

Box 80 - 2

PLAT NO. S/D 79-20 MAP NO. 4745

NAME PAWNEE MESA ADDITION

LOCATION: An area north of Pawnee Street and West  
of 107th Street West

ENGINEER Van Doren, Hazlett, Stallings  
Gambell & Gambell, P.A., Engineers

OWNER Builders, Inc., et al

APPLICATION FILED 2-16-79

SKETCH PLAT FILED 2-16-79

PRELIMINARY FILED 4-23-79

S/D ACTION 5-3-79 approve

FINAL FILED 7-30-79 - Revised Final 1-24-80 approve  
Revised final filed 7-19-80

S/D ACTION 8-9-79 approve / 8-23-79 app

S/O ACTION on revised final: 1-24-80

MAPC ACTION 8-16-79 refer back to S/O Comm.

8-30-79 approve  
BCC ACTION 7-11-79 uphold decision policy

" " 3-11-80 approve

RECORDED 3-25-80

REMARKS SC2-0437 60223 1/2 A79-21

MAPC - 1-31-80 approve

S/D 79-20 - PAWNEE MESA ADDITION-  
An area north of Pawnee St. & west  
of 107th St. West., by Campbell &  
Castle, P.A. Engineers

POSTED  
7-23-79  
*[Signature]*

### ACTION

	DATE
S/D COMMITTEE (prelim.) - approve	8-3-79
S/D (final) - approve	8-9-79
M.A.P.C. send back to S/D Com. - approve	8-16-79
B.C.C./B.S.O.C. - approved	8-30-79
	5-11-80
S/D Committee (final) approve	8-23-79
S/D approval (final - Revised)	1-26-80
M.H.P.C. - approve	1-31-80

9-11-79 B.C.C. action appeal of drainage requirement *[Signature]*

Map No. 4745  
Sec. 31  
Twp. 27  
Range 1W

Subdivision Report and Progress  
S/D No.: 79-20

Name: PAWNEE MESA ADDITION

General Location: An area North of Pawnee Street and West of 107th Street West.

Owner: Builders, Inc. *9th North Meridian & 9th West Ave.*  
Address: 1000 Park Lane Zip Code: 67218 Phone: 635-4391

Subdivider: Amorfinco Investment Co., Inc.  
Address: Suite 130, 300 West Douglas Zip Code: 67202 Phone: 261-5309

Engineer/Surveyor: Campbell & Castle, P.A., Engineers  
Address: P.O. Box 9262 Zip Code: 67277 Phone: 942-8144

Present Zoning: "R-1" Rural  
Proposed Zoning: "AA", "A", "B" & "LC"  
Assoc. Zone Case: \_\_\_\_\_

M.A.P.C. ACTION: 8-16-79 refer back to 9/6  
8-30-79 approve  
Advisory Letter: 8-31-79

APPLICATION RECEIVED: 2-16-79

Closure Data Submitted: \_\_\_\_\_  
Title/Taxes Rec'd. and Reviewed: \_\_\_\_\_  
Final Review: \_\_\_\_\_  
Referral to B.C.C.: \_\_\_\_\_

SKETCH PLAT RECEIVED: 2-16-79  
Letter of Intent: 3-15-79

PREL. PLAT RECEIVED: 4-23-79  
S/D Comm. Action: 5-3-79 approve

B.C.C. ACTION: 3-11-80 Unheld drainage policy. Approved

Advisory Letter: 5-4-79

Tracing Received: 3-11-80  
Released for Recording: \_\_\_\_\_  
Plat Recorded: 3-25-80

FINAL PLAT RECEIVED: 7-30-79  
S/D Comm. Action: 8-9-79 approve  
S/D Comm. Action: 8-23-79 approve  
Advisory Letter: 8-10-79  
8-24-79

M.A.P.C. - 1-31-80: approve

Revised final: 1-24-80 - approve  
Comments: \_\_\_\_\_

8-20-79 Copy of final plat sent to USD 265  
1-17-80 Copy of revised final plat sent to USD 265

Pawnee Mesa

9/26/79

JANIS SWANSON HAS  
REQUESTED TO BE NOTIFIED  
IF ; WHEN DRAINAGE  
FOR THIS PLAT IS DISCUSSED.

1820 107TH ST. WEST

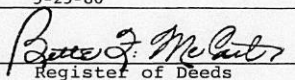
782-6469

REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS

S/D 79-20  
map 4745  
(area A79-21)  
(SEC 0437 & C U 223)

PAWNEE MESA ADDN ADDITION was

filed for record on 3-25-80

  
Register of Deeds

Return to: Wichita-Sedgwick County  
Metropolitan Area Planning Department  
(Inter-Office Mail)

T9-328



E. H. Denton  
Substitution of Guarantees for Development - Pawnee Mesa Addition  
March 30, 1981  
Page -2-

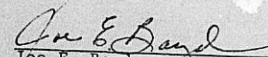
With a copy of this memorandum, the original of these documents is being forwarded to the City Clerk and the check is being forwarded to the City Treasurer for deposit in a trust account.

It is recommended that Builders, Inc. be allowed to substitute the sales contract for the letters of credit as guarantees for development in the Pawnee Mesa Addition.



Karl J. Kennedy  
Industrial Analyst

APPROVED:

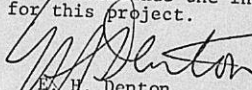
  
Joe E. Boyd  
Economic and Industrial  
Development Officer

KJK/st

Attachments

cc: Russell Brenner, Director of Administration  
Robert Lakin, Director of Planning  
Ray Bruggeman, Director of Engineering  
Paul Graves, Chief Engineer (wo/a)  
Don Gisick, City Clerk  
Ralph Klose, City Treasurer

The Director of Engineering is hereby directed to substitute the sales contract for the letters of credit as guarantees for development of the listed public improvements in the Pawnee Mesa Addition; to release the letters of credit, as listed in the attached letter from Builders, Inc., on file with the City; and to continue the installation of the public improvements itemized for this project.

  
E. H. Denton  
City Manager

DATE March 26, 1981

ASSIGNMENT OF SALES AGREEMENTS

KNOW ALL MEN BY THESE PRESENTS, that Builders, Inc. the undersigned, for value received, do hereby GRANT, ASSIGN, TRANSFER AND CONVEY unto the City of Wichita, Sedgwick County, Kansas, (a municipal corporation) One certain sales agreements attached hereto for the property listed and described in Attachment I to this assignment and which is hereby incorporated into this assignment as if fully set out herein, together with the sum of Nineteen Thousand Five Hundred and \_\_\_\_\_ dollars (\$ 19,500.00), said sum being equal to ten (10) percent of the purchase price of the aforementioned sales agreement(s), all of which is given to secure the cost of installing certain petitioned public improvements.

The properties so assigned constitute Forty-one percent ( 41 %) of the properties to be benefitted by the following public improvements:

Sanitary Sewer Lateral 1, MN 13, SWI	468-76-245-80941-000-000-001
Storm Water Sewer No. 184	468-76-245-80939-000-000-001
Storm Water Sewer No. 187	468-76-245-80933-000-000-001
Street Paving	472-76-245-80939-000-000-001

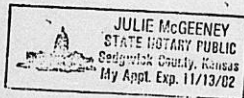
(list description of street, drainage, sewer and/or water improvements to be installed.)

It is requested that installation of said improvements be initiated in accordance with the City of Wichita Development Policy for Public Improvements.

BUILDERS, INC.  
*Alexander L. Dean, V.P.*  
Alexander L. Dean, Vice President

STATE OF KANSAS)SS  
SEDGWICK COUNTY)

Sworn to and subscribed before me this 26TH day of March, 19 81.



*Julie McGeeney*  
Notary Public

My Commission Expires November 13, 1982

(One copy to be sent to the Director of Economic Development of the City of Wichita).

LISTING OF SALES AGREEMENTS  
in \_\_\_\_\_ Subdivision

Block 19, lots 1-39  
Block 18, lots 1-34 & 46-50;

- a. Lot Block 2, lots 8-13; Block 12, lots 51-55; Block 18, lots 1-34 & 46-50;
- b. Purchaser Crane Homes of Kansas, Inc.  
Address 2148 North Old Manor, Wichita, Kansas 67208  
Telephone 685-9876
- c. Contract Sales Price \$195,000
- d. Down Payment Assigned \$19,500

- a. Lot \_\_\_\_\_
- b. Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_
- c. Contract Sales Price \_\_\_\_\_
- d. Down Payment Assigned \_\_\_\_\_

- a. Lot \_\_\_\_\_
- b. Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_
- c. Contract Sales Price \_\_\_\_\_
- d. Down Payment Assigned \_\_\_\_\_

- a. Lot \_\_\_\_\_
- b. Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_
- c. Contract Sales Price \_\_\_\_\_
- d. Down Payment Assigned \_\_\_\_\_

- a. Lot \_\_\_\_\_
- b. Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_
- c. Contract Sales Price \_\_\_\_\_
- d. Down Payment Assigned \_\_\_\_\_

- a. Lot \_\_\_\_\_
- b. Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_
- c. Contract Sales Price \_\_\_\_\_
- d. Down Payment Assigned \_\_\_\_\_

Signed Copy

REAL ESTATE PURCHASE AGREEMENT

This Agreement made and entered into as of the 12 day of January, 1981, by and between BUILDER'S, INC., a Kansas corporation, hereinafter referred to as "Seller", and CRANE HOMES OF KANSAS, INC., a Delaware corporation, hereinafter referred to as "Purchaser".

WITNESSETH:

WHEREAS, Seller is in the process of developing 89 single family sites to be known as; a portion of Pawnee Mesa, Phase I, (Phase I being identified on Exhibit B hereto) more particularly described on Exhibit A attached hereto and made a part herof, and

WHEREAS, Seller has platted such property into single family home building sites, duplex sites, together with other appropriate uses and,

WHEREAS, Purchaser desires to purchase certain of such single family sites ~~and to take an option to purchase certain additional sites~~, being all of the remaining single family sites within the first phase.

WRB  
ACD

1. Sale of Building Sites.

A. Seller hereby agrees to sell and Purchaser hereby agrees to purchase and pay for Tracts 1, 2, 3, 4, 5, 6, & 7 as more fully described on Exhibit A and Exhibit B (map) attached hereto, subject to the herein terms and conditions and upon the following schedule:

i. Five thousand dollars (\$5,000.00) as earnest money, paid with the execution hereof, the receipt and sufficiency of which is hereby acknowledged. Said \$5,000.00 shall apply to the final lots purchased hereunder. If Purchaser does not purchase all 89 lots according to the terms of this Agreement, then this Agreement shall terminate as provided in paragraph 11 herein.

ii. Within fifteen (15) days after the execution hereof, the sum of eighteen thousand dollars (\$18,000.00) which shall be the purchase price for four (4) finished development sites, identified as Tract 1 on Exhibit A and Exhibit B.

ACD  
WRB

iii. On April <sup>30</sup>, 1981, or earlier, at Purchaser's option, the sum of twenty-seven thousand dollars (\$27,000) which shall be the purchase price for six (6) finished development sites identified as Tract 2 on Exhibit A and Exhibit B.

iv. On June 1, 1981, or earlier, at Purchaser's option, the sum of ninety-five thousand dollars (\$95,000) which shall be the purchase price for nineteen (19) finished development sites identified as Tract 3 on Exhibit A and Exhibit B.

v. On September 1, 1981, or earlier, at Purchaser's option, the sum of one hundred thousand dollars (\$100,000) which shall be the purchase price for twenty (20) finished development sites identified as Tract 4 on Exhibit A and Exhibit B.

vi. On December 1, 1981, or earlier, at Purchaser's option, the sum of one hundred twenty thousand dollars (\$120,000) which shall be the purchase price for twenty-four (24) finished development sites identified as Tract 5 on Exhibit A and Exhibit B.

ACD  
WRB

vii. On March 1, 198<sup>2</sup>~~1~~, or earlier, at Purchaser's option, the sum of eighty thousand dollars (\$80,000) (less the \$5,000 deposit provided for in 1.A.i. above) which shall be the purchase price for sixteen (16) finished development sites identified as Tracts 6 & 7 on Exhibit A and Exhibit B.

ALD  
WRB

B. Notwithstanding the above purchase schedule and sequence, Purchaser shall have the right, at any time after the execution hereof, to purchase and pay for Tract 7. If Purchaser does not elect to purchase Tract 7 prior to March 1, 1982, it shall be included in the purchase on that date.

C. Each conveyance hereunder shall be by good and sufficient General Warranty Deed subject only to those matters to which Purchaser shall have given its written consent; protective or restrictive covenants in the form attached as Exhibit C, or such other form as the parties hereto shall mutually agree; special assessments, if any; and ad valorem taxes for the then current year.

D. Purchaser may, at its option, accelerate the purchase of any number of lots herein at any time and from time to time. In the event that Purchaser does so accelerate by giving Seller written notice of its intent to early acquire such sites, such purchase shall apply towards the next group of sites as provided for herein.

## 2. Title Insurance.

A. Seller shall, at its expense, furnish to Purchaser within 10 days hereof, a title insurance commitment from ~~Columbian Title & Trust Company~~ <sup>W.R.B.</sup> to insure the subject property. Seller shall deliver one copy of said commitment to each of the following:

Mr. William R. Collins  
Vice President, General Manager  
Crane Homes of Kansas, Inc.  
2148 North Old Manor  
Wichita, Kansas 67208

J. Warren Clinton, Executive Vice President  
Crane Homes, Inc.  
12157 West Cedar Drive  
Lakewood, Colorado 80228

Purchaser shall have 10 days from the receipt of such commitment to approve title. If Purchaser shall find any defects in title which, in Purchaser's judgment, would prevent Purchaser from constructing houses upon such property for sale to VA, FHA, and Conventional buyers, this Agreement, at Purchaser's option, upon notice to Seller of such defects, shall terminate and upon the return to Purchaser of the earnest money herein this Agreement shall become null and void.

B. Upon the conveyance of each Tract or, in the event of acceleration, each group of sites, Seller shall furnish Purchaser, at Seller's expense, a standard form ALTA Owner's Policy of Title Insurance insuring Title in Purchaser subject to those items in Paragraph 1.C. herein or such other items as Purchaser shall agree to in writing.

## 3. Seller's Obligation to Construct or Cause to be Constructed the Finished Building Sites.

<sup>ALD</sup>  
<sup>WRB</sup> 30. Seller represents that he has, or will, on or before April 1, 1981, do or cause to be done, at Seller's expense, the following:

A. Annexation of the land to the City of Wichita and recordation of a final plat which has been approved by the City of Wichita.

ALD  
WRB

B. Process FHA and VA subdivision approvals. Seller shall have received a clear ASP-9 from FHA and VA as to all sites to be conveyed as a condition precedent to Purchaser's obligation to purchase such sites.

C. Obtain the approval of the City of Wichita of a Special Improvement Benefit District and cause all sanitary sewer mains; curb, gutter and paving; and street lighting to be installed in a condition acceptable to the proper governmental authority.

D. Construct or cause to be constructed all necessary off-site and on-site surface and storm drainage systems related to the property (including rough site grading in accordance with the approved FHA Neighborhood Drainage and Grading Plan), satisfactory to cause the issuance of building permits, and FHA/VA approval on the subject sites.

E. Process and make the necessary cash deposits, if any, for the installation of electrical and natural gas service and telephone service to the property line of each site. Such deposits shall remain the property of and any refund shall be paid to Seller.

F. Coordinate the foregoing operations so as to cause the improvements to be completed within the shortest possible time and to be completed so that finished sites are delivered in the sequence contemplated herein.

G. Seller will provide finished development sites based upon the acquisition schedule provided for herein. In the event Purchaser accelerates its acquisition schedule, Seller shall use its best efforts to accelerate the actual development of finished sites but shall be obligated only to meet the purchase schedule provided for herein.

H. In the event Seller defaults on any of its obligations hereunder the sole and exclusive remedy of Buyer shall be those set forth in paragraph 5.

#### 4. Proration of Taxes.

All taxes and special assessments shall be adjusted and prorated as of the date of conveyance of each Tract. Such proration shall be based upon taxes and assessments for the current calendar year, or if not then levied, based upon the prior year. Either party shall have the right to have such prorations readjusted, based upon the actual assessment by giving notice of its desire to do so within 30 days of receipt of such assessment. After each conveyance, taxes and assessments shall be the sole responsibility of Purchaser.

#### 5. Intent of the Parties.

It is the intent of the parties that Seller is selling and Purchaser is purchasing finished home building sites for the construction thereon of residences to be sold to Conventional, FHA, and VA buyers. Notwithstanding any other provision herein to the contrary, in the event that Seller's obligations under paragraph 5 are not completed by April 1, 1981, as to Tract 1 and completed prior to the purchased closing date as to Tracts 2, 3, 4, 5, 6 and 7 (for purposes of this paragraph, the closing date for tract 7 shall be presumed to be March 1, 1982), then as to such tract on which such obligations have not been completed, the sole and exclusive remedy of Purchaser shall be:

1. The right of Purchaser to cancel its obligation with respect to such tract and/or all other tracts not yet conveyed to Purchaser, and receive credit therefore according to the price and payment schedule herein;

ADD  
WRB

ADD  
WRB

ii. Mutually agree with Seller on a subsequent closing date for such affected tracts with such modifications of this Agreement as such parties may mutually agree upon.

6. Covenants.

The Protective Covenants which have been recorded covering the lots to be acquired hereunder are in the form attached hereto and labeled Exhibit C.

A.R.S.  
R.L.D.  
Seller hereby agrees to execute and record an amended set of Protective Covenants which shall provide for the changes set forth on the attached Exhibit D.

7. Seller's Review of Purchaser's Houseplans.

Purchaser shall submit to Seller, as the Architectural Control Committee, copies of the proposed plans for houses to be constructed within the Pawnee Mesa subdivision. Seller shall have the right to review and approve same, which approval shall not be unreasonably withheld. In the event Purchaser wishes to build house plans which meet all applicable building codes and the covenants, as amended, provided for herein, and Seller shall withhold its approval, then Purchaser shall have the option of terminating this Agreement as to any remaining unpurchased lots and receiving back its \$5,000 deposit made with the execution hereof.

8. Recording a Notice of this Agreement.

At the request of either party, both parties shall execute a document in form acceptable to both parties which shall be recorded giving notice of existence of this Agreement.

9. First Right of Refusal.

It is the intention of the parties that Seller will continue to develop additional single family sites within the Pawnee Mesa subdivision and that Purchaser herein will be entitled to acquire sites from such additional development in order to keep an ongoing building program underway.

