since he already had one and it worked okay, he said. Mr. Innes told him that it was a condition of platting, that he was obligated to install it and the permit expired February 12, 1977. His indication was that he would not do this.

After talking to Mrs. Dysart, Mr. Innes sent him a letter dated February 28, 1977, copy enclosed, pointing out the regulations of which they were in violation and enclosing copies. As a result, Mr. Dysart called on March 4, 1977 and said that he would install the system. A number of phone conversations from this point into autumn indicated that Mr. Dysart had made calls to obtain materials and made attempts to line up the work, but nothing ever materialized. Since the dirt hauling was to be around \$1,500, Mr. Dysart said, he had tried to get surplus dirt at no cost from the county.

With the advent of a new type of elevated facility, the "mound", approved for special situations in this county, Mr. Innes, wrote a letter to Mr. Dysart to see if he might be interested in it as an alternative. Attached to the letter was a plan of the mound system with specific dimensions for his use. Copies of these are enclosed.

On February 7, 1978, the permit was extended (the second time) to expire May 12, 1978 because of the very cold weather. On May 8, 1978, Mr. Innes wrote him a reminder letter and also informed him that on May 12, 1978, we would be obliged to pursue legal action. He received a call from Mr. Dysart as a result of this.

An effort was then made by this department to consider this situation under a completely different light before proceeding further. It was supposed that Mr. Dysart had bought the land this year, 1978, and had applied for building

June 21, 1978
Dysart Addition
Page 3

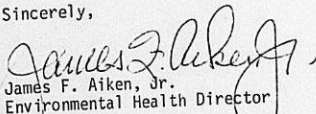
permits. Under the subdivision regulations which were changed in October 1976, he would not have been required to plat. If he satisfied certain county requirements, he could have obtained a building permit. If his existing septic system was functional, he could have submitted a statement stating so, for Health Department approval. Knowing the ground water elevations near the river, we would not have granted approval without first insuring the system met minimum standards. A measurement of the ground water table would have very likely been required. If the water table proved to be deeper than 6 feet on the average and cycled no closer than 3 feet to the top of the ground, the existing system would have been approved. If not, however, an elevated (mound) system would have been required because of high ground water.

Measurements of the ground water were taken with Mr. Dysart's cooperation on May 12, 1978. One hole on one side of his septic lateral field showed water at 5 1/2 feet and another on the other side had water at 6 feet. Calculations incorporating the known water table average at a different location and known fluctuations showed the ground water table in the area of Dysart's lateral field to be too high for a conventional system. The average depth to ground water would be 5.1 feet and the water would come up to 1.2 feet from the top of the ground. Thus, the conventional system, over the long run will pollute the ground water and the ground water will in turn interfere with the operation of the laterals. The laterals will be non-functional during periods of high ground water when they are inundated and siltation will lead to premature failure.

Therefore, even under County Code No. 5 with its provisions for Variances, the existing sewerage facility at 7781 North 119th West would have to be replaced with a special elevated one. Whether the MAPC Subdivision Regulations are applied or the County Health and Sanitation Code is applied, the facility is not in compliance.

It is our opinion that we have gone beyond any reasonable expectations in our efforts to assist Mr. Dysart. He has not responded and has not complied with his agreements or the Sedgwick County regulations. We now have no recourse but to request that your office develop appropriate legal proceedings. We will of course be available to testify and are willing to help in any way possible. If you would give us some indication as to what the disposition of this will be by July 30, 1978, we would be most appreciative.

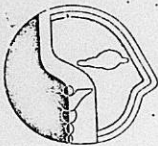
Sincerely,


James F. Aiken, Jr.
Environmental Health Director

JFA/lb

cc: Curtis Newby
Syd Werbin
John Hale
Billy W. Dysart

Enclosures: Copy of one memo
Copies of five letters
Copy of Application/Permit



April 7, 1976
1-013

Mr. Billy W. Dysart
7781 N. 119th West
Wichita, Kansas

Mr. Dysart:

Re: Dysart Addition
S/D No. 75-117

The special septic system which you agreed to construct as a condition for platting approval is to have lateral trenches filled with road gravel up to an elevation of 1366 feet, as shown on the sketch for your sewerage facility permit.

With the concurrence of the County Engineer's Office, we accordingly designate your minimum pad elevation for your house to be 1366.5 feet.

Steve Innes
Environmental Health Engineer

SI/gt

cc Bill Korber, Baughman Company
M. S. Mitchell, Wichita-Valley Center Flood Control
Tim Hamilton, Sedgwick County Public Works

Wichita-Sedgwick County Department of Community Health
1900 East North Street - Wichita, Kansas 67214 (316) 268-8201



February 28, 1977

Mr. and Mrs. Billy W. Dysart
7781 N. 119th West
Wichita, Kansas

Dear Mr. and Mrs. Dysart:

I appreciate being able to talk to Mrs. Dysart Friday. Enclosed are copies of pages from the Subdivision Division Regulation to which I referred.