Therefore, Seller hereby grants to Purchaser a first right of refusal to acquire such additional single family building sites as Purchaser develops on the same terms and conditions as Seller will propose to third parties. Seller shall give Purchaser notice of Seller's intent to develop additional sites and no later than 30 days prior to completion of said group of sites shall deliver to Purchaser an outline of the terms and conditions under which Seller is prepared to sell such sites. Purchaser shall then have thirty (30) days to submit a written contract on the terms outlined by Seller, or such other terms acceptable by Seller, whereby Purchaser shall acquire all or some portion (location to be mutually agreed upon) of the lots which are proposed to be developed. If Purchaser declines to exercise its first right of refusal hereunder, or if Purchaser and Seller are unable to arrive at a mutually acceptable contract agreement with respect to such lots, then Seller shall be free to contract with other parties for such lots. The waiver of said first right as to one group of lots shall not affect Purchaser's first right of refusal as to a subsequent group of lots.

10. Signage.

Seller shall assign to Purchaser Seller's interest in the two existing billboard leases with DonRey Communications Company, Inc., which billboards are located at Kellogg and Lark Lane and at a location approximately 3/4 of a mile East of Kellogg and Lark Lane, provided that all displays on such billboards by Purchaser shall contain information concerning Pawnee Mesa and the design shall be subject to reasonable approval by Seller.

All costs of such existing billboards and displays thereon, after such assignment, shall be the obligation and responsibility of Purchaser, including repainting costs. Seller shall furnish to Purchaser a mutually acceptable location within the Pawnee Mesa subdivision for a billboard (not to exceed 8 x 12 feet) which shall be constructed, maintained, and removed, on the termination of this Agreement, at Purchaser's cost. All displays on such billboard shall mention Pawnee Mesa and shall be subject to the reasonable approval of Seller.

11. Default and Remedies.

In the event Purchaser defaults under any of its obligations hereunder, Seller shall have the right to terminate this Agreement upon 15 days written notice to Purchaser (Purchaser having such 15 days to correct such default) and this Agreement upon such termination shall be of no further force and effect except as to tracts theretofore conveyed to Purchaser. Seller's sole and exclusive remedy shall be limited to the retention of the \$5,000 deposit provided for in paragraph 1.A.i. above. Purchaser's remedies for Seller's default are set forth in paragraph 5.

12. Lark Lane.

Seller acknowledges that it is the owner of the property lying to the North of the subject property herein and that Lark Lane, which connects the subject development to West Kellogg runs along the Eastern boundary of said parcel of land. Seller hereby informs Purchaser that it is Seller's intention to annex said property to the City of Wichita and petition the City for a Special Benefit Improvement District in order to provide a hard surfaced all-weather road (Lark Lane) alongside the Eastern portion of said parcel of land. While Seller cannot guarantee the timing of such annexation and development work, it agrees to proceed as rapidly as practicable to cause such work to be complete. Purchaser is hereby authorized to communicate the above information to the buyers of Purchaser's homes.

13. Substitution of Tract 6.

Seller is hereby granted the right to substitute ten (10) lots in Phase 2 of its development for the ten lots described on Exhibit A as Tract 6. The location of said lots shall be subject to the reasonable approval of Purchaser.

14. Whole Agreement.

The whole agreement of the parties is contained herein and no change or alteration hereto shall be binding unless in writing signed by parties.

15. Binding on Heirs, Successors and Assigns.

This Agreement shall be binding upon the heirs, successors, executors, personal representatives, or assignees of the parties hereto. Both parties acknowledge that they are authorized to enter into such agreements for and on behalf of and in the name of their respective organizations.

16. Notices.

Any written notice provided for herein shall be deemed to be given when delivered to the below address or five days after deposit in the U.S. Mail, postage prepaid, certified mail, return receipt requested.

To Seller:

Builders, Inc.  
1000 Parklane  
Wichita, Kansas 67218

To Purchaser:

Crane Homes of Kansas, Inc.  
2148 North Old Manor  
Wichita, Kansas 67208

Seller and Purchaser may modify the above address to another address located in Wichita, Kansas by notice given hereunder.

Seller shall mail, postage prepaid, to the following address, a copy of any notice given to Purchaser as above described, within three (3) business days after giving such notice..

Copy to: Crane Homes, Inc.  
12157 West Cedar Drive.  
Lakewood, Colorado 80228  
Attn: J. Warren Clinton

17. No Commission.

Each party represents to the other than no agents or brokers have been involved in this transaction and each party hereby indemnifies the other against claims asserted under such indemnifying party.

18. Expiration of Offer.

*WRB  
AD*  
Purchaser has executed this Agreement the day and year first above written and Sellers shall have until 5:00 p.m., January 30, 1981 to deliver a duly executed copy of this Agreement to Purchaser's office at: 2148 North Old Manor, Wichita, Kansas. If a duly executed copy is not returned by that time, this offer shall be null and void and of no further force and effect.

IN WITNESS WHEREOF, the parties have caused this Real Estate Purchase Agreement to be executed this day and year first above written.

"Purchaser"  
CRANE HOMES OF KANSAS, INC.

Attest: Allen D. Stoppel William R. Bellis  
Assistant Secretary VICE President

Accepted this 27 day of January, 1981.

"Seller"  
BUILDERS, INC.

Attest: Darren Tanner Richard R. Dean  
Secretary VICE President

1/19/81

EXHIBIT A  
of PURCHASE AGREEMENT  
BETWEEN CRANE HOMES OF KANSAS, INC.  
AND BUILDERS, INC.

Legal Descriptions of Tract 1, 2, 3, 4, 5, 6, & 7, all of which  
are located within Pawnee Mesa Addition, an Addition to Sedgwick  
County, Kansas.

Tract	Lot	Block
1	36-39, inclusive	19
2	18-23, inclusive	18
3	10-17, inclusive	18
	11-14, inclusive	19
	28-34, inclusive	18
4	15-24, inclusive	19
	24-27, inclusive	18
	4-9, inclusive	18
5	25-35, inclusive	19
	1-3, inclusive	18
	1-10, inclusive	19
6	46-50, inclusive	18
	51-55, inclusive	12
7	8-13, inclusive	2

# PAWNEE MESA ADDITION

EXHIBIT "B"

## WICHITA, SEDGWICK COUNTY, KANSAS

PAWNEE MESA ADDITION to Wichita is located at the northwest corner of Pawnee Rd. and Lark Lane (approximately 1.25 miles west of Tyler Rd.) There will be a total of 545 lots including the First Phase of 111 lots. Utilities are all underground.

PHASE I



Builders: BUILDERS INC. 4000 Parkers Wichita, Kansas 67218

MICROFILMED  
FROM THE BEST  
AVAILABLE COPY

LABILET C

THE 436 201507

FILED FOR RECORD AT  
SEP 8 1930

EX-11111

PROTECTIVE COVENANTS

NO. 5 04149  
BETTE F. MCCART  
REGISTER OF DEEDS

The following are Protective Covenants for Pawnee Mesa Addition, subdivision situated in Wichita, Sedgwick County, Kansas.

MICROFILMED  
OF RECORD

*Pat Hatt  
Resque*

PART A - PREAMBLE

WHEREAS, Builders, Inc., is the sole owner in fee simple of the following land, to wit:

Blocks 1-14, 17-19 inclusive of  
Pawnee Mesa, an Addition to  
Wichita, Sedgwick County, Kansas

AND WHEREAS, the above-described owner is about to sell, convey and dispose of the property above described, and desires to subject said property to certain protective restrictions, conditions, covenants, and charges, all of which are hereinafter set forth, to the end that harmonious and attractive development of the property may be accomplished, and that the health, comfort, safety, convenience, and general welfare of subsequent owners of the property may be promoted and safeguarded.

NOW, THEREFORE, the following Protective Covenants are adopted to regulate and control the use of the aforesaid land.

PART B - RESIDENTIAL AREA COVENANTS

B-1 Land Use and Building Type. All lots in Blocks 1 - 14 and 17 - 19 inclusive shall be used and occupied for residential purposes only. Only single and two family dwellings with private garages for not more than three cars, and appurtenances directly incidental to the main residential use, shall be permitted on any site.

B-2 Architectural Control Committee. No building or appurtenance shall be erected, placed, or altered on any site until the construction plans and specifications and plot plan showing the location of the structure or appurtenance have been approved in writing by the Architectural Control Committee as to conformity and harmony of external design with existing structures as the subdivision and as to location of the improvements with respect to topography and finish-grade elevation. No fence or wall shall be erected, placed, or altered on any lot nearer to any street than the minimum building setback line unless similarly approved nor shall a fence or wall exceed six feet in height without approval. Approval shall be as provided in Part C of these Protective Covenants.

B-3 - 1. Dwelling and Size. No dwelling shall be permitted with a ground floor area for each one-family unit, exclusive of one-story open porches, garages, decks, and patios, of less than 1100 square feet for a one-story dwelling, nor less than 850 square feet for a dwelling of more than one story.

B-3 - 2. Move and Set. All construction within the subdivision shall be new construction and no previously erected building, structure, or improvement shall be moved and permanently set upon any lot from any other location. This provision shall in no way prohibit the erection of modular, panelized or other "factory-built" houses which have been approved by the Architectural Control Committee.

*Builders, Inc.  
1000 Parklane*

B-4. Building Location. No building shall be located on any site nearer than 25 feet to the front nor 20 feet to the rear lot lines, nor nearer than 15 feet to any side street line. This restriction shall not apply, however, to a detached garage which shall be placed to the rear of the dwelling and shall comply with the Zoning Ordinance of the City of Wichita as to distance from the side lot line. No building (excluding caves and overhangs) shall be located nearer than 6 feet to an interior side lot line. No building, or portion thereof, (including caves and overhangs) shall ever encroach upon any adjacent site, nor shall any building encroach upon utility easements hereinafter provided for.

B-5. Site Area and Width. No dwelling shall be erected or placed on any site having a width of less than 60 feet at the front building setback line, nor shall any dwelling be erected or placed on any lot having an area of less than 6,000 square feet.

B-6. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow, obstruct, or retard the flow of water in and through drainage channels in the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which public authority or one or more utility company is responsible.

B-7. Nuisance. No noxious or offensive activity shall be carried on upon any site, nor shall anything be done thereon which may be or may become an annoyance of nuisance in the neighborhood.

B-8. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any site at any time as a residence, either temporarily or permanently.

B-9. Water and Sewer. No individual sewage disposal system shall be permitted on any site, and all dwellings must attach to such facilities as may be provided by such water or sanitation district as may serve the area.

B-10. Completion of Construction. No building shall be permitted to exist in a partially constructed or incomplete state or without a permit to occupy issued by the local governing authority for a period to exceed eight (8) months from the start of construction.

B-11. Landscaping. Landscaping, including grassy lawns, trees, and shrubbery, shall be planted and cared for on every site on which a building is situated.

#### PART C - ARCHITECTURAL CONTROL COMMITTEE

C-1. Membership. The Architectural Control Committee is composed of the current or last (in the event of termination of corporate existence) President, Executive Vice President and Treasurer of Builders, Inc. or such committee as they may appoint to serve as an Architectural Control Committee. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor such representatives as they may designate, shall be entitled to any compensation for services performed pursuant to this covenant. Architectural Control Committee address: 1000 Parklane, Wichita, Kansas 67218, or such other address as it might from time to time place in the public record.

C-2. Procedure. The Committee's approval or disapproval as required in these covenants shall be in writing provided however, that in the event the Committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, that the owner or his agent shall notify one of the Architectural Control Committee members of his intention to commence construction on the plans submitted by delivering such notice to such member at least forty-eight (48) hours before such construction is commenced.

Provided further that said Committee shall not be liable in damage to anyone including but not limited to any person submitting plans for approval, any person owning property affected by these restrictions or the members of the general public for any action or inaction, including but not limited to approval of such plans or for

failure or neglect to approve the same. In the event the said Committee shall fail to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to said Committee, this covenant will be deemed to have been fully complied with.

C-3. Criteria of Consideration. In addition to all the other criteria herein set forth, the Committee shall generally determine whether the proposed improvement will protect the then value and future values of the properties then located in the subdivision and to be erected therein. The Committee shall be guided in the exercise of its judgment and determination by reason and good faith. Among the other considerations applied, the Committee will determine and base its approval or rejection upon the fact of whether said proposed improvements are reasonably compatible with other improvements erected and planned in said subdivision.

C-4. Termination. The powers and duties of such committee and of its designated representatives shall cease on and after March 1, 2010. Thereafter the approval described in this Covenant shall not be required unless prior to said date and effective thereon, a written instrument shall have been executed by the then record owners of a majority of the lots in this subdivision and duly recorded appointing a representative, or representatives who shall, thereafter, exercise the same powers previously exercised by said committee.

PART D - MISCELLANEOUS

D-1. Signs. No signs of any kind shall be displayed to the public view on any site except one professional sign of not more than one square foot, one sign of not more than six square feet advertising the property for sale or rent, or signs used and erected by a builder to advertise the property during the period when construction and sales or new dwellings occur.

D-2. Oil and Mining Operations. No oil drillings, oil-development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any site, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any site. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any site.

D-3. Livestock and Poultry. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any site, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose; and provided further, such dogs, cats, or other household pets shall not exceed two of any one type of animal for each site.

D-4. Garbage and Refuse Disposal. No site shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other wastes shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

D-5. Sight Distance at Intersection. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain on any corner site in conformity with applicable resolutions, regulations, and restrictions of the city and county boards and agencies of the City of Wichita, County of Sedgwick, State of Kansas, nor shall any tree be permitted to remain within such areas unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.

D-6. Radio and TV Antennas. Radio and TV aeriels and antennas shall not exceed eight feet higher than the ridge of any structure and shall be attached to said structure.

D-7. Storage of Boats, Campers, Trailers, Etc. No vehicles, boats, campers, trailers, or other such contraptions or devices shall be stored or permitted to remain for more than five (5) continuous days, on any lot except within enclosed garages or in completely enclosed, secured-from-vision areas in the rear yard of the residence structure situated thereon.

PART E - GENERAL PROVISIONS

E-1. Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date they are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the sites has been recorded agreeing to terminate said covenants. Further provided that these covenants may be changed in whole or in part at any time by an instrument signed by a majority of the owners of the sites which are recorded agreeing to such changes, provided, however, that such changes shall not affect any development construction or under construction at such time.

E-2. Enforcement. Enforcement shall be by proceedings at law against any person or persons violating any covenants to recover damages.

E-3. Severability. Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, Builders, Inc. has hereunto set its hands and Company Seal the day and year first above written.

(Seal)

BUILDERS, INC.

Attest:

By Warren Tanner  
Warren Tanner, Secretary-Treasurer

By William E. Morin  
William E. Morin, Executive Vice President

STATE OF KANSAS )  
                          ) ss.  
SEDGWICK COUNTY)



BEFORE ME, the undersigned Notary Public, within and for the County of State aforesaid, on the 5th day of August, 1980, personally appeared William E. Morin, Exec. Vice President and Warren Tanner, Secretary, Treasurer of Builders, Inc., a Kansas Corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument of writing on behalf of said corporation, and said persons duly acknowledged the execution of the same, to be the free act and deed of said corporation.

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

Lois G. Breitenstein  
Notary Public

My commission expires: 2/1/84

EXHIBIT D  
OF PURCHASE AGREEMENT  
BETWEEN CRANE HOMES OF KANSAS, INC.  
AND BUILDERS, INC.

Amended Protective Covenants for Phase I of Pawnee Mesa  
Addition.

Paragraph B-3-1. Dwelling and Size.

No dwelling shall be permitted with a ground floor area for each one-family unit, exclusive of one story open porches, garages, decks, and patios, of less than 1,000 square feet for a one story building, nor less than 530 square feet for a dwelling of more than one story.

NOTICE OF THE EXISTENCE OF  
A REAL ESTATE PURCHASE AGREEMENT AND A FIRST RIGHT OF REFUSAL

FILM 464 PAGE 1416

Notice is hereby given that there exists a Real Estate Purchase Agreement whereby Crane Homes of Kansas, Inc., a Delaware Corporation, is to purchase, and Builders, Inc., a Kansas corporation, is to sell, certain single family building sites to be located within the Pawnee Mesa Addition, Wichita, Sedgewick County, Kansas. This Real Estate Purchase Agreement applies to the following lots:

- Lots 8 through 13, inclusive, Block 2
- Lots 1 through 34, inclusive, and
- 46 through 50, inclusive, Block 18,
- Lots 1 through 39, inclusive, Block 19, and
- Lots 51 through 55, inclusive, Block 12.

Notice is further given that there exists a First Right of Refusal on behalf of Crane Homes of Kansas, Inc. whereby Purchaser shall have the first right of refusal "to acquire such additional single family building sites as (Builder's, Inc.) develops on the same terms and conditions as (Builder's Inc.) will propose to third parties".

Attest:

CRANE HOMES OF KANSAS, INC.

Allen S. Stoppel  
Asst. Secretary

William R. Quinn  
Vice President

BUILDER'S INC.

Alexander L. Dean  
Vice President  
ALEXANDER L. DEAN



(ACKNOWLEDGEMENT)

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
4:00 P.M.  
FEB 24 1981  
NO. 5 27537  
BETTE F. McCART  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

Kansas §  
Sedgewick §

The within and foregoing instrument was acknowledged before me this 17 day of February, 1981 by Alexander L. Dean, Vice President, and Warren Tanner, the Secretary of Crane Homes of Kansas, Inc., a Delaware corporation, and they acknowledged that this was a duly authorized act for and in the name of and on behalf of the corporation.

My commission expires: February 3, 1985

Julie McGeeney  
Notary Public Jud. 7th A. Ramsay

(ACKNOWLEDGEMENT)

State of Kansas §  
County of Sedgewick §

The within and foregoing instrument was acknowledged before me this 17 day of February, 1981 by Alexander L. Dean, the Vice President, and Warren Tanner, the Secretary of Builder's Inc., a Kansas corporation, and they acknowledged that this was a duly authorized act for, in the name of, and on behalf of the corporation.

My commission expires: November 13, 1982

Julie McGeeney  
Notary Public

JULIE MCGEENEY  
STATE NOTARY PUBLIC  
Sedgewick County, Kansas  
My Appl. Exp. 11/15/82

copy for my house  
6/22/82

1000

1000

Crane Homes



AFFIDAVIT OF PUBLICATION

(91438 Published in The Daily Record on March 26, 1980)IT

RESOLUTION

RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 13, SOUTHWEST INTERCEPTOR SEWER IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING LATERAL 1, MAIN 13, SOUTHWEST INTERCEPTOR SEWER IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 1, Main 13, Southwest Interceptor Sewer in the city of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Three Hundred Ninety Two Thousand Dollars (\$392,000.00)

payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 1/2% per month from and after the date of approval of this resolution.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

PAWNEE MESA ADDITION:

Lots 8 through 13 inclusive, Block 2, Lots 46 through 55 inclusive, Block 12, Lots 11 through 16, inclusive, Block 14, Lot 1, Block 15, Lot 1, Block 16, Lots 1 through 19 inclusive, Block 17, Lots 1 through 50 inclusive, Block 18, Lots 1 through 39 inclusive, Block 19

SECTION 4. That the method of apportioning all costs of said improvement attributable to the owners of land liable for assessment shall be on a fractional basis: All Lots 8 through 13 inclusive, Block 2, Lots 46 through 55 inclusive, Block 12, Lots 11 through 16, inclusive, Block 14, Lots 4 through 11 inclusive, Block 17, Lots 1 through 50 inclusive, Block 18, and Lots 1 through 39 inclusive, Block 19, all within Pawnee Mesa Addition shall each pay 1/170 of the total cost payable by the improvement district; Lots 1, Block 15, Pawnee Mesa Addition, shall pay 29/170 of the total cost payable by the improvement district; Lot 1, Block 16, Pawnee Mesa Addition, shall pay 6/170 of the total cost payable by the improvement district; Lots 1 through 3 inclusive and Lots 12 through 19 inclusive, Block 17 Pawnee Mesa Addition, shall each pay 3/340 of the total cost payable by the improvement district. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral as defined in City of Wichita Ordinance No. 35-570 under the criteria established for "hardship deferral."

SECTION 6. That all costs of the improvements of the sanitary sewer system shall be assessed to the improvement district as provided by Section 4 hereof.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. The advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1974 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas this 18th day of March, 1980.

TONY CASADO, Mayor  
ATTEST (SEAL)  
DONALD C. GISICK, City Clerk

STATE OF KANSAS,  
COUNTY OF SEDGWICK, SS:

CONNIE STOWELL,

of lawful age being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed and published in the State of Kansas, and of general circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least fifty (50) times a year, and has been so published continuously and uninterruptedly in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office in Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for \_\_\_\_\_ consecutive \_\_\_\_\_ as follows:

1st MAR 26 1980  
2nd \_\_\_\_\_  
3rd \_\_\_\_\_  
4th \_\_\_\_\_  
5th \_\_\_\_\_  
6th \_\_\_\_\_

Connie Stowell  
Business Manager

Subscribed and sworn to before me this 27 day of Mar 1980.

William V. House  
Notary Public

My commission expires 11-29-81

PUBLICATION FEES

\$ 16.18  
86

WILLIAM V. HOUSE  
STATE NOTARY PUBLIC  
Marion County, Kansas  
My Comm. Exp. 11-29-81

the Daily Record

121 East Muldick  
Wichita, Kansas, 67214  
16-261-5277

AFFADAVIT OF PUBLICATION

01644 Published in The Daily Record on March 26, 1980

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF STORM WATER SEWER NO. 184 IN THE CITY OF WICHITA, KANSAS PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS. BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING STORM WATER SEWER NO. 184 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO WIT:

SECTION 1. That it is necessary and in the public interest to construct Storm Water Sewer No. 184 in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Five Thousand Dollars (\$105,000.00) payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 1/2% per month from and after the date of approval of this resolution.

SECTION 3. That the cost of said improvement, when ascertained, shall be assessed against the land lying with a benefit district described as follows:

- PAWNEE MESA ADDITION
Lots 8 through 13 inclusive, Block 2
Lots 51 through 55 inclusive, Block 12
Lots 14 through 25 inclusive, Block 14
The West 235 feet of the North 435 feet, Lot 1, Block 15
Lots 1 through 7 inclusive and Lot 19, Block 17
Lots 1 through 29 inclusive, Block 18
Lots 39 through 50 inclusive, Block 18
Lots 18 through 39 inclusive, Block 19

SECTION 4. That the method of apportioning all costs of said improvement attributable to the owners of land liable for assessment shall be on a fractional basis: All Lots 8 through 13 inclusive, Block 2, Lots 51 through 55 inclusive, Block 12, Lots 14 through 25 inclusive, Block 14, Lots 1 through 7 inclusive, and Lot 19, Block 17, Lots 1 through 29 inclusive, Block 18, Lots 39 through 50 inclusive, Block 18, Lots 15 through 39 inclusive, Block 19, all within Pawnee Mesa Addition shall each pay 1/109 of the total cost payable by the improvement district. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That all costs of the improvements of the sanitary sewer system shall be assessed to the improvement district as provided by Section 4 hereof.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral as defined in City of Wichita Ordinance No. 35-570 under the criteria established for "hardship deferral".

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. The advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1974 Supp. 12-6201 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas this 18th day of March, 1980.

TONY CASADO, Mayor
ATTEST (SEAL)
DONALD C. GISICK, City Clerk

STATE OF KANSAS,
COUNTY OF SEDGWICK, SS:
CONNIE STOWELL

of lawful age
being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed and published in the State of Kansas, and of general circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least fifty (50) times a year, and has been so published continuously and uninterruptedly in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office in Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for consecutive days as follows:

- 1st MAR 26 1980
2nd
3rd
4th
5th
6th

Connie Stowell
Business Manager

Subscribed and sworn to before me this 27 day of Mar 19 80

William V. Kruse
Notary Public

My commission expires 11-29-81

PUBLICATION FEES
\$ 15.19
81

WILLIAM V. KRUSE
STATE NOTARY PUBLIC
Marion County, Kansas
My Appt. Exp. 11-29-81

# the Daily Record

521 East Mulder  
Wichita, Kansas 67214  
316-263-5277

## AFFADAVIT OF PUBLICATION

(92328 Published in The Daily Record, Sept. 5, 1980)11  
RESOLUTION

AMENDED RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF STORM WATER SEWER NO. 187 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING STORM WATER SEWER NO. 187 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Storm Water Sewer No. 187 in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Seventy-Two Thousand Dollars (\$72,000.00) payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 1/2% per month from and after March 11, 1980, the date of approval of the petition.

SECTION 3. That the cost of said improvement, when ascertained, shall be assessed against the land lying within a benefit district described as follows:

Phase I: Outside Corporate Limits -

The West 100 feet of the west one-half, Northeast one-quarter, Southeast Quarter, Section 31, Township 27 South, Range 1 West, north of the centerline of Haskell in Pawnee Mesa Addition.

PHASE II: Inside Corporate Limits -

Pawnee Mesa Addition:

Lots 8 through 18 inclusive, Block 17

Lots 30 through 38 inclusive, Block 18

Lots 1 through 14 inclusive, Block 19

SECTION 4. That the method of apportioning all costs of said improvement attributable to the owners of land liable for assessment shall be on a square foot basis. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral as defined in City of Wichita Ordinance No. 35-570 under the criteria established for "hardship deferral".

SECTION 6. That all costs of the improvements of the sanitary sewer system shall be assessed to the improvement district as provided by Section 4 hereof.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. The advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1979 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED AT Wichita, Kansas, this 2nd day of September, 1980.

ROBERT G. KNIGHT, Mayor  
ATTEST: (SEAL) DONALD C. GISICK, City Clerk

STATE OF KANSAS,  
COUNTY OF SEDGWICK, SS:  
CONNIE STOWICK, SS:

\_\_\_\_\_ of lawful age  
being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed and published in the State of Kansas, and of general circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least fifty (50) times a year, and has been so published continuously and uninterruptedly in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office in Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for \_\_\_\_\_ consecutive \_\_\_\_\_ as follows:

1st SEP 5 1980  
2nd \_\_\_\_\_  
3rd \_\_\_\_\_  
4th \_\_\_\_\_  
5th \_\_\_\_\_  
6th \_\_\_\_\_

Connie Stowell  
Business Manager

Subscribed and sworn to before me this Sept 8 day of Sept 1980

Dwila M. Brack  
Notary Public

My commission expires April 2, 1984

### PUBLICATION FEES

\$ 13.88  
74

TWILA M. BLACK  
STATE NOTARY PUBLIC  
SEDGWICK COUNTY, KS  
MY APPL. EXPIRES 4-2-84

## WICHITA-SEDGWICK COUNTY

DATE  
August 1, 1980

## METROPOLITAN AREA PLANNING DEPARTMENT

TO S/D 79-20 - Pawnee Mesa File  
FROM Louise Olivarez, Senior Planner

SUBJECT Lark Lane location:

July 31, 1980, 3:00 p.m. City Engineering Conference Room

Participants: Lackey, Lindebak, Gegen, Olivarez,  
Steve Anderson (Van Doren-Hazard-  
Stallings), Bob Loveland (Builders,  
Inc.)

It has recently come to the attention of the City Engineers that the plat and improvement plans for Pawnee Mesa are in error with regard to this plat's relationship to Lark Lane as it exists in the field. All copies of the plat of Pawnee Mesa from the very first sketch done by Campbell and Castle to the final plat done by Van Doren, Hazard, Stallings, indicate that half of existing Lark Lane is out of the W 1/2 of the SE 1/4. Even the title binder references a 30 foot road easement on the east side of the property. Steve Anderson has tried to gather all existing information from the County records regarding the dedication of Lark Lane, but information is sketchy. The most information he can obtain is a reference to moving the dedication 80 rods west of the originally intended location. This action was taken in 1875.

A 1957 Baughman Company survey has been obtained which shows a number of irons set for tracts east of Lark Lane in the NE 1/4. They all show 60' (+) for road out of the E 1/2 of the NE 1/4. Also, the plat of ~~L~~land Addition at the southwest corner of U.S. 54 and Lark Lane dedicated no right-of-way for Lark, thus the assumption at that time that all the right-of-way for Lark was in the E 1/2.

To avoid having to vacate street right-of-way (or end up with 30 feet extra in the parking) and having to re-do plans for streets, sewers, and water in Pawnee Mesa and also because the annexation went only to a point 30 feet east of the east line of the W 1/2, a jog will be placed in Lark Lane near the north line of Pawnee Mesa. Builders, Inc., who owns the land north of Pawnee Mesa, will dedicate necessary street right-of-way for the transition. Van Doren, Hazard, Stallings will revise their water and street plans to take this into account.

Louise Olivarez *LO.*  
Senior Planner

P. S. If survey stakes had been placed in the ground prior to recording the plat (especially the stake at the northeast corner of the plat) most probably this discrepancy would have been discovered before this late date.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 79-20 Name Pawnee Mesa  
 Application & Sketch Filed: 2-16-79  
 Preliminary Plat Filed: 4-23-79 Approved by S/D: 5-3-79  
 Final Plat Filed: 7-30-79 & 1-14-80 Approved by S/D: 8-9-79 & 1-24-80  
 Approved by Metropolitan Area Planning Commission: 8-30-79 & 1-31-80

DESCRIPTION

General Location: An area north of Pawnee and west of Lark Lane

Surveyor or Engineer: Van Doren-Hazard-Stallings  
 Owner: Builders, Inc.  
 Address: 1000 Parklane, Wichita, Ks. 67218

- |                               |     |                       |                       |
|-------------------------------|-----|-----------------------|-----------------------|
| 1. Gross Acreage of Plat      | 159 | 6. Access Control     |                       |
| 2. Number of Lots             |     | St. Lark Lane         | No. Openings <u>2</u> |
| Residential                   | 545 | St. Pawnee            | No. Openings <u>3</u> |
| Commercial                    |     | St.                   | No. Openings          |
| Industrial                    |     |                       |                       |
| Other                         |     | 7. Req'd Improvements |                       |
| Total Number of Lots: 545     |     | St. Paving            | X Water <u>X</u>      |
| 3. Minimum Lot Area: 16 acres |     | Sidewalk              | X Drainage <u>X</u>   |
| 4. Existing Zoning: R-1       |     | Sewer                 | X Other               |

5. Special Problems Discussed: Drainage  
 Cases SC7-0437 "R-1" to "AA" and CU-223 (duplex & multi-family development) have been approved subject to platting. Annexation has been approved subject to completion of platting and rezoning. In August, 1979, the Board of City Commissioners, after considering an appeal from the plattors, upheld the City drainage policy and instructed the plattors to comply with the drainage requirements of containing the 100-year floods within street right-of-way lines and the 2-year floods within street curbs. The plattors hired a new engineer and in January, 1980, submitted a modified street and lot design as well as a modified drainage concept. The new drainage plan provides for the conveyance of storm water runoff from this subdivision east to the Cowskin Creek through an open channel. The dedication of a 115-foot wide storm water channel has been obtained. Petitions for the construction of the storm water drain, storm water sewers, paving of all streets (including Lark Lane), sidewalks in accordance with the sidewalk ordinance, extension of City water and City sanitary sewer are requirements of plat approval but as of the date of preparation of this report (March 3, 1980) have not been returned to the appropriate City offices for final processing. It is anticipated that all petitions will be available for acceptance on March 11, 1980. *All available except san. sewer main*

Planning Commission Recommendation: That this plat be approved subject to recording within 30 days after approval by the Board of City Commissioners.

Baycuth moved, Hennessy seconded and it carried unanimously. Jones and Lofton were absent.

ACTION: Accept the dedication of right-of-way for the storm water channel; receive and file the water engineering feasibility report, adopt the resolution of finding and the resolution ordering and directing the water system improvement; approve the petitions for water, sanitary sewers, storm water drain, storm water sewers, street paving and sidewalks; instruct the City Attorney to prepare the necessary resolutions; instruct the City Clerk to file the storm water channel dedication with the Register of Deeds, the recording cost of which shall be billed to the applicant; approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

March 7, 1980

Donald C. Gisick, City Clerk  
Louise Olivarez, Senior Planner

Certificate of petitions associated with  
S/D 79-20 - Pawnee Mesa

The plat of Pawnee Mesa will be discussed at the March 11, 1980, meeting of the Board of City Commissions. Since our plat referral sheet was prepared, the petitions for improvements have been submitted and the attached "Certificate" confirming the petitions was also submitted. If the petitions are accepted by the governing body, this certificate should be filed with the Register of Deeds. The recording cost may be billed to:

Builders, Inc.  
1000 Parklane  
Wichita, Ks. 67218

Louise Olivarez  
Senior Planner  
LO:bh

Attach.

CERTIFICATE

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

I, We, Builders, Inc., owner and plat-  
tor of Pawnee Mesa Addition, do hereby  
certify that petitions for the following improvements have been submitted to the  
Board of Commissioners of the City of Wichita, Kansas:

1. Paving & Sidewalk
2. Sanitary Sewer Main & Laterals
3. Storm Sewer
4. Storm Water Drain
5. Water
- 6.
- 7.

As a result of the above-mentioned petitions for improvements, lots within  
Pawnee Mesa Addition may be subject to special  
assessments assessed thereto for the cost of construction the above-described im-  
provements.

Signed this 3rd day of March, 1980.

William E. Morin  
Builders Inc.  
by Executive Vice President  
William E. Morin

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

Be it remembered that on this 3rd day of March 1980, before  
me, a notary public in and for said County and State, came William E. Morin  
to me personally known to be the same person who executed the fore-going instrument  
of writing and duly acknowledge the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial  
seal the day and year above written.

Katheryn S. Bauman  
Notary Public

My Appointment Expires: Feb. 2, 1983



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, Joseph Weber and Frances Weber

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

The north 115 feet of the east one-half of the southeast quarter Section 31, Township 27 south, Range 1 west and the north 115 feet of the west one-half of the southwest quarter of Section 32, Township 27 south, Range 1 west.

do            hereby dedicate the above described real estate to the public for             
Storm Water Channel purposes.

Executed this 29 day of February, 1980.

Joseph Weber a.k.a. Joseph N. Weber, Jr.  
Joseph Weber a.k.a. Joseph N. Weber, Jr.  
Frances Weber  
Frances Weber

STATE OF KANSAS  
ss:  
SEDGWICK COUNTY

BE IT REMEMBERED, that on this 29<sup>th</sup> day of February, 1980, came Joseph and Frances Weber

to me personally known to be the same person S 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 notarial 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           , 19           

City Clerk

Norma Jean Pate  
(Notary Public)

My Appointment Expires: Feb. 27, 1982

NORMA JEAN PATE  
NOTARY PUBLIC  
Sedgwick County, Kansas  
My Appt. Exp. 2-27-82

1. Effective date: November 20, 1978 @ 7:00 A.M.

Amount limited to \$ 35.00

2. Policy or Policies to be issued:
- (a)  ALTA Owner's Policy Form A-1970 (Amended 10-17-70)
  - ALTA Owner's Policy Form B-1970 (Amended 10-17-70)

Proposed Insured: Builders, Inc.

(b) ALTA Loan Policy (Amended 10-17-70)

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple.

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

Builders, Inc.

5. The land referred to in this Commitment is situated in the County of Sedgwick, State of Kansas, and is described as follows:

The East Half of the Southwest Quarter and the West Half of the Southeast Quarter, Section 31, Township 27 South, Range 1 West, Sedgwick County, Kansas

*W.W. Gavey*

FIDELITY TITLE COMPANY, INC.

Schedule A consists of 1 pages.  
TSP-113A:9/77 *em*



SCHEDULE B-I  
(REQUIREMENTS)

COMMITMENT  
NO. Y-72,545

1. The following are the requirements to be complied with:

A. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.

B. Instruments in insurable form which must be executed, delivered and duly filed for record.

- (1) Procure and record Partial Releases of the Blanket Right of Ways shown in Schedule B,II, 6 and 7, or the same would appear as an exception to any resulting Policy. *See endorsement dated 2-22-80 which deletes this*
- (2) 1978 real estate taxes show unpaid in the amount of \$411.19, Key #DE-377; and \$419.93, Key #DE-378. If Company is to insure payment of 1978 real estate taxes, provide the Company with a copy of the paid 1978 real estate tax receipts; OR, transmit the funds to the treasurer to pay said Taxes through the Company.

FIDELITY TITLE COMPANY, INC.



TSP-1148-I

*[Signature]*  
Authorized Signatory

Schedule B-I of this Commitment consists of 1 pages.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. (A) Rights of dower, curtesy, homestead or other marital rights of spouse, if any, of any individual insured. (B) Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished imposed by law and not shown by the public records. (C) Survey: Any encroachments, measurements, party walls, or other facts which a correct survey of the premises would show. (D) Easements, or claims of easements, not shown by the public records. (E) Rights or claims of parties in possession not shown by the public records.
3. All assessments and taxes for the year 19 79 and all subsequent years. See Schedule B-I.1.B.(2).
4. **30 Foot Section Line Road on the South.**
5. **30 foot County Road on the East as disclosed by Commissioners' Journal A at page 292.**
6. **Blanket Right of Way for pipelines granted to Cities Service Gas Company in instrument recorded in Misc. Book 111 at page 578.**  
*release filed Film 405 pg. 500*
7. **Blanket Right of Way for electric Transmission or distribution line or system granted to The Sedgwick County Electric Cooperative Association, Inc. in instrument recorded in Misc. Book 147 at page 198 over all of subject Southwest Quarter.**  
*see disclaimer and please attach*
8. **Subject to Agreement as to location of corner locations recorded in Misc. Book 411 at page 98.**

*7-31-80 Dorothy Peil said that page 292 of Journal A does not mention anything about a street. The journal entry is for April 1875 !!*

FIDELITY TITLE COMPANY, INC.