Additionally, I am enclosing copies of pages 15-21 from County Code No. 5. Our environmental health director pointed out to me today that your not installing the system which was approved by us for construction is probably in violation of paragraph 1 of Section 1 in Chapter 3 and paragraphs 4-6 of Section 6 in same Chapter.

Please consider this information carefully and call me by March 10, 1977, to let me know of your decision. Call me or Jim Aiken if you have any questions.

Sincerely,

Steve Innes

Steve Innes
Environmental Health Engineer

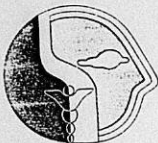
SI/gt

cc James F. Aiken, Jr.
Environmental Health Director

Dysart called 3-4-77 & said
that he'd install system this month.
If impossible, he'll call & we can
discuss extensions. SI

Wichita-Sedgwick County Department of Community Health
1900 East North Street - Wichita, Kansas 67214 (316) 268-6201

S/O



February 7, 1978

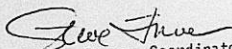
Billy W. Dysart
7781 North 119th West
Wichita, Kansas

Dear Mr. Dysart:

Your Sewerage Facility Application/Permit expires February 12, 1978, as extended. However, because of very cold weather and snow on the ground, it will be extended to May 12, 1978, at which time it will expire and it will be necessary to obtain a new one.

During this three months of additional time, you should make a decision as to whether you will go with the "mound" system which I sent you last September, or the system designed by Jim Aiken as a condition of your platting approval.

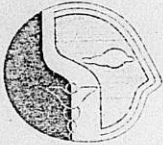
Don't procrastinate, because the May spring rains can cut into construction days as well as snow and frozen ground.


Steve Innes, Coordinator
Environmental Conservation

SI/1b

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street - Wichita, Kansas 67214 (316) 268-8201

Dysart



September 14, 1977

Mr. Billy W. Dysart
7781 N. 119th W.
Wichita, Ks

Dear Mr. Dysart:

Enclosed is a copy of a new type of sewerage facility which may be approved in high ground water areas. This "mound" system may be the answer to your problem of not being able to obtain the fill dirt you need for previously approved elevated system. For your use, the mound outside dimensions would be 46' x 56' which should be smaller and might require less fill dirt.

Let me know if you are interested in constructing a mound system instead of the elevated laterals. You really should be getting something in the ground fairly soon or cold weather will hamper installation.

Please call me at 268-8351 if you have any questions.

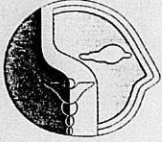
Sincerely,

Steve Innes, Coordinator
Environmental Conservation

SI/1b

Attachment

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street - Wichita, Kansas 67214 (316)268-8201



May 8, 1978

CERTIFIED MAIL

Mr. and Mrs. Billy W. Dysart
7781 North 119th, West
Wichita, Kansas

Dear Mr. and Mrs. Dysart:

We have heard nothing to indicate that you are proceeding with construction of the sewerage facility which was required as a condition of platting the Dysart Addition. Your Sewerage Facility Application/Permit expires this Friday, May 12, 1978, as was extended in my letter to you of February 7, 1978.

If we have not received information that you are proceeding with construction by May 12, 1978, the end of the business day, we will be obliged to initiate legal proceedings as provided in the MAPC Subdivision Regulations.

If you have any questions, please call me at 268-8351.

Steve Innes, Coordinator
Environmental Conservation

SI/jk

cc: Tom Powell, Department of Law

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street - Wichita, Kansas 67214 (316)268-8201

file
Subdiv.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF ENVIRONMENTAL HEALTH

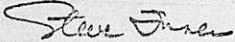
DATE February 12, 1976

TO Curtis Newby, Junior Planner
FROM Steve Innes, Environmental Health Engineer

SUBJECT Dysart Addition Approval
S/D No. 75-117

This addition, generally located on the Southwest corner of 119th W & 77th N, is in an area with water table problems in relation to septic system use. However, in this existing use situation, there will be no increase in dwelling units on this tract. Satisfactory arrangements have been made with the owner, B. W. Dysart, for a special septic system to be constructed in place of the existing before occupancy of the house to be built.

The owner understands that this property cannot be subdivided in the future.