Schedule B-II consists of 1 pages.

TSP-113 B-II:9/77 *en*



ST. PAUL TITLE

IT

274

FILM 348 PAGE 440


DISCLAIMER

Kansas Gas and Electric Company disclaims any easement right in the East 1/2 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4 in Section 31, Township 27 South, Range 1 West, Sedgwick County, Kansas, which might be implied as arising from Bill of Sale from the SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC. to KANSAS GAS AND ELECTRIC COMPANY dated October 27, 1960 and recorded in the Office of the Register of Deeds in Sedgwick County, Kansas, in Miscellaneous Book 472 at pages 550 to 552 inclusive.

Dated this 15th day of January, 1979.

KANSAS GAS AND ELECTRIC COMPANY

By Glenn L. Koester  
Glenn L. Koester  
Vice President-Operations

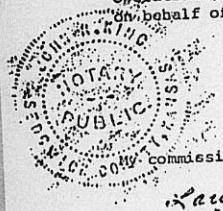
ATTEST:  
  
E. WALKER  
STATE OF KANSAS  
COUNTY OF SEDGWICK

Original Compared  
With Record

STATE OF KANSAS  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
...  
JAN 30 1979  
NO. 4 24031  
BETTE F. MCCART  
REGISTER OF DEEDS

*Pat Hester Property*

The foregoing instrument was acknowledged before me this 15th day of January, 1979 by Glenn L. Koester, Vice President-Operations, of Kansas Gas and Electric Company, a Kansas corporation, on behalf of the corporation.

  
JOHN R. KING  
NOTARY PUBLIC  
COMMISSION EXPIRES: MARCH 13, 1981

John R. King  
John R. King Notary Public

Commission expires: March 13, 1981

*Lester D. Rogers  
Land Development Manager  
Investment Co., 300 W. Douglas  
64752*

00

RELEASE

ADAMS COUNTY REGISTER OF DEEDS  
FOR RECORD AT 8:10 A.M.  
348 441

JAN 30 1979

Original Compared  
With Record

4 24032  
BETTE F. McCARTY  
REGISTER OF DEEDS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC. a corporation whose post office address is Cheney, Kansas, the present owner of the hereinafter described right of way easements, does hereby and by these presents release and relinquish all its right, title, and interest in and to the following described right of way easements covering the following described land in Sedgwick County, Kansas, to wit:

A right of way easement dated May 20, 1938 granted by Joseph Weber to the Sedgwick County Electric Cooperative Association, Inc. covering the Southwest Quarter of Section 31, Township 27, Range 1 West, Sedgwick County, Kansas and recorded in the office of the Register of Deeds in Misc. Book 147 at Page 198

and

all right of way easements located in the East Half of the Southwest Quarter and the West Half of the Southeast Quarter, Section 31, Township 27 South, Range 1 West, Sedgwick County, Kansas.

IN WITNESS THEREOF, SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC., has caused these presents to be signed and its corporate seal to be affixed this 22nd day of January, 1979.

ATTEST:

SEDGWICK COUNTY ELECTRIC  
COOPERATIVE ASSOCIATION, INC.

Dean Hillman  
Dean Hillman, Secretary

BY: Gene W. Porter  
Gene W. Porter, President

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) ss

BE IT REMEMBERED, that this 22nd day of January, 1979, before me the undersigned, a Notary Public in and for County and State aforesaid, came Gene W. Porter of Sedgwick County Electric Cooperative Association, Inc., a Corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and Dean Hillman Secretary of said Corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the above instrument of writing on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the free and voluntary act and deed of the Corporation.

...iders, Inc.

Y-72,545

\*Substitute the word  
Commitment for Policy

ENDORSEMENT # 1

Commitment  
Attached to Policy No. Y-72,545  
dated November 20, 1978 @ 7:00 A.M.

ISSUED BY

**St. Paul Title Insurance Corporation**

SAID COMMITMENT IS HEREBY AMENDED AS FOLLOWS:

SCHEDULE B-I.1.B.(1) is deleted by virtue of Releases filed in Film  
405 at page 500, Film 348 at page 440 and Film 348 at page 441.

SCHEDULE B, -I.1.B.(2) is deleted and replaced as follows:  
1979 real estate taxes show unpaid in the amount of \$410.66 plus  
interest on first half; Key #DE-377; and \$419.40 plus interest on  
first half; Key #DE-378.  
If Company is to insure payment of 1979 real estate taxes,  
provide the Company with a copy of the paid 1979 real estate  
tax receipt; OR, transmit the funds to the treasurer to pay  
said Taxes through the Company.

SCHEDULE B-II.6. is deleted by virtue of Release filed in Film 405 at  
page 500.

SCHEDULE B-II.7. is deleted by virtue of Releases filed in Film  
348 at page 440 and Film 348 at page 441.

ALL OTHER TERMS AND PROVISIONS OF SAID COMMITMENT REMAIN THE SAME.  
THE EFFECTIVE DATE OF SAID COMMITMENT IS EXTENDED TO February 20,  
1980 @ 7:00 A.M.

The total liability of the Company under said policy and this endorsement thereto shall not exceed, in the  
aggregate, the face amount of said policy and costs which the Company is obligated under the Conditions  
and Stipulations thereof to pay.

The endorsement is made a part of said policy and is subject to the Schedules, Conditions and Stipulations  
therein, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of said policy,  
unless otherwise expressly stated.

Signed this 22nd day of February, 1980.

FIDELITY TITLE COMPANY, INC.

ST. PAUL TITLE INSURANCE CORPORATION

COUNTERSIGNED:

BY William J. Malone  
AUTHORIZED SIGNATURE



BY:

Thomas W. Jones  
CHAIRMAN OF THE BOARD

ATTEST:

Robert McNeill  
SECRETARY

WICHITA

EDGWICK COUNTY TREASURER,  
COURTHOUSE, WICHITA, KS 67203

### TAX RECEIPT

THIS IS YOUR RECEIPT FOR TAXES PAID AS INDICATED BELOW:  
INFORMATION ON ITEMS TAXED

VALUATION	MILL LEVY	GENERAL TAX	OTHER TAX	TOTAL TAX	AMOUNT PAID			
5,170	79.432	410.66		410.66	205.33			
7.76	89.04	47.33	254.08					
STATE	COUNTY	COUNTY FIRE DISTRICT	SCHOOL	OLD SCHOOL BOND	CITY	TOWNSHIP	OTHER LEVIES	BREAK DOWN
						13.92	2.53	

1979 REAL ESTATE  
1/2 SE 1/4 SEC 32-27-1W

TAXED ITEMS

2. RECEIPT VALIDATION L134 DIH C337 C341331 1K 02-21-80 205.33 .00

BALANCE DUE: 205.33

030  
79-0-DE - -00377- - 0309  
BUILDERS INC  
ROOM 306  
1000 PARK LANE  
WICHITA KS 67218

EDGWICK COUNTY TREASURER,  
COURTHOUSE, WICHITA, KS 67203

### TAX RECEIPT

THIS IS YOUR RECEIPT FOR TAXES PAID AS INDICATED BELOW:  
INFORMATION ON ITEMS TAXED

VALUATION	MILL LEVY	GENERAL TAX	OTHER TAX	TOTAL TAX	AMOUNT PAID			
5,280	79.432	419.40		419.40	209.70			
7.92	89.04	44.24	250.48					
STATE	COUNTY	COUNTY FIRE DISTRICT	SCHOOL	OLD SCHOOL BOND	CITY	TOWNSHIP	OTHER LEVIES	BREAK DOWN
						14.23	2.50	

1979 REAL ESTATE  
1/2 SW 1/4 SEC 31-27-1W

TAXED ITEMS

2. RECEIPT VALIDATION L134 DIH C337 C341332 1K 02-21-80 209.70 .00

BALANCE DUE: 209.70

030  
79-0-DE - -00378- - 0309  
BUILDERS INC  
ROOM 306  
1000 PARK LANE  
WICHITA KS 67218

## 7. ENGINEER'S DESCRIPTION OF LAND TO BE ACQUIRED FOR:

Lateral 9. Main 21, War Industries Sewer (between Lori and Dalton from Pawnee to 1,220 feet south of Pawnee and an area north of Pawnee at Dalton.

ACTION: Approve and file and instruct the City Attorney to prepare the necessary ordinance.

## 8. EASEMENTS:

Water Main Easement from Great Plains Industries, Inc., dated January 18, 1980, for constructing, operating, maintaining, and repairing water lines on Lot 2, Block 1, North Oliver Industrial Park Addition (37th Street North and Oliver)

Permanent Drainage Easement from the Board of Park Commissioners dated January 14, 1980, for Storm Water Sewer No. 157 (between Maize Road and Carrwood Drive, from Dora to Harry Street).

ACTION: Receive and file and instruct the City Clerk to record with the Register of Deeds.

## 9. MINUTES OF ADVISORY BOARDS:

Ad Hoc Committee on Street Numbering and Naming meeting, 12/12/79  
 Board of Examiners of Air Conditioning, Refrigeration, Warm Air Heating and Boilers meeting, 12/20/79  
 Board of Examiners of Plumbers and Gas Fitters meeting, 1/8/80  
 Board of Park Commissioners meeting, 12/10/79  
 Board of Zoning Appeals meeting, 12/18/79  
 Central Plains Administrative Council on Aging meeting, 11/21/79  
 Citizen Participation Organization meeting, 1/22/80  
 Civil Rights and Equal Employment Opportunity Commission meeting, 12/5/79  
 Commission on the Status of Children and Youth meeting, 1/3/80  
 Housing Task Force meeting, 11/29/79  
 Metropolitan Arts Board meeting, 1/10/80  
 Sister Cities Advisory Board meeting, 1/4/80  
 Technical Advisory Panel meeting, 12/28/79  
 Urban Renewal Agency meeting, 1/10/80  
 Wichita Airport Authority meeting, 1/7/80  
 Wichita Board of Crime and Corrections meeting, 1/10/80  
 Wichita Community Grievance Advisory Board meeting, 1/16/80  
 Wichita Employees' Retirement Board meeting, 1/9/80  
 Wichita Metropolitan Transit Authority meeting, 12/20/79  
 Wichita Public Library meeting, 12/13/79  
 Wichita-Sedgwick County Board of Health meeting, 12/13/79  
 Wichita-Sedgwick County Emergency Communications Advisory Board meeting, 1/4/80

ACTION: Receive and file.

## 10. FINANCIAL REPORT:

City of Wichita Monthly Financial Report, December 1979.

ACTION: Receive and file.

*Re  
Pawnee  
Plaza*

*Louise*

February 1, 1980

Van Doren-Hazard-Stallings  
260 N. Rock Road, Suite 250  
Wichita, Ks. 67206

Re: S/D 79-20 - Revised final plat of Pawnee Mesa Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, January 31, 1980, the above-captioned plat was considered. The action of the Planning 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 25, 1980.

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:

- 3-11-80 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 2-27 2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor.
- 2-27 3. Certification that all taxes due and payable for 1979 and prior years have been paid.

*need second half paid*  
Please call if you have any questions.

Very truly yours,

Louise Olivarez  
Senior Planner

LO:bh

cc: Alexander L. Dean, Manager, Land Development, Builders, Inc.  
1000 Parklane, 67218

January 25, 1980

Van Doren-Hazard-Stallings  
260 N. Rock Road, Suite 250  
Wichita, Ks. 67206

Re: S/D 79-20 - Revised final plat of Pawnee Mesa Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 24, 1980, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The applicant's drainage plan has been approved subject to his obtaining the necessary drainage dedications between Pawnee Mesa and the Cowskin Creek and subject to his providing the necessary guarantees for the proposed drainage improvements. *116' channel*
- B. The applicant shall guarantee the paving of all streets, including Lark Lane. *Storm water drain petition*
- C. The applicant shall guarantee the extension of sanitary sewer service to all lots. *Storm water drain petition*
- D. The applicant shall guarantee the extension of City water to serve all lots. *San. sewer laterals*  
*San. sewer main*
- E. The street name "Ute" shall be changed to Jewell and "Rita" between Lark Lane and the drainage dedication shall be changed to Grant.
- F. The applicant shall guarantee the construction of sidewalks at the following locations:
  - 1. Both sides of Parkridge (collector).
  - 2. Both sides of Jewell (collector).
  - 3. One side of Rita/Grant (greater than 48 dwelling units).
  - 4. South side of Blake adjacent to Lot 1, Block 15 (multi-family zoning).
  - 5. East side of Fieldcrest adjacent to Lot 1, Block 15 (multi-family zoning).

*Notes of said items are included in the street petitions.*

Van Doren-Hazard-Stallings

January 25, 1980

Page 2

6. South and east sides of Haskell adjacent to Lot 1, Block 16 (multi-family zoning).
7. North side of Blake adjacent to Lot 1, Block 16 (multi-family zoning).
- G. The right-of-way for Shefford north of Jewell shall be reduced to 64 feet.
- H. K.G.&E. requests a 10-foot utility easement along the east line of Lots 28 through 32, Block 19 and also a 20-foot easement along the rear of lots abutting the drainage dedication if sanitary sewer is to be placed in these rear lot easements. *15' shown on plat tracing*
- I. The right-of-way for Lark Lane shall be dimensioned on the plat tracing as 33 feet.
- J. 40 feet of complete access control shall be dedicated at the corner of Pawnee and Lark Lane.
- K. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on January 31, 1980, at 1:30 p.m. If you have any questions regarding this matter, please call.

Sincerely,

Louise Olivarez  
Senior Planner

LO:hh

cc: Alexander L. Dean, Manager, Land Development, Builders, Inc.,  
1000 Parklane, 67218  
Phil Dietrich, Co. Department of Public Works  
Dean Sellers, Acting City Engineer

**RECEIVED**

JAN 23 1980

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

~~XXXXX~~ 268-4591

January 22, 1980

Mr. Ken Bengston  
Van Doren-Hazard-Stallings  
260 North Rock Rd.  
Wichita, Kansas 67206

Subject: Pawnee Mesa Addn.

Dear Mr. Bengston:

Based upon a meeting of April 19, 1977 between Dick Linn, Dean Sellers, John Lundblade, Tommy Allen, Max Greene and you, the developer was to construct a 2 year frequency storm sewer in May Avenue and a 10 year frequency from Carwood across the Pawnee Prairie Park, a pipe is to be laid within the 20' easement granted by the Park.

The proposal you indicate above does not agree with the initial arrangement, therefore as advised at the January 9, 1980 meeting, contact should be made with Mr. Allen of the Park Board for possible approval or further discussion.

Yours truly,

Paul Johnston,  
Flood Control Engineer  
Flood Control and Landfill Division

PJ/glm

cc: Tommy Allen  
Yash Desai  
Prairie Park 2nd Addn. Plat File  
Louise Olivarez  
Pawnee Mesa Addn. Plat File

**THE CITY OF WICHITA**

OFFICE OF Flood Control and Landfill Div.    DATE January 21, 1980

TO    Louise Olivarez, Sr. Planner, MAPD

FROM Paul Johnston, Flood Control Engineer

**SUBJECT** - Pawnee Mesa Addn. Drainage Plan

In reviewing the revised final plat of subject Addition received by this office January 15, 1980, and the drainage plan submitted by Van Doren-Hazard-Stallings on January 9, 1980, it seems premature to be scheduling same for subdivision action. A drainage scheme was presented at a meeting of January 9th in which the drainage from Pawnee Mesa will flow directly east from the northeast corner of the plat to Cowskin Creek. The concept appeared feasible; however, to work it was mentioned that easements must be obtained, other developers were being contacted to see if they would share in the cost and additional arrangements would probably be necessary with the Park Board for crossing their property.

To my knowledge the above items have not been resolved and should be, prior to proceeding. Acknowledging this, the following comments are offered:

- 1) The applicant should provide an approved storm and drainage easement of adequate size to convey Q100. It should be recorded and submitted prior to finalizing.
- 2) Sufficient guarantees should be obtained to construct the necessary channels, storm sewers, structures, outfall to Cowskin Creek, protective measures and seeding and mulching.
- 3) The applicant should submit information on the flow lines and designate the proposed structures crossing Ute.
- 4) The applicant should indicate how the necessary structure crossing Lark Lane is to be financed.
- 5) If the 66" culvert is to remain at the south side of Rita and the drainage dedication, it will be necessary to increase the latter from 70 to 78 feet, otherwise designate a different method and submit same.
- 6) The northeast corner of the plat is presently a discharge point handling drainage from the north. Since this was not addressed, the applicant should be prepared to discuss how this is to be conveyed.
- 7) The applicant is to submit sufficient information on the necessary swales to convey Q100-Q2 as to insure its containment within the easement.
- 8) The original drainage plan was to drain a minimal section of the eastern edge of the plat to the drainage ditch adjacent to Lark Lane. It is now being proposed to drain from 300-500 feet to the east. The applicant is to comment on the condition of the roadside ditch and how and where they mean to convey the runoff from the lots, the proposed commercial area, etc.

Louise Olivarez  
Subject: Pawnee Mesa Addn. Drainage Plan  
January 21, 1980  
Pg. 2

9. The applicant should comment on whether the two drainage structures crossing Lark Lane south of Ute are to be removed.
- 10) The final plat should have storm and drainage easements indicated as such rather than utility easements.
- 11) A scale dimension is required on the final plat.
- 12) Sufficient distances and bearings should be indicated on the final plat as to be able to stake the drainage dedication.
- 13) Due to minimal freeboard provisions in the drainage dedication, minimum pad elevations will be required and should be indicated on both the plat and within the text. The applicant is to contact Flood Control concerning same.
- 14) Certain sections of the storm sewer are in excess of 500 feet between manholes. The applicant should contact Darrell Brewer of Sewer Maintenance concerning approval of this.

Based upon the magnitude of the comments, it might be advisable to defer the plat on drainage. If you have any further questions, please advise.



Paul Johnston,  
Flood Control Engineer  
Flood Control and Landfill Division

PJ/glm

cc: Phil Dietrich  
Yash Desai  
Ken Bengston  
Pawnee Mesa Addn. Plat File  
Tommy Allen  
Darrell Brewer

January 18, 1980

Ms. Janis Swanson  
1820 107th Street West  
Wichita, Kansas 67209

Dear Ms. Swanson:

Last September you requested that we notify you when the drainage plan for Pawnee Mesa, a proposed 160-acre subdivision west of 107th Street, would be discussed again. A revised final plat has recently been submitted and will be reviewed by the Subdivision Committee on Thursday, January 24, 1980, at a meeting to begin at 1:00 p.m., in the Board Room, First Floor, City Hall, 455 North Main, in Wichita. Drainage will be discussed as part of the plat review procedure. You may attend this meeting if you wish and discuss drainage with the Committee members and the platator's engineer.