Steve Innes
Environmental Health Engineer

SI/gt

SEWERAGE FACILITY APPLICATION/PERMIT

Wichita-Sedgwick County Department
of Community Health
Environmental Health Division
100 E. 9th Street
Wichita, Kansas 67214
Phone - 268-8351

Address of Facility 2781 W. 11th West
Owner Billy W. Dyson Phone 222 4500
Owner's Address 2781 W. 11th West
Home; or Business (give name) Home
Facility: New Existing ; Variance Yes No

APPLICATION:

Location: In Wichita Mo. County: Mo. Sec-Twp-R NE 1-25-2W Key No 2 55785
Legal Description: Lot 1 Block 1 Addition Dyson Township 26-S R-2-W
Sewer Available Yes No Distance _____ Sewer Petition Filed Yes No
Percolation Test Available Yes No Ground Water Depth < 10 feet
Ground Slope: Flat Moderate Steep ; Lot size 13.5 AC
Public Water Supply: Available Yes No ; Used: Yes No
Number of adjacent properties 3
Waste Volume: No. of bedrooms 3. No. of Employees — Process waste —gpd, Total waste —gpd
Plan sketch attached Sewage contractor name —
Address & phone _____, estimated completion date _____

I hereby submit this application for a sewerage facility and certify the above information to be actual and true. I further certify that if the application is approved, the sewerage facility will be constructed and operated in accordance with the approved plans, the requirements of the Health Officer and/or The Sedgwick County Health and Sanitation Code No. 5, that the Health Officer will be called for final inspection, that a building permit will be obtained, and that I will eliminate such facility and make connection to a sanitary sewer when available. I also request and petition the governing body for a sanitary sewer to be constructed as soon as feasible.

Signed: Owner Billy W. Dyson Date 2-12-76

INSTRUCTION APPROVAL: Percolation Rate < 30 minutes. This application and attached plans are approved , disapproved for construction within one year, of a 1000 gallon septic tank and 400 feet of lateral, or a NA foot square (at 7 foot water depth) waste stabilization pond, or NA facility and a fee referenced to Receipt Number 06371 is acknowledged. Overflow holding tank required NO.

Approved by Health Officer Steve Jones Date 2-12-76

Extended expiration date to 2-12-78, or 10-10-77.

LEGAL INSPECTION: The sewerage facility identified in this document and constructed by _____ is in accordance with the _____

Requirements: Inspected and approved by Health Officer _____
Date _____

PERMIT*: The Wichita-Sedgwick County Department of Community Health hereby releases to the owner, identified in this document, this PERMIT and authorizes the use of the approved sewerage facility. The issuance of this permit does not provide a warranty by the Health Officer of satisfactory operation, but does require the owner to be responsible for proper operation and maintenance and, if needed, modifications of the facility or other action to assure continuous satisfactory operation.

Health Officer _____ Date _____

In Sedgwick County, this permit is not transferable to a new owner.

REQUEST FOR VARIANCE OF SEWERAGE FACILITY STANDARDS

Wichita-Sedgwick County Department
of Community Health
1900 E. 9th Street
Wichita, Kansas 67214
Phone - 268-8351

Address 2281 W. 117th St.
Owner B. H. W. Dysart

As provided under Section 5, Chapter 3 of Sedgwick County Health & Sanitation Code No. 5, I hereby request a variance of sewerage facility standards for my property referenced above.

- 1. Property was platted & recorded prior to June 1, 1975..... Yes No
- 2. The lot size is too small..... Yes No
- 3. Soil is too tight (percolation rate unsatisfactory)..... Yes No
- 4. There is an existing structure and sewerage system..... Yes No
- 5. Other conditions (specify)..... Yes No

(Sewer system will be all new)
(Water table location 10 ft)

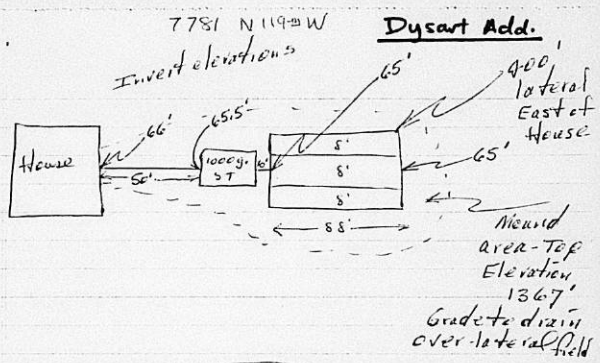
If approved by the Health Officer, I will cause a special sewerage facility to be constructed in accordance with the requirements and plans stipulated by the Health Officer. If an overflow holding tank receiving flow from the lateral field is required by the Health Officer, I hereby certify that such overflow holding tank will be emptied by a licensed waste disposal operator as often as necessary to prevent overflow onto the ground surface or other malfunction. I also agree, prior to construction of such approved sewerage facility, to record into the deed of my property related hereto this variance restriction so that it will be binding on all future owners of said property.

Signed by owner B. H. W. Dysart Date 2-12-76

VARIANCE CONSIDERATION:

This variance request is approved and granted , disapproved subject to the statements contained above and subject to the attached application and plan and the following additional requirements: Special sewerage system to be constructed according to approved plans.

Signed by Environmental Health Director or designated representative:
[Signature] Date 2-12-76



H.D. Condition on Platting Approval

For Billy W. Dysart
 7781 N 119 W - Sedgwick Co
 Lot 1 Dysart Addition
 * To be constructed before occupancy
 of dwelling - sewage permit to
 be obtained before starting construction
 of dwelling.

James F. Lehen J.
 Jan 28, 1976

acknowledged by B.W. Dysart
 Jan. 28, 1976

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 75-117 Name DYSART ADDITION
Application & Sketch Filed: 12-22-75
Preliminary Plat Filed: N/A Approved by S/D: N/A
Final Plat Filed: 12-27-75 Approved by S/D: 1-29-76
Approved by Metropolitan Area Planning Commission: 2-5-76

DESCRIPTION

General Location: West side of 179th Street West, one mile
north of 69th Street North

Surveyor or Engineer: Baughman Company
Owner: Billey Dysart
Address: Rt. 7, Maize, Kansas 67101

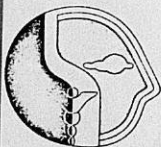
- | | | | |
|-------------------------------|-----------------------|-----------------------|---|
| 1. Gross Acreage of Plat | 6.46 | 6. Access Control | |
| 2. Number of Lots: | | St. 119th St. West | No. Openings 1 |
| Residential | 1 | St. _____ | No. Openings _____ |
| Commercial | _____ | St. _____ | No. Openings _____ |
| Industrial | _____ | 7. Req'd Improvements | |
| Other | _____ | St. Paving | Water _____ |
| Total Number of Lots: | 1 | Sidewalk | Drainage _____ |
| 3. Minimum Lot Area: | 6 | Sewer | Other Health Dept. _____ |
| 4. Existing Zoning | Outside County Zoning | | Approval of septic
tank & water supply |
| 5. Special Problems Discussed | None | | |

Letters from the Environmental Health Department approving the use of a septic tank system and a private water supply on subject property, have been submitted to the Planning Department.

Planning Commission Recommendation:

That this plat be approved subject to recording within 30 days after approval by the Board of County Commissioners. Gragg moved, Goebel seconded and it carried unanimously. Barrier and Collier were absent.

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission and sign.



April 7, 1976
1-013

Mr. Billy W. Dysart
7781 N. 119th West
Wichita, Kansas

Mr. Dysart:

Re: Dysart Addition
S/D No. 75-117

The special septic system which you agreed to construct as a condition for platting approval is to have lateral trenches filled with road gravel up to an elevation of 1366 feet, as shown on the sketch for your sewerage facility permit.

With the concurrence of the County Engineer's Office, we accordingly designate your minimum pad elevation for your house to be 1366.5 feet.

Steve Innes
Environmental Health Engineer

SI/gt

cc Bill Korber, Baughman Company
M. S. Mitchell, Wichita-Valley Center Flood Control
Tim Hamilton, Sedgwick County Public Works

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street-Wichita, Kansas 67214 (316)268-8201



April 7, 1976
1-013

Mr. Billy W. Dysart
7781 N. 119th West
Wichita, Kansas

Mr. Dysart:

Re: Dysart Addition
S/D No. 75-117

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Steve Innes
Environmental Health Engineer

SI/gt

cc Bill Korber, Baughman Company
M. S. Mitchell, Wichita-Valley Center Flood Control
Tim Hamilton, Sedgwick County Public Works

xcc: East Newby (4-14-76)

Received

APR 9 1976

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street - Wichita, Kansas 67214 (316)268-8201

100% recycled paper

Lawyers Title Insurance Corporation

A Stock Company
Home Office - Richmond, Virginia
INTERIM TITLE INSURANCE BINDER

Case No.

No.

*M.A.P.P.
Received
4-5-76
C.M.*

TO WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION.

LAWYERS TITLE INSURANCE CORPORATION, herein called the Company, hereby insures:

That the title to the land described in Schedule A hereof, was on April 5, 1976,
at 7:00 o'clock A. M., vested in fee simple in

BILLY W. DYSART and SUSAN M. DYSART

subject only to the defects, objections, liens and encumbrances, as shown in Schedule B hereof.