Sincerely,

Louise Olivarez  
Senior Planner

LO:bh

cc: Pawne Mesa plat file.

Revised final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-20 Name Pawnee Mesa Addition  
Date Application Rec'd. 2-16-79 Preliminary Approval 8-23-79  
Scheduled S/D Meeting \_\_\_\_\_

DESCRIPTION

General Location North of Pawnee in an area west of 107th St. West  
(Lark Lane)  
Owner Builders, Inc.  
Surveyor/Engineer Van Doren-Hazard-Stallings  
Address 260 N. Rock Road, 67206 Phone 686-7303

- |                                |                                  |                                      |                       |
|--------------------------------|----------------------------------|--------------------------------------|-----------------------|
| 1. Gross Acreage of Plat       | <u>159 acres</u>                 | 7. Lineal Feet of New Streets:       |                       |
| 2. Number of Lots:             |                                  | a. <u>66</u>                         | R/W <u>5875</u> ft.   |
| Residential                    | <u>543 + 2 multi-family</u>      | b. <u>64</u>                         | R/W <u>19,050</u> ft. |
| Commercial                     | <u>      </u>                    | c. _____                             | R/W _____ ft.         |
| Industrial                     | <u>      </u>                    | d. _____                             | R/W _____ ft.         |
| Other                          | <u>      </u>                    | e. _____                             | R/W _____ ft.         |
| Total Number of Lots           | <u>545</u>                       | TOTAL                                | <u>24,925</u> ft.     |
| 3. Minimum Lot Frontage        | <u>55</u> ft.                    | 8. Sidewalk adjacent to all streets? | <u>yes</u> <u>no</u>  |
| 4. Minimum Lot Area            | <u>.7000</u> ft.                 |                                      |                       |
| 5. Existing Zoning             | <u>"R-1"</u>                     |                                      |                       |
| 6. Proposed Zoning             | <u>"AA" with Conditional Use</u> |                                      |                       |
| 9. Public Water Supply No      | <u>(Yes-No)</u> , Name _____     |                                      |                       |
| 10. Public Sanitary Sewers No  | <u>(Yes-No)</u> , Name _____     |                                      |                       |
| 11. Health Department Approval | <u>(where applicable)</u>        |                                      |                       |
| 12. City of Wichita            | <u>Three-Mile Area</u> <u>X</u>  |                                      | <u>(Yes-No)</u>       |

STAFF COMMENTS:

NOTE: This revised final plat involves numerous changes in the proposed interior street system. Considerable relotting has occurred in several of the blocks.

- A. The representative from City Public Works should be prepared to comment on the applicant's drainage plan and state what drainage improvements are required to be guaranteed with this plat.
- B. The applicant's associated zone change (SCZ-0437) requesting "R-1" to "AA" has been approved subject to platting. Also, the applicant's Conditional Use case (CU-223) requesting establishment of duplex family dwellings and multiple family dwellings on property approved for "AA" has been approved by the Board of County Commissioners.
- C. The applicant shall guarantee the paving of all streets.
- D. The applicant shall make satisfactory arrangements and guarantees for extension of sanitary sewer and City water from the City of Wichita to serve subject property. The applicant shall be advised that the City has now revised its water service policy and the extension of water mains to serve the plat shall be entirely at the applicant's expense.
- E. The applicant shall guarantee the construction of a sidewalk at the following locations:
  - 1. Both sides of Parkridge (collector).
  - 2. Both sides of Ute (collector).
  - 3. One side of Rita (greater than 48 dwelling units).
  - 4. South side of Blake adjacent to Lot 1, Block 15 (multi-family zoning).
  - 5. East side of Fieldcrest adjacent to Lot 1, Block 15 (multi-family zoning).
  - 6. South and east sides of Haskell adjacent to Lot 1, Block 16 (multi-family zoning).

T9-303

(Over)

Map No.: \_\_\_\_\_  
Section: \_\_\_\_\_  
Twp.: \_\_\_\_\_  
Range: \_\_\_\_\_

S/D No. \_\_\_\_\_

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Parnee Thesa Addition

General Location: North of Parnee in an area west of 107th Street West (Dark Lane)

Name of Property Owner: Builders Inc.

Address: 1000 Parklane Zip Code: 685-4391 Phone: 67218

Name of Subdivider: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Engineer/Surveyor: Van Dorem: Harold Stallins

Address: 260 N. Rock Road Zip Code: 67206 Phone: 686-7303

Date of Application: \_\_\_\_\_

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat SAME
2. Number of Lots:
  - Residential 543
  - Commercial 2
  - Industrial \_\_\_\_\_
  - Other \_\_\_\_\_
3. Minimum Lot Frontage SAME ft.
4. Minimum Lot Area SAME
5. Existing Zoning R-1
6. Proposed Zoning AA WITH C.U.
7. Lineal Feet of New Streets:
  - a. 66 R/W 5875 ft.
  - b. 64 R/W 19,050 ft.
  - c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - TOTAL 24,975 ft.
8. Are Sidewalks existing? Yes \_\_\_\_\_ No X
9. Is a public water supply available? Yes X No, Name \_\_\_\_\_
10. Is a sanitary sewer available? Yes \_\_\_\_\_ No, Name \_\_\_\_\_
11. Has Health Department approval been obtained (where applicable) Yes \_\_\_\_\_ No \_\_\_\_\_
12. City of Wichita \_\_\_\_\_ Three Mile Area X Outside of Wichita \_\_\_\_\_

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 for by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: \_\_\_\_\_

Wichita-Sedgwick County Metropolitan Area  
Planning Commission, 10th Floor, City Hall,  
455 North Main, Wichita, Kansas 67202

Received by \_\_\_\_\_  
Date \_\_\_\_\_  
Fee Submitted \_\_\_\_\_

T9-301B  
(7-79)

NEW GREEN  
SHEET INFO

SUBDIVISION REPORT

S/D NO. 79-20 Name Pawnee Mesa Addition  
Date Application Rec'd. 2-16-79 Preliminary Approval 8-23-79  
Scheduled S/D Meeting \_\_\_\_\_

DESCRIPTION

General Location North of Pawnee in an area west of 107th St. West  
(Lark Lane)  
Owner Builders, Inc.  
Surveyor/Engineer Van Doren-Hazard-Stallings  
Address 260 N. Rock Road, 67206 Phone 686-7303

- |  |   |
|--|---|
| 1. Gross Acreage of Plat <u>159 acres</u>                        | 7. Lineal Feet of New Streets:                            |
| 2. Number of Lots:   | a. <u>66</u> R/W <u>5875</u> ft.                          |
| Residential <u>543 + 2 multi-family</u>                          | b. <u>64</u> R/W <u>19,050</u> ft.                        |
| Commercial <u>1</u>  | c. _____ R/W _____ ft.                                    |
| Industrial _____   | d. _____ R/W _____ ft.                                    |
| Other _____  | e. _____ R/W _____ ft.                                    |
| Total Number of Lots <u>545</u>                                  | TOTAL <u>24,925</u> ft.                                   |
| 3. Minimum Lot Frontage <u>55</u> ft.                            | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>no</u> |
| 4. Minimum Lot Area <u>7000</u> ft.                              |   |
| 5. Existing Zoning <u>"R-1"</u>                                  |   |
| 6. Proposed Zoning <u>"AA"with Conditional Use</u>               |   |
| 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) _____ (Yes-No) |   |
| 12. City of Wichita _____: Three-Mile Area <u>X</u>              |   |

STAFF COMMENTS:

NOTE: This revised final plat involves numerous changes in the proposed interior street system. Considerable relotting has occurred in several of the blocks.

- A. The representative from City Public Works should be prepared to comment on the applicant's drainage plan and state what drainage improvements are required to be guaranteed with this plat.
- B. The applicant's associated zone change (SCZ-0437) requesting "R-1" to "AA" has been approved subject to platting. Also, the applicant's Conditional Use case (CU-223) requesting establishment of duplex family dwellings and multiple family dwellings on property approved for "AA" has been approved by the Board of County Commissioners.
- C. The applicant shall guarantee the paving of all streets.
- D. The applicant shall make satisfactory arrangements and guarantees for extension of sanitary sewer and City water from the City of Wichita to serve subject property. The applicant shall be advised that the City has now revised its water service policy and the extension of water mains to serve the plat shall be entirely at the applicant's expense.
- E. The applicant shall guarantee the construction of a sidewalk at the following locations:
  - 1. Both sides of Parkridge (collector).
  - 2. Both sides of Ute (collector).
  - 3. One side of Rita (greater than 48 dwelling units).
  - 4. South side of Blake adjacent to Lot 1, Block 15 (multi-family zoning).
  - 5. East side of Fieldcrest adjacent to Lot 1, Block 15 (multi-family zoning).
  - 6. South and east sides of Haskell adjacent to Lot 1, Block 16 (multi-family zoning).

T9-303

(Over)

7. North side of Blake adjacent to Lot 1, Block 16  
(multi-family zoning).

- F. This revised final plat allows for the extension of a collector street (Shefford) from this plat into the residentially zoned property to the north (approximately 65 acres). In light of the relatively small area of future residential development to be served by this proposed collector extension, it is staff's recommendation that the proposed street extension be modified to allow for a standard 64-foot residential street, rather than a 66 foot collector. If this modification is not made, the applicant shall guarantee a sidewalk adjacent to both sides of the proposed collector extension that is within this plat.
- G. On the final plat tracing, the M.A.P.C. signature block shall be corrected to read: William J. Goebel, Chairman.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.



**Van Doren  
Hazard  
Stallings**

Architects • Engineers • Planners

250 Rockborough Building  
260 North Rock Road  
Wichita, Kansas 67206  
316/686-7303

DATE 12-5-79 JOB NO. 79-229-A0

PROJECT Pawnee Mesa

TO Mr. Dean Sellers

FROM Kenneth H. Bengtson

REFERENCE \_\_\_\_\_

## confirmation memo

COPIES TO:

Alex Dean  
Yash Desai  
Mike Lindebak  
Louise Olivarez  
Ray Bruggeman  
Jack Galbraith

Per our meeting of December 3, 1979 we will be proceeding with a revised final plat for Pawnee Mesa. The drainage plan, which will be submitted prior to the submission of the revised final plat, is intended to drain east and will not be limited to the 105 cfs runoff. The revised roadway configuration would designate May and Shefford (north of May) as collectors with a 66' right-of-way. Mike Lindebak will discuss with Steve Lackey and Louise Olivarez regarding the possibility of reducing the realigned Parkridge to 64' right-of-way and using valley gutters at intersections where needed.

**RECEIVED**

DEC 5 1979

METROPOLITAN PLANNING

ROUTE  Office

\_\_\_\_\_

*Kenneth H Bengtson*

November 5, 1979

Mr. Lawrence Wells  
254 Laura  
Wichita, Ks. 67211

Re: Pawnee Mesa homeowners' association agreement and  
protective covenants - preliminary drafts

Dear Mr. Wells:

In August you submitted to the planning department, the preliminary drafts of the Homeowners' Association agreements and the Protective Covenants for Pawnee Mesa. Since that time, I have been awaiting the final outcome of a number of things, including the method of handling drainage, the zoning classifications for this property, and whether or not this property will be annexed prior to the recording of the plat. Based on a number of recent conversations with Alex Dean and the filing of an amended request for a county conditional use permit, I believe the preliminary drafts of the agreement and covenants can be reviewed with the assumptions that this property will still be in the county when the plat is recorded; there will be no commercial zoning on the property; and all of the non-public open space will be labeled as "drainage reserve."

Based on these assumptions, our comments on the agreement are as follows:

- A. All the drainage easements will be part of individual lots and will contain underground drainage pipes. As part of individual lots, they will be owned and should be maintained by the individual lot owners. Therefore, homeowner association maintenance of the drainage areas should refer to the "drainage reserves" only.
- B. Reference to the light commercial lot shall be deleted.
- C. Reference to maintenance of the drainage areas if the association fails to maintain them properly should be by the "appropriate governing body" rather than by the City of Wichita or even Sedgwick County.
- D. Item C of Section 5 states that title to the reserves will be conveyed to the association not later than January

Mr. Lawrence Wells  
11-5-79  
Page 2

1, 1989. The following sentence states that, at some future date, if the reserves are no longer needed for drainage purposes they would revert to the developer. If this should occur after title is conveyed to the association, I believe title would probably revert to the association. You may wish to check this with an attorney for clarification.

- E. Reference to provisions of the "Community Unit Plan" should be deleted.

Our comments on the covenants are as follows:

- A. Reference to the subdivision being located in Wichita shall be deleted.
- B. Item 1 which lists the lots and blocks and specifies the zoning classification for each will need to be changed to coincide with the final lot and block numbers and approved zoning classifications. The reference to one parking space per duplex unit should be corrected to read two parking spaces per duplex unit, or this may be deleted altogether since City regulations will require less parking than County regulations.
- C. Reference to the zoning ordinance of the City of Wichita shall be changed to "appropriate zoning regulations."

These are all the comments we have at this time regarding the homeowners association agreement and the protective covenants. I have marked one of these documents with our comments and return it to you with this letter.

I do have two comments regarding the plat's text on the final plat which I would like to mention at this time. The sentence which now states: "The drainage reserve is reserved for retention-detention floodway and the drainage easements are hereby granted for the purpose of construction and maintenance of drainage" should be revised to read as follows:

"The drainage reserves are hereby reserved for floodway purposes and shall be the responsibility of the property owners within the subdivision until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage, provided further, that no building shall be constructed on or within said floodway, nor shall any fill, change of grade, creation of channel, or other work be carried on without the permission of the Wichita-Sedgwick County Flood Control Office or their successors of office. The drainage easements are hereby granted for construction and maintenance of drainage facilities."

The sentences regarding abutter's rights of access are incomplete and should include the phrase "...are hereby granted to the ap-

Mr. Lawrence Weils  
11-5-79  
Page 3

ropriate governing body." If some access is allowed to a certain block, for instance Block X, the text would continue ... "except that Block X shall have access to Pawnee at one location within the west 485 feet, said location to be determined by the appropriate engineer."

If you wish to discuss the homeowners agreement or covenants or any other matter related to Pawnee Mesa, please call.

Sincerely,

Louise Olivarez  
Senior Planner  
LO:bh

cc: Alexander L. Dean, Manager, Land Development, Builders, Inc.,  
1000 Parklane, Wichita, Ks. 67218

Copy # 1

PRELIMINARY DRAFT  
HOME OWNERS ASSOCIATION AGREEMENT

THIS DECLARATION, made this      day of      , 197

by BUILDERS, INC., hereinafter called "Developer,"

WITNESSETH:

WHEREAS, Developer is the owner of and proposed to develop all of the real property legally described as follows:

The East Half of the Southwest Quarter, plus the West half of the Southeast Quarter, Section 31, Township 27 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas. Under and in accordance with the plats, protective covenants and provisions of Pawnee Mesa Subdivision, Sedgwick County, Kansas, heretofore approved by the Board of City Commissioners of Wichita, Kansas, and the County Commissioners of Sedgwick County, Kansas and

*drainage easements are part of the individual lots and are normally maintained by the individual lot owners*

WHEREAS, the Developer desires to provide for the maintenance of ~~drainage easements and~~ drainage reserves, etc., contained in the above described property, and

WHEREAS, the Developer deems it desirable, in order to provide for the orderly maintenance and preservation of the values of said property, to create a "Home Owners Association" which would be delegated and assigned the power of maintaining and providing for the maintenance of the areas above referred to and for enforcing the agreements, covenants and restrictions hereinafter set forth and for collecting and disbursing the assessments and charges hereinafter provided for;

NOW, THEREFORE, the Developer declares that the property hereinbefore described shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, charges, and liens hereinafter set forth:

1. MEMBERSHIP

A. Every person or entity who is a record owner of the fee or of an undivided fee interest in any lot or block contained within the above description shall be a member of said association. The owner of each lot designated as Single Family Lots, shall have one vote per lot owned, in the election of the Board of Directors. Should any one lot be owned by more than one person, the owners shall jointly cast one vote. The owners of each lot designated as duplex lots or multi-family lots shall be entitled to one vote for each apartment or separate living quarters located on the lot. If two or more owners own the same lot, they shall collectively cast the qualified number of votes. ~~The owners of the light commercial lot shall each be entitled to twenty votes. If two or more owners own the same lot, they shall collectively cast the votes.~~

*delete*

1. MEMBERSHIP (cont'd)

B. The Developer shall serve as the sole director of said association, having all powers, duties and responsibilities of the Board of Directors as subsequently provided for, until such time as there are at least 250 living units constructed within the captioned property. The Developers, however, may waive this right, in which event a Board of Directors as subsequently provided for shall be formed.

2. BOARD OF DIRECTORS

A. The association shall be governed by a Board of Directors consisting of three (3) members who are elected by those members entitled to vote as hereinbefore set forth, subject to the limitation set out in the preceding paragraph. The Board of Directors shall elect from its members one who shall serve as Chairman of the Board of Directors and who shall preside at all meetings at which he is present and shall fulfill all duties of the Chairman. The Chairman is responsible for the calling of such meetings of the membership and of the Board of Directors as herein provided.

B. The membership shall hold an annual meeting for the purpose of electing the Board of Directors, which annual meeting shall be held on the second Tuesday of May each year. Mailed notice shall be sent to all members or owners under the provisions of this agreement not less than thirty (30) days, nor more than sixty (60) days, in advance of the meeting.

C. The membership, upon a majority of the votes cast by the members present and voting at any annual meeting may authorize and direct the incorporation of the association as a non-profit corporation under the laws of the State of Kansas. Votes shall be cast by the membership in the same number and manner as if they were voting for a member of the Board of Directors as above set forth.

3. POWER OF THE BOARD OF DIRECTORS

A. The Board of Directors shall provide for the maintenance of drainage easements and drainage reserve, etc., contained in the above described property. The Board of Directors shall have the power to promulgate rules and regulation as to the use of all drainage easements and drainage reserve, and to provide an enforcement of the rules and regulations.

3. POWER OF THE BOARD OF DIRECTORS (cont'd)

B. The Board of Directors may call such special meetings from time to time as shall be in the best interest of the association, and written notice of said special meetings shall be mailed, stating the date, time, and place at least seven (7) days before said meeting. A quorum required for any action authorized hereunder shall be the Developer, or if there are at least three (3) members of the Board of Directors, a quorum shall consist of a majority of the Board of Directors.