That upon compliance with and/or satisfaction of the requirements set forth under Section 1 of Schedule B of this Binder, and upon payment of its premium for title insurance, this Company will issue to you, as the insured, its policy of title insurance, on the usual form, in the sum of \$ ~~xxx~~, showing under Schedule B thereof only such exceptions as appear in Section 2, of Schedule B of this Binder and such liens, encumbrances or objections attaching to the title subsequent to the date hereof and prior to the issuance of the policy which are not satisfied and/or removed.

This Binder is delivered and accepted upon the understanding that you have no personal knowledge or intimation of any defect, objection, lien or encumbrance affecting said premises other than those shown under Schedule B hereof, and your failure to disclose any such personal information shall render this Binder and any policy issued based thereon, null and void as to such defect, objection, lien or encumbrance.

Nothing herein contained shall be construed as a guarantee against the consequences of the exercise and enforcement or attempted enforcement of governmental "police power" over the property described herein.

This Company shall be liable under this Interim Title Insurance Binder only for actual loss or damage incurred by reliance upon the insuring provisions hereof.

This Interim Title Insurance Binder is subject to the terms, provisions and Conditions and Stipulations of the form of policy applied for.

This Binder is preliminary to the issuance of the policy of title insurance and shall become null and void, unless policy is issued, and the premium therefor paid, within six (6) months from the date hereof, and shall not be binding until it shall have been countersigned by an authorized Officer or Agent of the Company.

IN WITNESS WHEREOF the Company has caused this binder to be executed pursuant to its by-laws on April 5, 1976.
at Wichita, Kansas.

Countersigned:

Lawyers Title Insurance Corporation

Frank B. Hawkins
Authorized Officer or Agent

Robert E. Dawson
President.

Blifford B. Stout
Secretary.

Schedule A

Legal description of the land referred to in this Binder.

The North 290 feet of the East 971.2 feet
of the Northeast Quarter of Section 1, Township 26
South, Range 2 West of the 6th P.M., Sedgwick County,
Kansas. (To be platted as Dysart Addition)

Note: Mitch called
on 4-12-76 to
say he received letter
from Health Dept approving
filling pad elevations - everything
now ok, Carl Hawk

April 1, 1976

Ms. Anna M. Conrad
Fidelity Savings
P. O. Box 1007
Wichita, Kansas 67201

Subject: N290' of E 971.2' NE1/4, Sec. 1,
T-26-S, R-2-W (Dysart Addn.)

Dear Ms. Conrad:

Reference is made to your letter of March 26th requesting flood hazard evaluation for subject property. My file shows that Dec. 22, 1975 a final plat titled Dysart Addition was filed with Metropolitan Area Planning Department. During hearings before the Subdivision Committee of the Metropolitan Area Planning Commission, we pointed out that subject location (see photo print) is in an area which had been flooded by overflow from the Arkansas River prior to construction of the Arkansas River Training Levee. Since that time, Arkansas River floods have been confined by the levee and surface flooding prevented.

Since subject site is very sandy soil and only 500 feet from the River, the ground water level is affected by fluctuations of the water level in the River. In 1973 and 1974, ground water, surcharged by water against the levee in the River, raised high enough to reach the surface and flow across 119th Street (the township road east of subject tract). Combination of high ground water and its surface runoff forced the township to close 119th Street in the vicinity of subject tract to all but emergency traffic and those locals who could navigate the flooded roadway.

Utility Advisory Committee staff members brought up these facts and, based on Section 8-103L of Subdivision Regulations, questioned the use of a septic tank and lateral system where they could be flooded for considerable periods during River floods. The Health Department then developed a plan to protect the private

Anna M. Conrad

-2-

April 1, 1976

sewer system from ground water raises and the Final Plat received approval of the Metropolitan Area Planning Commission subject to approval of private water and sewer systems and a minimum building pad elevation. This office was given review and recommendation authority over the building pad elevation. As of this date, we have not approved such elevation pending recommendation of the surveyor for the plat applicant. The building elevation should be based on the sewer system approved by the Health Department.

I trust this information will assist you; however, if further discussion is desired, please advise.

Yours truly,

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
Jack Galbraith
G. C. McLure
Bill Korber
Dysart Addn. Plat File
Flood Hazard Information File

Enc. Print of Photo #4656

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF ENVIRONMENTAL HEALTH

DATE February 12, 1976

TO Curtis Newby, Junior Planner

FROM Steve Innes, Environmental Health Engineer

SUBJECT Dysart Addition Approval
S/D No. 75-117

This addition, generally located on the Southwest corner of 119th W & 77th N, is in an area with water table problems in relation to septic system use. However, in this existing use situation, there will be no increase in dwelling units on this tract. Satisfactory arrangements have been made with the owner, B. W. Dysart, for a special septic system to be constructed in place of the existing before occupancy of the house to be built.

The owner understands that this property cannot be subdivided in the future.

Steve Innes

Steve Innes
Environmental Health Engineer

SI/gt



January 28, 1976



To whom it may concern:

The land located at 119th St. West and 77th St. North described as the Dysart Addition was purchased November 20, 1975, from William Newlin.

The present septic system was installed by Mr. Newlin November 7, 1974. It is a 1,000 gallon tank and 500 feet of laterals.

I recognize that the water table is less than 10 feet and that there is a possibility of flooding.

I agree that within a period of three (3) years from the date of recording of the plat to reconstruct the lateral field per the Sedgwick County Health Department Specifications. I understand this would mean consisting of fill to an elevation of 1367 feet.

B.W. Dysart

B.W. Dysart

Rt. 7

Maize, Kansas

January 28, 1976



To whom it may concern:

The land located at 119th st. West and 77th St. North described as the Dysart Addition was purchased November 20, 1975, from William Newlin.

The present septic system was installed by Mr. Newlin November 7, 1974. It is a 1,000 gallon tank and 500 feet of laterals.

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B.W. Dysart

B.W. Dysart

Rt. 7

Maize, Kansas

February 6, 1976

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 75-117 - Final Plat of
DYSART ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on February 5, 1976, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of January 30, 1976.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the plattor.
4. Certification that all taxes due and payable for 1975 and prior years have been paid.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Billy W. Dysart, Route 7, Maize, Kansas 67101
Dean Sellers, Assistant City Engineer

January 30, 1976

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 75-117 - Final plat of
DYSART ADDITION.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 29, 1976, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

A. "Access control except for one opening" shall be labeled adjacent to 119th Street West.

in part
The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter shall be obtained from said Department setting forth approval of such systems, which shall be submitted to the Planning Department.

A minimum building pad elevation shall be indicated on the plat which shall assure a minimum 3-foot of freeboard above the flood of record for the area. Said elevation, estimated to be about 1,367.0+ shall be reviewed and approved by the Flood Control Office.

366.7, finally agreed upon - see copy of letter from Health Dept.
Recording of the plat within 30 days after approval by the Board of City Commissioners.

The enclosed "marked" copy of the final plat is for your information and files.

S/D 75-117
January 30, 1976
Page 2

This matter will be forwarded to the Planning Commission for its consideration on Thursday, February 5, 1976, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

cc: Billy W. Dysart, Route 7, Maize, Kansas 67101
Dean Sellers, Assistant City Engineer

SOC-D-Cons-5 (11/75)

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

Property Name Dysart Addition
Location SW Corner of 119th St. West &
77th St. North
Date 1-6-76

MAILED TO:

William L. Korben
Name
Baughman Company
Firm
262-7271
Phone

Prepared by Larry L. Henry, District Conservationist
USDA-Soil Conservation Service,
4100 Maple, Wichita, Kansas 67209
Phone: 943 9471



Requested by: Wichita-Sedgwick County Metropolitan
Area Planning Commission

A. SOIL TYPE: Waldeck sandy loam - deep somewhat poorly drained soils
formed in loamy alluvium on flood plains.

B. SITUATION: This area has a wind erosion problem if left un-protected
without some type of cover. This area also has a severe
flooding problem if dyke was not there. This area also
has a wetness problem that gives problems with dwellings.

Conservation Starts When Construction Starts. A Ground Plan Outdoors Is
As Important As A Floor Plan Inside.

C. EROSION CONTROL RECOMMENDATIONS: (The recommendations which apply to
the above named property will be indicated by a checkmark.)

1. Disturb only the area needed for construction.
2. Remove only those trees, shrubs, and grasses that must be removed
for construction; protect the rest to preserve their esthetic and
erosion-control values.
3. Stockpile topsoil and protect it with anchored straw mulch or jute
mat material.
4. Disturbing as small an area as possible, install streets, curbs,
water mains, electric and telephone cables, storm drains, and
sewers in advance of home or other building construction.
5. Install erosion and sediment control practices according to the
Sedgwick County Conservation District standards and specifications.

* CONTINUED *

6. Temporarily stabilize each segment of graded or otherwise disturbed land, including the sediment-control devices not otherwise stabilized, by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.

The following are adapted perennial grasses and should be seeded at the following rates:

STANDARD RATES:

Native bluestem mix, 3 pounds per 1,000 square feet
Tall fescue, 3 pounds per 1,000 square feet
Bromegrass, 3 pounds per 1,000 square feet

SPECIAL RATES: _____

Apply nitrogen fertilizer at the rates listed below or have the soil tested and apply fertilizer accordingly.

STANDARDS RATES:

Tall fescue, 2 pounds per 1,000 square feet
Bromegrass, 2 pounds per 1,000 square feet

SPECIAL RATES: _____

Adapted perennial grasses for sodding are fescue, zoysia, and bluegrass.