4. MAINTENANCE AND ASSESSMENTS.

A. The Developer and such owner of any interest in and to any parcel contained within the above described real property, upon acceptance of a deed therefor, whether or not said deed shall so express, shall be deemed to covenant and agree to pay to the association, such annual assessments or charges and such special assessment or charges as shall be fixed, established and levied for the property maintenance and other authorized expenses as determined by the Board of Directors. Such annual and special assessments shall be due thirty (30) days after the mailed written notification of said assessment. If not paid within said thirty (30) days the Board of Directors shall file a notice with the Register of Deeds of Sedgwick County, Kansas, setting forth that said assessment has not been paid, the amount thereof and a legal description of the property upon which a lien is claimed for said amount. That upon the filing of said notice, said assessment shall become a charge and continuing lien upon the property described in said notice and subject to foreclosure as the law provides for mortgages. That upon the payment of said assessment and lien the Board of Directors shall file a satisfaction of said lien with the Register of Deeds properly identifying the lien and the legal description of the property upon which it is claimed. Each assessment, together with any interest thereon, shall be a personal obligation of the persons who are the owners of such property at the time the assessment is made.

The assessments levied by the association shall be used exclusively for the purpose of proper maintenance, other authorized expenses and enforcement of this agreement and any other restrictive covenants that may be on the above described property. The assessment shall be only that necessary for one (1) year's expenses as above set out.

4. MAINTENANCE AND ASSESSMENTS (cont'd)

B. Assessments shall be levied as follows: the maximum annual shall be the lots proportionate share calculated by each lots eligible number of votes divided by the total of eligible votes, as previously described.

C. In the event the Developer or the Home Owners Association, shall at any time fail to maintain the ~~Drainage Easement~~ or Drainage Reserve ~~or fail to fulfill any other obligation imposed upon the Home Owners Association, the~~ City of Wichita may serve written notice upon the Home Owners Association or upon the residents and owners of the above described property setting forth the manner in which the Home Owners Association has failed to fulfill its obligation. If such notice is given it shall include a statement as to what obligation the Association has failed to fulfill and shall state a reasonable time in which the association may fulfill the obligation complained about. If said complaint is not cured within the time specified, <sup>G.B.</sup> the City of Wichita, in order to preserve the taxable values of the properties with the above described property and to prevent the ~~Drainage Easements~~ and Drainage Reserves from becoming a public nuisance, may enter upon said space and maintain the same and perform the other duties of the Association until such Association shall again resume its obligations. All costs incurred by the City of <sup>G.B.</sup> Wichita in carrying out the obligations of the Home Owners Association shall be assessed against the properties within the above described property and shall become a tax lien on said properties.

*Appropriate  
governing  
Body  
(City of W)  
or Sedy*

5. GENERAL PROVISIONS.

A. Subject to all rules and regulations promulgated by the Board of Directors concerning the use of ~~Drainage Easements~~ <sup>the</sup> and Drainage Reserves, every member of the Home Owners Association and every tenant of apartments shall have a right and easement of enjoyment in and to the non-public space, and such easement shall be appurtenant to and shall pass with the title to every lot or living unit.

B. Should the area designated for apartments ~~and/or light commercial~~ be developed in some other manner than as specified by beginning zoning, the Board of Directors shall grant such voting rights and assess such assessments to the land modified as will insure an equal participation and equal responsibility for the operation and expenses of the association.

5. GENERAL PROVISIONS (cont'd)

C. The Developer may maintain the legal title to any portion of the ~~Drainage Easement and~~ Drainage Reserve until such time as he has completed improvements thereon and until such time as, in the opinion of the Developer, the association is able to maintain the same; but, notwithstanding any provision herein, the Developer covenants for himself, his heirs and assigns, that he will convey the common properties to the association not later than January 1, 1989, unless excused from so doing by the association.

Should the area <sup>AS DRAINAGE RESERVES drainage water</sup> designated for retention not be needed for retention because of future changes in Drainage Systems the land will revert to the Developer, and <sup>or Homeowner's association?</sup> not to the adjacent property owners. *even after 1-1-89 ??*

D. The Developer shall construct drainage channels and retention area in accordance with plans approved by City of Wichita Engineering Department. Construction shall progress in a manner consistent with the development of the

Subdivision. *Does City Engineer want these constructed first? Is guarantee for construction needed?*

E. The covenants and restrictions of this agreement shall run with and be binding on the land, and shall inure to the benefit of and be enforceable by the association, or the owner of any land subject to this declaration, or their respective legal representatives, or successors, and assigns, or any public body responsible for the enforcement of the Community Unit Plan provisions.

F. Enforcement of these covenants and restrictions and agreements shall be by any proceeding at law or in equity against any person or persons or entity violating or attempting to violate any covenant, agreement, or restriction, either to restrain violation, or to recover damages, and against the land to enforce any lien created by these covenants; and the failure by the association or any owner to enforce any covenant or agreement or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

G. The invalidity of any one of the covenants, agreements, or restrictions contained herein by judgment or court order shall in no wise affect any other provision which shall remain in full force and effect.

H. Only that portion of the captioned real estate which has been legally platted shall be subject to any of the provisions of this agreement. It being understood that when any portion of the captioned real estate is so platted by filing a final plat with the Register of Deed's office, said portion shall immediately become subject to the provisions of this agreement.

Until such time as all the captioned property has been so platted by one or more plats, the Board of Directors shall grant such voting rights and assess such assessments to the real estate so platted and subjected to this agreement as will insure an equal participation in the operation and an equal responsibility for the expenses of the association.

BUILDERS, INC.

By \_\_\_\_\_  
William E. Morin, Vice President

ATTEST:

\_\_\_\_\_  
Mimie McGuire, Secretary

STATE OF KANSAS )  
                  ) SS.  
SEDGWICK COUNTY )

BEFORE ME, the undersigned, a Notary Public, within and for the County and State aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, personally appeared William E. Morin, Vice - President of Builders, Inc., a Kansas corporation, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and said person duly acknowledged the execution of the same, to be the free act and deed of said corporation.

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

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

My commission expires:

PRELIMINARY DRAFT

PROTECTIVE COVENANTS

THIS COVENANT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 1979,  
by and between BUILDERS, INC., a corporation Party of the First Part, and  
SUBSEQUENT OWNERS, Parties of the Second Part.

WITNESSETH: That BUILDERS, INC., owns the following described real estate  
situated in Sedgwick County, Kansas, to-wit:

All of Lots in Pawnee Mesa, ~~a~~ subdivision in Wichita, Sedgwick County  
Kansas.

These covenants are to run with the land and shall be binding on all  
parties and all persons claiming under them for a period of twenty-five years from  
the date these covenants are recorded, after which time said Covenants shall be  
automatically extended for successive periods of ten (10) years unless by vote of  
a majority of the then owners of the lots it is agreed to change said Covenants in  
whole or in part.

If the parties hereto, or any of them or their heirs or assigns, shall  
violate or attempt to violate any of the Covenants herein, it shall be lawful for  
any person or persons owning any real property situated in said development or  
subdivision to prosecute any proceedings at law or in equity against the person  
or persons violating or attempting to violate any such Covenant and either to  
prevent him or them from so doing or to recover damages or other dues for such  
violation.

Invalidation of any one of these Covenants by judgement or Court Order  
shall in no wise affect any of the other provisions which shall remain in full force  
and effect.

1. All the lots in Blocks A, B, C, E, F, H, L, M, N, O, P, Q, R, S,  
T, U, V; Lots 1 & 2, Block D; Lots 1-13, incl., Lots 26-54, incl., Lots 67-73,  
incl., Block G; Lots 1-11, incl., Lots 18-22, incl., Block I; and Lots 1-6, incl.,  
Lots 18-34, incl., Block W shall be known and described as residential lots,  
and no structure shall be erected, placed or permitted to remain on any of these  
residential building plots other than a one family dwelling not exceeding two  
stories in height, and a private garage for not more than two cars.

All the lots in Blocks J & K, and Lots 3-13, incl., Block D: 14-25, incl., Lots 55-66,  
Block G; Lots 12-17, Block I; and Lots 7-17, Block W shall be known and described  
as residential lots, and no structure shall be erected, placed or permitted to  
remain on any of these residential building plots in excess of a two-family dwelling  
not exceeding two stories in height. One parking space shall be provided on the  
said lots for each house keeping unit.

All lots in Block X, with the exception of Lot 13, shall be known and described  
as multi-family residential lots and no structure shall be erected thereon other  
than structures which are permitted to be located on multi-family lots under the  
zoning ordinance of the City of Wichita, and Sedgwick County, Kansas.

Lot 13, Block X shall be known as a light commercial lot and no structure shall  
be erected thereon other than structures which are permitted to be located on  
light commercial lots under the zoning ordinance of the City of Wichita and  
Sedgwick County, Kansas.

ZONING RESOLUTION REQUIRES

#  
or  
2

make sure  
these co-include  
with the  
zoning

2. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation, by a committee designated by the sponsor or chosen by a majority of the owners of the above described real estate, or by a representative of a majority of the members of said committee, the present committee being composed of W. W. Garvey. In the event of death or resignation of any members of said committee, the remaining members or member, shall have full authority to appoint a successor for said retiring member. In the event said committee, or its designated representative, fails to approve or disapprove, such design and location within 30 days after said plans and specifications have been submitted to it, in any event if no suite to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this Covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representatives, shall be entitled to any compensation for services performed pursuant to this Covenant. The powers and duties of such committee and of its designated representatives shall cease on and after July 14, 2009. Thereafter the approval described in this Covenant shall not be required unless prior to said date and effective thereon, a written instrument shall have been executed by the then record owners of a majority of the lots in this subdivision and duly recorded appointing a representative, or representatives who shall thereafter exercise the same powers previously exercised by said committee.

3. No building shall be located nearer than twenty-five (25) feet from the front lot line of any of the streets bordering said blocks, nor nearer than six (6) feet to the side lot line, nor nearer than fifteen (15) feet to any side street line. This restriction shall not apply, however, to a detached garage which shall be placed to the rear of the dwelling and shall comply with the Zoning Ordinance of the City of Wichita as to distance from the side lot line.

4. No residential structure shall be erected or placed on any building plot which plot has an area of less than 6000 square feet or a width of less than 60 feet at the front building setback line. *6500 required by county zoning resolution*

5. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. No trailer, basements, tent, shack, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

7. No dwelling shall be permitted on any lot with a ground floor area of the main structure, exclusive of one-story open porches and garages, less than 900 square feet for a one-story dwelling, nor less than 800 square feet for a dwelling of more than one story.

8. The streets and avenues are hereby dedicated to and for the use of the public, and EASEMENTS, as indicated in the official recorded plat, for construction and maintenance of all public utilities, and also for surface and other drainage are hereby granted and reserved; upon which easements no obstructions to drainage shall ever be created or permitted. For specifics pertaining to drainage easements and drainage reserves see Home Owners Association Agreement recorded simultaneous with these Covenants.

*Drainage easement*

9. No structure shall be moved onto said premises unless it meets with the approval of the committee.

10. Each building plot in this tract shall be maintained in a clean and sanitary manner, and no trash, rubbish or debris shall be allowed to accumulate or remain on any portion of any building plot in this tract.

11. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, mineral excavations, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

12. No sign of any kind shall be displaced to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during construction and sales period. No television and/or antenna tower or structure of similar nature may be erected to a height of over 10 feet above the ridge line of the building unless specifically approved by the Architectural Control Committee.

13. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or raised for any commercial purpose.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set its hands and Company seal the day and year first above written.

(Seal)

BUILDERS, INC.,

By \_\_\_\_\_  
William E. Morin, Vice President

Attest: Mimi McGuire, Secretary

STATE OF KANSAS )  
                          ) ss.  
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for the County and State aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_, 1979, personally appeared William E. Morin, Vice President of Builders, Inc., a Kansas Corporation, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and said person duly acknowledged the execution of the same, to be the free act and deed of said corporation.

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

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

My commission expires:

10-10-79

TITLE REPORT

LEGAL DESCRIPTION

The East half of the SW $\frac{1}{4}$  of Section 31-27-1W and the West half of the SE $\frac{1}{4}$  of Section 31-27-1W

LAST DEED OF RECORD SHOWS THE FOLLOWING GRANTEES

Builders Inc.

MORTGAGES

TO: None of record  
AMOUNT:  
DATE RECORDED:

TO:  
AMOUNT:  
DATE RECORDED:

TO:  
AMOUNT:  
DATE RECORDED:

TO:  
AMOUNT:  
DATE RECORDED:

MECHANICS' AND MATERIALMEN'S LIENS

TO: None of record  
AMOUNT:  
DATE FILED:

TO:  
AMOUNT:  
DATE FILED:

We hereby certify that we have examined the records in the Offices of the Register of Deeds and the Clerk of the District Court of Sedgwick County, Kansas, for the last deed of record, any unreleased Mortgages of record and any unreleased Mechanics; and Materialmen's liens filed in said offices as to the above described property.

DATED this 5th day of October 19 79 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Mary Hable*  
Vice President

Order No. 282025  
wh



10-10-77

MAKE CHECKS PAYABLE TO  
SEDGWICK COUNTY TREASURER  
P.O. BOX 2909 WICHITA, KANSAS 67201

### TAX STATEMENT

IMPORTANT: IF THIS  
STATEMENT IS \$10.00 OR LESS  
IT MUST BE PAID IN FULL

VALUATION	MILL LEVY	GENERAL TAX	OTHER TAX	HALF TAX	TOTAL DUE			
5,170	74.533	411.19			205.60			
7.75	86.97	49.87	258.79	14.14	2.57			
STATE	COUNTY	COUNTY FIRE DISTRICT	SCHOOL	OLD SCHOOL BOND	CITY	TOWNSHIP	OTHER LEVIES	BREAK DOWN
1978 REAL ESTATE TAXED ITEMS								
W 1/2 SE 1/4 SEC 32-27-1W								
5A JUL 06 79	205.60	.00	205.60	L290	524003			

INCOME UNDER 10,000? AFTER JANUARY 1, HOMESTEAD & SALES TAX REFUND FORMS  
AVAILABLE FROM KANSAS DEPT. OF REVENUE, OR COUNTY CLERK, IF YOU QUALIFY.

DE - -00377- -  
INSTRUCTIONS ON BACK

INTEREST

CA \_\_\_\_\_  
CK \_\_\_\_\_

78-RE-14-0202-14-2 03-09  
BUILDERS INC  
1000 PARK LANE ROOM 306  
WICHITA KS 67210

MAKE CHECKS PAYABLE TO  
SEDGWICK COUNTY TREASURER  
P.O. BOX 2909 WICHITA, KANSAS 67201

### TAX STATEMENT

IMPORTANT: IF THIS  
STATEMENT IS \$10.00 OR LESS  
IT MUST BE PAID IN FULL

VALUATION	MILL LEVY	GENERAL TAX	OTHER TAX	HALF TAX	TOTAL DUE			
5,230	74.533	419.93			209.97			
7.92	86.97	41.04	266.20	14.44	2.03			
STATE	COUNTY	COUNTY FIRE DISTRICT	SCHOOL	OLD SCHOOL BOND	CITY	TOWNSHIP	OTHER LEVIES	BREAK DOWN
1978 REAL ESTATE TAXED ITEMS								
F 1/2 SW 1/4 SEC 31-27-1W								
5A JUL 06 79	209.97	.00	209.97	L290	524004			

INCOME UNDER 10,000? AFTER JANUARY 1, HOMESTEAD & SALES TAX REFUND FORMS  
AVAILABLE FROM KANSAS DEPT. OF REVENUE, OR COUNTY CLERK, IF YOU QUALIFY.

DE - -00378- -  
INSTRUCTIONS ON BACK

INTEREST

CA \_\_\_\_\_  
CK \_\_\_\_\_

78-RE-14-0202-15-4 03-09  
BUILDERS INC  
1000 PARK LANE ROOM 306  
WICHITA KS 67210

RECEIVED

OCT 26 1979  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

XXXXXX

October 24, 1979

Builders, Inc.  
1000 Parklane  
Wichita, Kansas 67218

Attn: Mr. Alexander Dean, Manager, Land Development  
Subject: Pawnee Mesa Addn. - S/D 79-20

Dear Mr. Dean:

Reference is made to my copy of your letter sent to Yash Dasai on October 11, 1979 regarding subject Addition. In response to the items in your correspondence of that date, I comment as follows:

- 1) Downstream grade elevations are required to insure that the outfall pipes from the pond do not interfere with the west roadside drainage and are able to drain east.
- 2) The top of the dika shall be at 144.75 to provide a minimum two feet of freeboard rather than the one foot mentioned.
- 3) Text of the plat shall show minimum pad elevation to be 146.
- 4) If existing pipes crossing 107th Street West at north edge of proposed pond are to remain, what is the plan to get the water from the street into the ditch.
- 5) When discharge velocities exceed 3 feet/second into the proposed channel, protection in the form of a flume or riprap shall be provided with the headwall to protect the slopes.
- 6) Where is the water surface profile for the proposed channel?

We are in agreement with the remaining points made in your letter. If you have any questions, please advise.

Yours truly,

Paul Johnston,  
Flood Control Engineer  
Flood Control and Landfill Division

PJ/glm

cc: Yash Dasai  
Robert Castle, Campbell & Castle  
Emerence Wells  
Jack Galbraith/MAPP  
Pawnee Mesa Addn. Plat File

September 26, 1979

Lawrence E. Wells, Architect  
254 Laura, Suite 205  
Wichita, Kansas 67211

Re: CU-223 - Conditional Use Permit-  
At the northwest corner of Pawnee  
and 107th St. West (Lark Lane)

Dear Mr. Wells:

The Board of County Commission at their regular meeting on September 26, 1979, approved "AA" single family zoning for all of the area associated with zone case SCZ-0437. Regarding the associated Conditional Use Case (CU-223), the Planning Commission deferred this case until the Board of County Commission acted on the associated zone case. Since your request for "LC" zoning was denied and "AA" single family zoning was approved for that area, it would appear that, that corner should either be redesigned for single family lots, or incorporated in your conditional use request for multiple family dwellings. Should you desire to request multiple family use, you need to amend your legal description and the case readvertised for hearing before the Planning Commission.

I would appreciate having you contact me regarding this case so that we can determine the next step to be taken.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:e1

cc: Builders, Inc., 1000 Parklane, 67218

WICHITA COUNTY COMMISSION (LARK LANE)

# BUILDERS, INC.

1000 PARKLANE / WICHITA, KANSAS 67218

RECEIVED

SEP 17 1979  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

*Journal File*

September 12, 1979

Mr. Ray W. Bruggeman  
Director of Public Works  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Dear Mr. Bruggeman:

My purpose in writing is to confirm the statements made in our phone conversation this afternoon regarding city-constructed off-site drainage improvements serving the proposed Pawnee Mesa Addition, located at 107th Street West (Lark Lane) and Pawnee. You related to me the city's intention to include in next year's capital improvements program a sum of money to purchase the right-of-way for a drainage ditch extending from Lark Lane on the east to the present ditch on the west. The first year would include monies to acquire the land and the second year, sufficient funds to construct the ditch. Your intention would be to complete the ditch in time for construction of the subdivision. The ditch would handle a flow of 105 c.f.s. from Pawnee Mesa Addition.

If this description misstates your intentions, please let me know so that we can proceed on the plat with accurate information.

It is our intention to proceed as quickly as possible with plat approval and the other steps leading us to construction of houses. I would hope that we can work together to coordinate the timing of the ditch construction with the development of the plat.

I look forward to working with you and your staff on approval of the revised plat and the related improvements.

With sincerest regards,



Alexander L. Dean  
Manager, Land Development

cc: Robert Lakin, Director of Planning ✓  
William E. Morin, General Manager, Builders, Inc.  
Lawrence E. Wells, Lawrence E. Wells Architects

AD/lkm

10 September 1979

Mr. Ray Bruggeman, P.E.  
Director of Public Works  
City of Wichita  
City Hall  
455 North Main St.  
Wichita, Kansas 67202

Re: Drainage Criteria

Dear Mr. Bruggeman:

As you are aware, the licensed design consultants of this City have an Ad Hoc committee working on basic design criteria for storm drainage, which will soon be presented to the City and County Departments of Public Works for review and negotiation. It is our hope that this data will more fully define the procedures and information now in use, and provide for shorter time intervals involving preparation and review of the drainage concept and drainage plans during the platting process. Perhaps, once this criteria is agreed on, appropriate design standards and procedures for all future improvements in the Wichita, Sedgwick County Area can be presented to the governing bodies for concurrence and adoption. Only when all design groups, whether they be Engineers in private practice, or those in public agencies, are utilizing the same basic design standards, can balanced and uniform improvements be assured in the developing subdivisions of this community.

In this regard, the Wichita area design consultants are concerned with the attempted political negotiation of technical drainage criteria by a local developer for his residential subdivision, now in the process of review by City Staff.

Recent news accounts have indicated that street grades in the proposed Pawnee Mesa subdivision have been requested to be reduced below the present accepted minimum of 0.32%. We have also noted that the developer of this particular area desires that no underground drainage conduits be required. We would like to point out that not only do these two requests combine to provide for increased depths of storm water runoff in the streets, they could very well serve to institute one more pocket of sub-standard drainage in our community, which, at some time in the future, the citizens at large would be requested to correct.

-continued-

We firmly believe that the present minimum street grade standards should not be reduced, that for areas ten (10) acres or larger an appropriate size storm should be transported by flow in a designed conveyance system to an acceptable receiving stream, and further that the major storm should be routed through all planned developments within public right-of-way in a manner that provides each future lot owner uniform access to, and use of, his property.

Please be advised that to these ends we will be pleased to assist and support you in any way possible, and that representatives from several of our firms will be present at the City Commission meeting during discussion regarding the Pawnee Mesa subdivision on Tuesday, September 11, 1979.

This statement is concurred with by the following design consultants:

Professional Engineering Consultants, P.A.  
by W.H. Keltner, Vice President  
1440 East English  
Wichita, Kansas 67211

*W. H. Keltner*

Moehring and Associates  
423 South Hydraulic  
Wichita, Kansas 67211

*Don G. Moehring*

VanDoren-Hazard-Stallings Architect-Engineers  
260 North Rock Road  
Wichita, Kansas 67206

*K. H. Bengtson*

M.S. Mitchell  
1215 Forrest  
Wichita, Kansas 67204

*M. S. Mitchell*

Poe and Associates of Kansas, Inc.  
1720 East Morris  
Wichita, Kansas 67211

*James M. Poe*

K. O. Taylor Consulting Engineer  
1542 South St. Francis  
Wichita, Kansas 67211

*Kenneth O. Taylor*

Reiss and Goodness Engineers  
2160 West 21st Street  
Wichita, Kansas 67204

*Kenny E. Hill*

September 12, 1979

Mr. Edmund Learned  
Attorney-at-Law  
300 W. Douglas  
Wichita, Kansas 67202

Re: S/D 79-20 - Final plat of Pawnee Mesa Addition -  
Appeal of drainage requirements

Dear Mr. Learned:

On September 11, 1979, the Board of City Commissioners considered your appeal of the drainage standards being required for Pawnee Mesa Addition. The action of the Commission was: "Uphold the current City drainage policy and require the applicant to comply with the drainage requirements prior to the plat being brought before the City Commission for final approval."

Therefore, it will be necessary for you to continue to work with the City Engineer's office to arrive at a drainage plan which complies with the established drainage criteria. At such time as we have received word from the City Engineer's office that a drainage plan has been approved and after all other conditions of plat approval as specified in our letters of August 10 and August 31 have been satisfactorily completed, we will forward the plat of Pawnee Mesa to the City Commission for final approval.

Please call if you have any questions regarding this matter.

Sincerely yours,

Louise Olivarez  
Senior Planner

LO:bh

cc: Willard W. Carvey, President, Builders, Inc., 300 W. Douglas,  
67202  
Lawrence Wells, Architect, 254 Laura, 67211  
Campbell and Castle, Engineers, P.O. Box 9262, 67277  
Dean Sellers, City Engineering

September 5, 1977

See distribution list

Louise Olivarez, Senior Planner

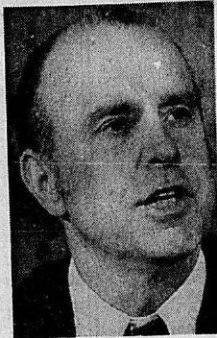
Pawnee Mesa Plat - S/D 79-20 - Appeal of Drainage  
Requirements

Attached for your information is a copy of our  
referral sheet on Pawnee Mesa Addition which  
has been submitted to the Board of City Commis-  
sioners for their review September 11, 1979.

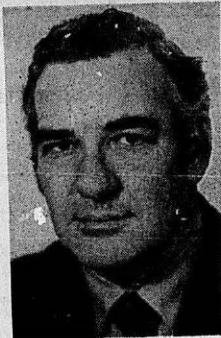
Louise Olivarez  
Senior Planner

LO:bh

cc: Grover McLure, County Engineer  
Joe Freeman, Assistant County Engineer  
Ray Bruggeman, Director of Public Works  
Dean Sellers, Assistant City Engineer  
Paul Johnston, Flood Control Engineer



**WILLARD GARVEY**  
... Developer



**DEAN SELLERS**  
... Acting engineer

## Storm Sewer Dispute Goes to Commission

By **JACK McNEELY**  
Staff Writer

Willard Garvey says the bureaucrats at City Hall are needlessly trying to drive up the cost of some houses he wants to build just west of Wichita.

The city's engineers and planners say that Garvey is trying to cut corners and build a housing development that will be susceptible to flooding.

The dispute was aired at a Metropolitan Area Planning Commission meeting Thursday and is headed for the City Commission, which sets the drainage policy for new housing developments.

Builder's Inc., a Garvey firm, wants to develop about 160 acres northwest of Pawnee and 107th West, also known as Lark Lane, with about 400 single-family homes and a smattering of apartments.

**GARVEY WANTS** to build the development without storm sewers, and therein lies the rub.

"We have lots of areas of town where it rains a little bit and the streets get flooded and people's brakes get wet," acting city engineer Dean Sellers said Thursday. "We're trying to get away from that. We can do it in the new subdivisions."

Builder's Inc. attorney Ed Learned said, "The question of the policy decision is one of dollars and cents."

Learned told the planning commission that storm sewers would add about \$3,500 to the cost of each house in the development, the Pawnee Mesa Addition.

Learned said storm sewers aren't

designed to protect homes or lives. He said they merely keep rainwater from occasionally running over street curbs and into the parking strips along the edges of people's front yards.

**THE CITY'S POLICY**, which officials said has been in effect for about five years, is to require drainage plans for new residential developments that will keep the runoff from a two-year flood — described by Seller as the heaviest storm one could expect to strike every two years — from coming over the street curbs and the runoff from a 100-year flood from coming over the sidewalks.

Learned and the city officials agreed that the Pawnee Mesa design would keep storm water from a 100-year flood within sidewalk lines on either side of the street.

Keeping the runoff from a two-year storm within the street curbs, however, would require storm sewers. Whether the sewers will be required is the question headed for the City Commission.

In other action Thursday, the planning commission:

- Split 4-4 on a zoning change to let developers Ralph Wulz and Grover McKee build 10 duplexes and up to 51 apartments on about 6 acres southwest of I-235 and Seneca. McKee and Wulz, both former city administrators, have faced stiff opposition to the zoning change from neighboring single-family homeowners.

- Unanimously recommended approval of a permit for a 30-acre expansion of a sand pit operated by the Ritchie brothers in the area of 29th north and Hoover.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 79-20 Name Pawnee Mesa Addition  
Application & Sketch Filed: 2-16-79  
Preliminary Plat Filed: 4-23-79 Approved by S/D: 5-3-79  
Final Plat Filed: 7-30-79 Approved by S/D: 8-9-79, 8-23-79  
Approved by Metropolitan Area Planning Commission: 8-30-79

DESCRIPTION

General Location: An area north of Pawnee and west of 107th St. West.

Surveyor or Engineer: Campbell and Castle, P.A.  
Owner: Builders, Inc., c/o Willard W. Garvey, President  
Address: 300 W. Douglas, 67202

- |  |                       |                    |  |
|--|-----------------------|--------------------|--|
| 1. Gross Acreage of Plat <u>159</u>      | 6. Access Control     |                    |  |
| 2. Number of Lots                        | St. _____             | No. Openings _____ |  |
| Residential <u>565</u>                   | St. _____             | No. Openings _____ |  |
| Commercial _____                         | St. _____             | No. Openings _____ |  |
| Industrial _____                         | 7. Req'd Improvements |                    |  |
| Other _____                              | St. Paving Yes _____  | Water Yes _____    |  |
| Total Number of Lots: _____              | Sidewalk Yes _____    | Drainage Yes _____ |  |
| 3. Minimum Lot Area: <u>7000</u> sq. ft. | Sewer Yes _____       | Other _____        |  |
| 4. Existing Zoning: <u>R-1</u>           |                       |                    |  |
| 5. Special Problems Discussed: _____     | Drainage              |                    |  |

The applicant is appealing the requirement for having an approved drainage plan based on City of Wichita drainage policy requirements. The applicant has asked that this drainage matter be reviewed by the Board of City Commissioners prior to completing the other conditions of plat approval.

The appeal is based on the disagreement between the applicant and the Department of Public Works (Flood Control and Engineering) that the drainage plan be designed so as to contain a 100-year design flood within street R/W lines and a 2-year design flood within street curbs. This design criteria would require the use of storm sewers for a portion of the plat.

The plat will be returned to the Board of City Commissioners when the other requirements of final plat approval have been complied with.

Action: 1. Uphold the current City drainage policy and require the applicant to comply with the drainage requirements prior to the plat being brought before the City Commission for final approval.  
Or  
2. Take such action as the Commission deems appropriate.

LEARNED, FOLEY & JORDAN, P.A.

LAW OFFICES  
SUITE 350, R. H. GARVEY BUILDING  
300 WEST DOUGLAS  
WICHITA, KANSAS 67202

EDMUND R. LEARNED  
D. EMMETT FOLEY  
JOHN W. JORDAN

August 31, 1979

261-5271  
AREA CODE 316

RECEIVED

SEP 4 1979

METROPOLITAN PLANNING  
ROUTE

Fanni

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

Re: Proposed plat of Pawnee Mesa Addition. Generally  
located at the northwest corner of Pawnee and  
107th Street West

Dear Mr. Galbraith:

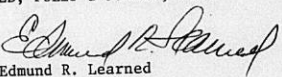
This letter will constitute the appeal of my client, Builders, Inc.,  
to the City Commission from that portion of the action of the Metropolitan  
Area Planning Commission taken on August 30, 1979, in which the Commission  
conditioned its recommendation of approval of the above plat on the  
submission and approval of a drainage plan consistent with the engineering  
standards required by the city engineer's office, as opposed to the drainage  
plan proposed by my client.

I understand that this matter will be on the City Commission's  
agenda on September 11, 1979, and we will be prepared to present our position  
at that time.

Sincerely yours,

LEARNED, FOLEY & JORDAN, P.A.

By

  
Edmund R. Learned

ERL/ah

cc: Alex Dean  
Bill Morin  
W. W. Garvey  
Lawrence Wells

August 31, 1979

Edmund Learned, Attorney-at-Law  
300 W. Douglas  
Wichita, Kansas 67202

Re: S/D 79-20 - Final plat of Pawnee Mesa Addition

Dear Mr. Learned:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, August 30, 1979, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of August 10, 1979, except that item A was changed to read as follows:

- A. Approval of this plat will be subject to approval of a drainage plan based on City of Wichita drainage policy requirements.

In addition to complying with those conditions, the following items will be required for completion of the platting process:

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the platlor.
3. Certification that all taxes due and payable for 1978 and prior years have been paid.

It is our understanding that you wish to appeal requirement "A" to the Board of City Commissioners. Please provide us with a letter requesting this appeal. Based on your telephone conversation with Jack Galbraith this morning, we have tentatively scheduled this matter for the City Commission agenda of September 11, 1979.

Edmund Learned  
8-31-79  
Page 2

If this date is not satisfactory, please let us know.

Sincerely yours,

Louise Olivarez  
Senior Planner

LO:bh

cc: Campbell and Castle, P.O. Box 9262, 67277  
Willard Garvey, 300 W. Douglas, 67202  
Lawrence Wells, Architect, 254 Laura, 67211  
Dean Sellers, City Engineering  
Paul Johnston, Flood Control  
Mr. and Mrs. Wesley Sears, 1900 S. 107th St. West, 67209  
Mr. and Mrs. P. E. McGuyre, 1920 S. 107th St. West, 67209

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
CITY HALL - THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
316 268 4351

RECEIVED

AUG 29 1979

METROPOLITAN PLANNING  
ROUTE  *file*

August 28, 1979

Mr. Willard W. Garvey  
300 West Douglas  
Wichita, Kansas 67202

Dear Willard:

Your letter to me of August 20, 1979, came while I was on vacation, but it is my understanding that your representatives and City staff have since met and resolved a number of the problems regarding the Pawnee Mesa Addition development.

Hopefully, by this time you also have the 100 year storm information needed to complete your planning for the project.

Sincerely,

*E. H. Denton*  
E. H. Denton  
City Manager

EHD/fpd

cc: R. W. Bruggeman, Director of Public Works  
Max Greene, Flood Control and Landfill Director  
Robert A. Lakin, Director of Planning

*With one more meeting  
Wednesday*

August 23, 1979

Mr. Max Hubbell  
Campbell and Castle, P.A.  
P.O.Box 9262  
Wichita, Kansas 67277

Re: S/D 79-20 - Final plat of Pawnee Mesa Addition

Dear Mr. Hubbell:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 23, 1979, the above-captioned plat was reconsidered. It was approved subject to the previous conditions as specified in our letter of August 10, 1979, and will be forwarded to the Planning Commission for review next Thursday, August 30, 1979. Prior to that time, you will need to obtain approval of your drainage plan. Please submit the remaining drainage data to Yash Desai and Paul Johnston as soon as possible as they will need time to review it prior to next Thursday's meeting.

If you have any questions about this plat or if we can be of any assistance to you in this matter, please call.

Sincerely,

Louise Olivares  
Senior Planner

LO:bh

cc: Lawrence Wells, Architect, 254 Laura, 67211  
Willard W. Garvey, President, Builders, Inc., 300 W.  
Douglas, 67202  
Edmund Learned, Attorney-at-Law, 300 W. Douglas, 67202

400 West

80

WILLARD W. GARVEY  
300 WEST DOUGLAS  
WICHITA, KANSAS 67202

20 August 1979

Mr. Eugene H. Denton  
City Manager  
City Hall  
455 North Main  
Wichita, KS 67202

Re: Pawnee Mesa Addition

Gene, now in August, six months after my 13 February letter to you (enclosed), your test project is blocked by your engineer Yash Desai and we are unable to build the 600 houses.

Yash Desai last week unilaterally imposed "hundred-year flood requirements" -- unwritten, unauthorized and unreasonable -- that confiscate nearly 20% of the property. This is unacceptable. Can you salvage some common sense? Will you please resolve this prior to August 23?

With best wishes,

*Willard W. Garvey*  
WILLARD W. GARVEY

j1

- Encl: 13 Feb ltr (to Gene Denton)
- 15 Mar ltr (from Galbraith, 3 pg requirement -- complied with)
- 4 May ltr (from Olivarez, 15 requirements -- complied with)
- 17 Aug ltr (from Olivarez, "drainage problems")

cy: Dist 0

*Ed learned advised  
John on 8-23-79 that  
a response to Mr. Garvey  
was not necessary. JH*

*Paul Johnson, Desai*

*Boulder  
605-4391  
Alec Dean,*

*Send a letter  
to John  
today.*

## MEMORANDUM

FROM: ALEX DEAN

DATE: August 22, 1979

SUBJECT: Pawnee Mesa Plat Review

TOPIC	City Staff Position	Our Position
1. 100-year flood as a standard	On-site impoundment of once-in-100 year rainfall (5.9" in 6 hours)	Unreasonable, confiscatory requirement - 17% risk of flood is not a policy adopted by MAPC. Must relate risk of flood to economic life of house
2. Downstream Capacity and pond discharge rate	Discharge 50 c.f.s., the capacity of existing culvert at NE corner of subdivision (or 105 c.f.s. if obtain easement from downstream property owners).	Discharge 105 c.f.s. without easement, as this is calculated runoff from site in undeveloped state.
3. Design of pond Swirl Beam 3-1 slopes	5:1 sideslopes, though will permit 4:1 - necessary for city maintenance machinery.	3:1 slopes are adequate. Homeowner's assn. will maintain the property.
4. Design of drainage easement	4:1 sideslopes with 8 ft. bottom and 15 ft. wide berm on both sides to permit access by city maintenance vehicles.	3:1 side slopes sufficient to be maintained by homeowners' assn.
5. Storm sewers  not acceptable to handle drains in street ROW	Design to maintain 2-year frequency rainfall within the curb-line. 100-year flood may cover road right-of-way only (recent indication: <del>that</del> can cover up to 20 feet of front yards as well).	Reject 100-year flood standard. Streets and street rights-of-way are adequate to handle normal rainfalls without storm sewers.
6. Pond discharge period.	Retention pond must empty within 24 hours of a storm.  Apparently no problem ✓ 105	This requirement supposes that one rare rainfall will be followed the next day by an equally rare event.