7. Loose-pile material that is excavated for building construction purposes. Keep it loose-piled until it is used for foundation backfill or until the lot is ready for final grading and permanent vegetation.
8. Stabilize each lot within 60 days after work starts on home or other building construction.
9. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
10. Discharge water from outlet structures at nonerosive velocities.
11. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316 943 9471.
12. Divert foreign runoff water around area during construction.
13. Remove all debris such as tree stumps, scrap lumber, mortar or concrete, and rocks. Do not bury them; wood will eventually rot and cause settling; rocks, mortar and concrete can cause real difficulties in lawn maintenance and later construction.
14. _____

Distribution: Original to Developer and/or Owner
Copy to Metropolitan Area Planning Dept. Staff
File Copy: Sedgwick County Conservation District

January 12, 1976

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 75-117 - Final plat of
DYSART ADDITION.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 2, 1976, the above captioned plat was considered. The action of the Committee was to recommend that this plat be deferred for further discussion of the sewer and drainage problems associated with the plat. This case will be rescheduled for consideration by the Committee when a satisfactory means of handling the sewage on the property and a minimum building pad has been agreed upon.

As you are aware from the meeting held in the Flood Control Office Wednesday, January 7, the property is subject to frequent flooding from standing water and that a minimum building pad of .1367 shall be indicated on the final plat to assure that all habitable buildings on site will be constructed at an elevation above the flood level. Concerning the sewage problems, since the existing septic tank system was installed prior to the time when permits were required and in the ground water table in the area, an alternate means of sewage treatment must be utilized for the protection of the property owner and to meet the Subdivision Regulations and County Sanitation Code requirements. It will therefore be necessary for the applicant to make satisfactory arrangements with the Health Department for installation of an approved sewage treatment system. As was discussed at the meeting, this may take the form of an agreement to install the approved system within specified time limit if the Health Department is in agreement with this approach.

S/D 75-117
January 12, 1976
Page 2

If you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

cc: Billy W. Dysart, Route 7, Maize, Kansas 67101

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 75-117 Name DYSART ADDITION
Date Application Rec'd. 12-22-75 Preliminary Approval N/A
Scheduled S/D Meeting 1-2-76

DESCRIPTION

General Location Southwest corner of 119th Street West and 77th Street North.

Owner Billy W. Dysart
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | | | |
|---|--------------------------------|--------------------------------------|-------------------------------|
| 1. Gross Acreage of Plat | <u>6.46</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>50</u> R/W <u>290</u> ft. | |
| Residential | <u>1</u> | b. _____ R/W _____ ft. | |
| Commercial | _____ | c. _____ R/W _____ ft. | |
| Industrial | _____ | d. _____ R/W _____ ft. | |
| Other | _____ | e. _____ R/W _____ ft. | |
| Total Number of Lots | <u>1</u> | TOTAL | <u>290</u> ft. |
| 3. Minimum Lot Frontage | <u>290</u> ft. | 8. Sidewalk adjacent to all streets? | <u>yes</u> <u>X</u> <u>no</u> |
| 4. Minimum Lot Area | <u>267,117.045 sq. ft.</u> | | |
| 5. Existing Zoning | _____ | | |
| 6. Proposed Zoning | _____ | | |
| 9. Public Water Supply | <u>No</u> (Yes-No), Name _____ | | |
| 10. Public Sanitary Sewers | <u>No</u> (Yes-No), Name _____ | | |
| 11. Health Department Approval (where applicable) | <u>Yes</u> (Yes-No) | | |
| 12. City of Wichita | <u>Three-Mile Area</u> | <u>X</u> | |

STAFF COMMENTS:

- A. "Access control except for one opening" shall be labeled adjacent to 119th Street West.
- B. The M.A.P.C. Subdivision Regulations set forth that: "The maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other lots, the depth shall not exceed three times the width." Approval of this plat is therefore subject to waiving this requirement.
- C. The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter shall be obtained from said Department setting forth approval of such systems which shall be submitted to the Planning Department.
- D. The possible need for a dedication from the plat for a future east-west street will be discussed at the Subdivision Committee meeting.
- E. The surveyors certificate shall contain a statement certifying that the irons as shown on the plat have been set.
- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5 of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

Map No.: 4656
Section No.: 1
Twp. No.: 26-9
Range: R-2W

S/D No. 75-117

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Dysart Addition
General Location: S.W. Corner of 119th St. West and 77th St. No.
Name of Property Owner: Billy W. Dysart 722-4504
Address: Rt. 7, Maize, Kansas 67101 Phone: 942-4637
Name of Subdivider: _____ Phone: _____
Address: _____
Name of Agent/Surveyor: Baughman Company
Address: 330 Laura Phone: 262-7271
Date of Application: December 16, 1975

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 6.46 acres
2. Number of Lots:
 - Residential 1
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 290 ft.
4. Minimum Lot Area 267,117.045 sq.ft.
5. Existing Zoning none
6. Proposed Zoning none } outside county zoning
7. Lineal Feet of New Streets:
 - a. 50 R/W 290 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 290 ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply _____ (Yes-No), Name _____
10. Public Sanitary Sewers _____ (Yes-No), Name _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Billy W. Dysart

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Carl Newby
Date 12/22/75
Fee Submitted 450.00

Form 223-031

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

450.00

DESCRIPTION	AMOUNT
-------------	--------

<i>Subdivison Application</i>	
<i>Permit Application</i>	

Name *Bushman Co*

Address *336 Lawrence*

Type *SA-417-7111*

Due Date

Comments:

Date *12/22/75*

By *Carl Study*

Lawyers Title Insurance Corporation
A Stock Company
Home Office - Richmond, Virginia
INTERIM TITLE INSURANCE BINDER

Case No.
No.

MAPP
Received
4 5 76
CLM

TO WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION.

LAWYERS TITLE INSURANCE CORPORATION, herein called the Company, hereby insures:
That the title to the land described in Schedule A hereof, was on April 5, 1976
at 7:00 o'clock A. M., vested in fee simple in

BILLY W. DYSART and SUSAN M. DYSART

subject only to the defects, objections, liens and encumbrances, as shown in Schedule B hereof.

That upon compliance with and/or satisfaction of the requirements set forth under Section 1 of Schedule B of this Binder, and upon payment of its premium for title insurance, this Company will issue to you, as the insured, its policy of title insurance, on the usual form, in the sum of \$ ~~XXX~~, showing under Schedule B thereof only such exceptions as appear in Section 2, of Schedule B of this Binder and such liens, encumbrances or objections attaching to the title subsequent to the date hereof and prior to the issuance of the policy which are not satisfied and/or removed.

This Binder is delivered and accepted upon the understanding that you have no personal knowledge or intimation of any defect, objection, lien or encumbrance affecting said premises other than those shown under Schedule B hereof, and your failure to disclose any such personal information shall render this Binder and any policy issued based thereon, null and void as to such defect, objection, lien or encumbrance.

Nothing herein contained shall be construed as a guarantee against the consequences of the exercise and enforcement or attempted enforcement of governmental "police power" over the property described herein.

This Company shall be liable under this Interim Title Insurance Binder only for actual loss or damage incurred by reliance upon the insuring provisions hereof.

This Interim Title Insurance Binder is subject to the terms, provisions and Conditions and Stipulations of the form of policy applied for.

This Binder is preliminary to the issuance of the policy of title insurance and shall become null and void, unless policy is issued, and the premium therefor paid, within six (6) months from the date hereof, and shall not be binding until it shall have been countersigned by an authorized Officer or Agent of the Company.

IN WITNESS WHEREOF the Company has caused this binder to be executed pursuant to its by-laws on April 5, 1976
at Wichita, Kansas.

Countersigned:

Frank C. Haskins
Authorized Officer or Agent

Lawyers Title Insurance Corporation

Robert E. Dawson
President.

Clifford B. Black
Secretary.

Schedule A

Legal description of the land referred to in this Binder.

The North 290 feet of the East 971.2 feet
of the Northeast Quarter of Section 1, Township 26
South, Range 2 West of the 6th P.M., Sedgwick County,
Kansas. (To be platted as Dysart Addition)

**Schedule B—Section 1
Requirements**

Showing requirements to be complied with; defects and objections to be removed or eliminated, and liens and encumbrances to be satisfied and discharged of record before policy of title insurance will be issued without exception thereto.

Item (a) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Item (b) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Note: Tax Rolls show taxes for the year 1975 and prior years paid.

**Schedule B—Section 2
Exceptions**

Showing defects, objections, liens and encumbrances, if any, to be shown as exceptions under Schedule B of the policy (such as easements, restrictive covenants, leases, unpaid taxes and assessments maturing subsequent to date hereof, prior lien or liens assumed).

1. General taxes for the year 1976 and subsequent years together with special assessments due and payable therewith.

2. ~~Easement on a 150 foot strip across the Northeast Quarter (NE $\frac{1}{4}$) of Section 1, Township 26 South, Range 2 West granted to Kansas Gas and Electric Company in Miscellaneous Book 659, Page 181.~~

*delete
so per
Buy
Purchase
Manager*

3. Any state of facts which would be disclosed by an accurate survey and inspection of the premises.

4. No liability is assumed for possible unfiled mechanic's and materialmen's liens.

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.