NameOrganization

Jack H. Galbraith

STEVE LUCKEY

Max Greene

Paul Johnston

Ed Seamed

Bill Moren

Alex Dean

Ray Bruggeman

Dean Sellers

Robert A. Lakin

Robert L. Castle

Max Hillbell

Yash Desai

Jim FISHER

Mike Lindebak

Planning Dept

ENG. DIV., City of WICHITA

Flood Control and Landfill Div Wichita

FLOOD CONTROL

Attorney for Builders Inc

Builders Inc

Builders Inc

Div of Public Wks

Engr Div Dept. of P. W.

MAPD.

Campbell &amp; Castle, P.A.

Campbell &amp; Castle, P.A.

Drainage Chief Engineer, City of Wichita

LAWRENCE WELLS OFFICE

P.W., Engr Div.

100 year frequency  
4-1 Slope  
15' concrete  
80' for open channel construction

3-4 Design of Pond

Plot as a reserve  
Maintenance responsibility is home owners -  
Not dedicated to Public.  
Public has the right to maintain if not  
maintained by the H.O. association

Plot go forward - the bid advance a  
project to conduct and construct  
downstream. Bryan will provide a  
name

August 17, 1979

Mr. Max Hubbell  
Campbell and Castle, P.A.  
P.O.Box 9262  
Wichita, Ks. 67277

Re: S/D 79-20 - Final plat of Pawnee Mesa Addition

Dear Mr. Hubbell:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, August, 1979, the above-captioned plat was considered. The action of the Planning Commission was to return this matter to the Subdivision Committee for rehearing on August 23, 1979. Prior to that date, please furnish the Flood Control office and the City Engineer's office with the drainage information which they have requested so that they can evaluate your drainage plan proposals. The Subdivision Committee stated last week that no final plats will be approved until all drainage problems have been resolved.

The discussion of Pawnee Mesa will be item number 15 on the agenda. The meeting will begin at 1:00 p.m., in the Board Room, on First Floor of City Hall.

Sincerely,

Louise Olivarez  
Senior Planner

LO:hh

cc: Lawrence Wells, Architect, 254 Laura, 67211  
Willard W. Garvey, President, Builders, Inc., 300  
W. Douglas, 67202  
Edmund Learned, Attorney-at-Law, 300 W. Douglas, 67202

August 10, 1979

Max Hubbell  
Campbell and Castle, P.A.  
P.O.Box 9262  
Wichita, Ks. 67277

Re: S/D 79-20 - Final plat of Pawnee Mesa Addition

Dear Mr. Hubbell:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 9, 1979, the above-captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. Prior to this plat being reviewed by the Planning Commission, the applicant must obtain approval of his drainage plan by the City Engineer's office and the Flood Control office. If approval cannot be obtained, this plat will need to be rescheduled before the Subdivision Committee.
- B. Approval of this plat as currently submitted shall be subject to approval of the applicant's request for "AA" and "IC" county zoning.
- C. The applicant shall guarantee all drainage improvements required with the plat.
- D. A restrictive covenant and/or a homeowners' association agreement which provides for the maintenance of the Reserves shall be submitted to the Planning Department for review and for recording with the plat.
- E. The applicant shall guarantee the paving of all streets to City of Wichita standards.
- F. The applicant shall make satisfactory arrangements and guarantees for extension of sanitary sewer and City water from the City of Wichita to serve subject property. The applicant shall be advised that the City has now revised its water service policy and the extension of water mains to serve the plat shall be entirely at the applicant's expense.

Max Hubbell  
Page 2  
August 10, 1979

- G. Sidewalks will be required in accordance with the sidewalk policy in effect at the time this plat is forwarded to the City Commission for approval.
- H. The large diagonal drainage easement shall be relabeled as a drainage reserve.
- I. The applicant shall contact the City Engineer's office about the appropriate right-of-way to show for Lark Lane.
- J. The following street name changes shall be noted on the final plat tracing:
  - Anya to become Uma; Ute to become May; and
  - Mars to become Inca.
- K. The applicant shall contact the County Fire Department about placement of hydrants.
- L. Additional utility easements as shown on the engineer's marked copy of the plat shall be shown on the final plat tracing.
- M. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, August 16, 1979 at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Louise Olivarez  
Senior Planner

LO:bh

cc: Lawrence Wells, Architect, 254 Laura, 67211  
Willard W. Garvey, President, Builders, Inc. 300 W. Douglas,  
67202  
Edmund Learned, Attorney-at-Law, 300 W. Douglas, 67202  
Dean Sellers, Assistant City Attorney

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-20 Name Pawnee Mesa Addition  
Date Application Rec'd. 2-16-79 Preliminary Approval 5-3-79  
Scheduled S/D Meeting 8-9-79

DESCRIPTION

General Location An area north of Pawnee Street and west of 107th St. West

Owner Builders, Inc., c/o Ruth Mercer, Host, Inc.  
Surveyor/Engineer Campbell and Castle, P.A., Engineers  
Address P.O. Box 9262, Wichita, Ks. Phone 942-8144

- |  |  |
|--|--|
| 1. Gross Acreage of Plat <u>159 acres</u>                                  | 7. Lineal Feet of New Streets:   |
| 2. Number of Lots:   | a. <u>64</u> R/W <u>20,000</u> ft.   |
| Residential <u>564</u>   | b. <u>66</u> R/W <u>5,000</u> ft.  |
| Commercial <u>1</u>  | c. <u>        </u> R/W <u>        </u> ft.   |
| Industrial <u>        </u>   | d. <u>        </u> R/W <u>        </u> ft.   |
| Other <u>        </u>  | e. <u>        </u> R/W <u>        </u> ft.   |
| Total Number of Lots <u>565</u>  | TOTAL <u>25,000</u> ft.  |
| 3. Minimum Lot Frontage <u>55</u> ft.                                      | 8. Sidewalk adjacent to all  |
| 4. Minimum Lot Area <u>7000</u> ft.  | streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> <input type="checkbox"/> |
| 5. Existing Zoning <u>R-1</u>  |  |
| 6. Proposed Zoning <u>"AA" and "LC"</u>                                    |  |
| 9. Public Water Supply <u>No</u> (Yes-No), Name <u>        </u>            |  |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name <u>        </u>        |  |
| 11. Health Department Approval (where applicable) <u>        </u> (Yes-No) |  |
| 12. City of Wichita <u>        </u> : Three-Mile Area <u>X</u>             |  |

STAFF COMMENTS:

NOTE: This final plat involves some changes in the proposed interior street system adjacent to 107th Street West (Lark Lane). Some relotting has occurred in several of the blocks.

- A. Approval of this plat as currently submitted shall be subject to approval of the applicant's request for AA and LC county zoning.
- B. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan. When approval is obtained, a letter from the City Engineer shall be submitted to the Planning Department.
- C. The applicant shall guarantee all drainage improvements required with the plat.
- D. A restrictive covenant and/or a homeowners' association agreement which provides for the maintenance of the Reserves shall be submitted to the Planning Department for review and for recording with the plat.
- E. The applicant shall guarantee the paving of all streets.
- F. The applicant shall make satisfactory arrangements and guarantees for extension of sanitary sewer and City water from the City of Wichita to serve subject property. The applicant shall be advised that the City has now revised its water service policy and the extension of water mains to serve the plat shall be entirely at the applicant's expense.
- G. Sidewalks will be required in accordance with the sidewalk policy in effect at the time this plat is forwarded to the City Commission for approval.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

SCD-COM-5 (Rev 11/77)  
 RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

DATE: May 4, 1979

*Joise  
 File*

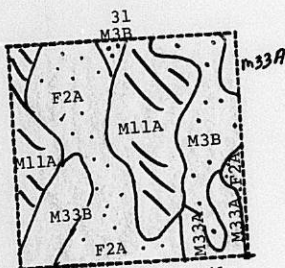
PROPERTY NAME: PAWNEE MESA ADDITION

LOCATION: An area north of Pawnee Street and West of 107th St. West

MAILED TO: Campbell and Castle  
 P. O. Box 9262  
 Wichita, Kansas

PREPARED BY: Larry L. Henry  
 District Conservationist  
 USDA-Soil Conservation Service  
 4100 Maple, Wichita, Kansas 67209  
 942-8422

REQUESTED BY: Wichita-Sedgwick County  
 Metropolitan Area Planning  
 Commission



Scale: 4" equals 1 mile

Situation and/or Problems:

This is a rather large area and the soils will be subject to both wind erosion and drainage problems if left bare during construction. Special precautions should be taken during construction to minimize these potential problems.

<u>Symbols</u>	<u>Class</u>	<u>Soil</u>	<u>Brief Description</u>	<u>Hydro Group</u>
M11A	IIw-1	Waurika silt loam	Deep, nearly level, somewhat poorly drained soils on uplands. These soils have slow runoff and high available water capacity. Occasionally they are ponded. <u>Prime farmland.</u>	D
F2A	IIs-1	Tabler silty clay loam	Deep, level and nearly level, moderately well drained soils on uplands and terraces. These soils have slow runoff and high available water capacity. Permeability is very slow. <u>Prime agricultural land.</u>	D
M3B	IIe-1	Farnum loam 1 to 3% slopes	Deep, gently sloping, well drained soils on terraces and uplands. These soils have medium runoff and high available water capacity. Permeability is moderate and moderately slow. <u>Prime agricultural land.</u>	B

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>Soil</u>	<u>Item</u>	<u>Limitations</u>	<u>Reason</u>
M33A, B	Blanket silt loam	Septic Tank	Severe	Percs Slowly
		Dwellings	Moderate	Shrink-Swell Low Strength
		Local Roads & Streets	Severe	Low Strength
		Lagoons	Slight	
M11A	Waurika	Parks & Play- grounds	Moderate	Percs Slowly
		Septic Tanks	Severe	Percs Slowly We
		Lagoons	Slight	
		Dwellings	Severe	Wet, Shrink- Swell, Low Strength
		Local Roads & Streets	Severe	Low Strength Shrink-Swell

RECOMMENDATIONS:

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. 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.
4. Temporarily stabilize each segment of graded or otherwise disturbed land, by seeding and mulching or by 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.
5. 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.
6. Stabilize each lot within 60 days after work starts on home or other building construction.

If you have any questions or if we can be of additional assistance, don't hesitate to call on us.

<u>SYMBOL</u>	<u>CLASS</u>	<u>SOIL</u>	<u>BRIEF DESCRIPTION</u>	<u>HYDRO GROUP</u>
M33A, B	Iie-2	Blanket silt loam, 0-3 $\frac{1}{2}$ slopes	Deep, gently sloping, well drained soil on uplands. This soil has medium runoff and high available water capacity. Permeability is slow. <u>Prime agricultural land.</u>	C

<u>SYMBOL</u>	<u>SOIL</u>	<u>ITEM</u>	<u>LIMITATIONS</u>	<u>REASON</u>
F2A	Tabler clay loam	Septic Tanks	Severe	Percs Slowly Wetness
		Lagoons	Slight	
		Dwellings	Severe	Shrink-Swell Low Strength



May 4, 1979

Max Hubbell  
Campbell and Castle, P.A.  
P.O.Box 9262  
Wichita, Ks. 67277

Re: S/D 79-20 - Preliminary plat of Pawnee Mesa Addition

Dear Mr. Hubbell:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 3, 1979, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. Subject property is located in an area not having adequate drainage facilities for development and is not immediately annexable. Therefore, in order for the property to be developed with the urban size lots, and combination single family and duplex uses as proposed, approval of a zone change from "R-1" Suburban Residential to the AA Single-family residential and approval of a conditional use case to permit duplex development is required. Approval of the plat is subject to approval of these applications and no final plat shall be submitted until the applicant has filed such applications for consideration by the Planning Commission.
- B. The Planning staff recommends that Lot 13, Block W, which the applicant proposes for light commercial use, be redesigned for residential lots or for multiple family development. However, if the applicant still wants light commercial zoning, an appropriate zone change should be filed along with the zone change applications requested in item "A" above.
- C. The street rights-of-way for the two collector streets, Zuni and May, shall be increased to the required 66 feet in width.

- D. Prior to submission of a final plat, the applicant and/or his engineer shall contact Roberta Mendenhall of the Department of Public Works regarding the appropriate street names to be indicated on the plat.
- E. Prior to submission of a final plat, the applicant's engineer shall submit a drainage plan for subject plat to the City Engineer for review and approval. A letter approving said plan shall be obtained from the City Engineer and shall be submitted to the Planning Department. If the approved drainage plan requires a substantial re-design, then a revised preliminary plat shall be submitted.
- F. The applicant shall guarantee all drainage improvements required with the plat.
- G. The portions of the open drainage areas labeled as "drainage and utility easement" shall be relabeled as a Reserve and the purpose for which the reserve is intended, i.e., drainage, utilities, etc., shall be indicated in the plat's text of the final plat.
- H. A restrictive covenant and/or a homeowners association agreement which provides for the maintenance of the Reserves shall be submitted to the Planning Department for review.
- I. One additional street connecting this plat with the property to the west shall be shown on the final plat.
- J. The applicant shall guarantee the paving of all streets to City of Wichita standards.
- K. The applicant shall make satisfactory arrangements and guarantees for extension of sanitary sewer and City water from the City of Wichita to serve subject property. The applicant shall be advised that the City has now revised its water service policy and the extension of water mains to serve the plat shall be entirely at the applicant's expense.
- L. Sidewalks are required adjacent to both sides of all streets and guarantees for the sidewalk construction will be required with the issuance of building permits on each lot.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
- N. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Max Hubbell - Page 3  
5-8-79

6. Additional easements as requested by K.G. and E. and shown on the engineer's "marked copy" of the preliminary plat shall be shown on the final plat.

If the owner intends to request annexation, as was expressed at the May 3rd meeting, the Planning Department should be contacted about coordinating the filing of the zone changes and the annexation request. Perhaps City zone changes will need to be filed instead of County zone changes.

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

If you should have any questions, please call.

Sincerely yours,

Louise Olivarez  
Junior Planner

LO:bh

cc: Lawrence Wells, Architect, 254 Laura, 67211  
Willard W. Garvey, Pres., Builders, Inc., 300 W. Douglas, 67202  
Dean Sellers, Assistant City Engineer

• Ink copy plot to  
ASD 267

5-2-79

Latest info on persons to  
receive copies of Pawnee  
Mesa correspondence;  
(as per Lawrence Wells in telephone  
conversation)

1. Max Hubbell - Orig  
Campbell & Castle, P.A.  
P.O. Box 9262 67277
2. Lawrence Wells, Architect  
254 Laura 67211
3. Willard W. Garney, President  
Builders, Inc.  
300 W. Douglas 67202  
Ed Larned, 5

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-20 Name Pawnee Mesa Addition  
Date Application Rec'd. 2-16-79 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 5-3-79

DESCRIPTION

General Location An area north of Pawnee Street and west of 107th St. West

Owner Builders, Inc., c/o Ruth Mercer, Host, Inc.  
Surveyor/Engineer Campbell and Castle, P.A., Engineers  
Address P.O.Box 9262, Wichita, Kansas Phone 942-8144

- |  |   |
|--|---|
| 1. Gross Acreage of Plat <u>159 acres</u>                        | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:   | a. <u>64</u> R/W <u>24,200</u> ft.  |
| Residential <u>597</u>   | b. _____ R/W _____ ft.  |
| Commercial <u>1</u>  | c. _____ R/W _____ ft.  |
| Industrial _____   | d. _____ R/W _____ ft.  |
| Other _____  | e. _____ R/W _____ ft.  |
| Total Number of Lots <u>598</u>                                  | TOTAL <u>24,200</u> ft.   |
| 3. Minimum Lot Frontage <u>70</u> ft.                            | 8. Sidewalk adjacent to all streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> |
| 4. Minimum Lot Area <u>7700</u> ft.                              |   |
| 5. Existing Zoning <u>Rural R-1</u>                              |   |
| 6. Proposed Zoning <u>"AA", "A", "SC" and "LC"</u>               |   |
| 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) _____ (Yes-No) |   |
| 12. City of Wichita _____ : Three-Mile Area <u>X</u>             |   |

STAFF COMMENTS:

- A. Subject property is located in an area not having adequate drainage facilities for development and is not immediately annexable. Therefore, in order for the property to be developed with the urban size lots and combination single family and duplex uses as proposed, approval of a zone change from R-1 Suburban Residential to the AA Single-family residential and approval of a conditional use case to permit duplex development is required. Approval of the plat is subject to approval of these applications and no final plat shall be submitted until the applicant has filed such applications for consideration by the Planning Commission.
  - B. It should be noted that the applicant is proposing duplex zoning on Lots 7-18, Block V; Lots 1-12, Block W; Lots 40-50, Lots 9-16, and Lots 1-8 and Lots 84-87 all in Block F; Lots 1-12, Block I; Lots 1-6, Block J; and Lots 13-20, Block H. The applicant proposes LC - Light Commercial zoning on Lot 13, Block W.
  - C. The street rights-of-way for the two collector Streets, Zuni and May, shall be increased to the required 66 feet in width.
  - D. Prior to submission of a final plat, the applicant and/or his engineer shall contact Roberta Mendenhall of the Department of Public Works regarding the appropriate street names to be indicated on the plat.
  - E. Prior to submission of a final plat, the applicant's engineer shall submit a drainage plan for subject plat to the City Engineer for review and approval. A letter approving said plan shall be obtained from the City Engineer and shall be submitted to the Planning Department.
- T9-303 The applicant shall guarantee all drainage improvements required with the plat.

(Over)

April 19, 1979

Campbell & Castle, P.A., Engineers  
Box 9262  
Wichita, Kansas 67277

Subject: S/D 79-20 Revised plat of Pawnee Mesa Addition

Gentlemen:

We have reviewed the above revised plat and feel that there are still some plat design problems involving street right-of-way widths and locations of some of the proposed duplex and multi-family lots. These problems need to be resolved prior to scheduling the preliminary plat for consideration by the Sub-division Committee of the Planning Commission.

First, several of the 58 foot street rights-of-way do not meet the qualifications and criteria set forth in the MAPC Subdivision Regulations which state that 58 foot street rights-of-way can be used only when blocks contain not more than 24 lots, 12 on each side of the street, the street will not be a through street, and will run no longer than three blocks in length, and there will be provided four off-street parking spaces for each dwelling unit on a lot. Based on this criteria, the following streets that are in the areas designated for single family use, have more than 24 lots per block and must have a right-of-way width of 64 feet: Hopi Lane, Dalsota Lane, Mohave Drive, Seminole Drive, Inca Street, Cherokee Lane, and Sioux Drive. In addition, for the lots designated for duplexes, 4 off-street parking spaces per dwelling unit for a total of 8 per lot are required if the 58 foot right-of-way streets are used. Therefore, the following streets should be considered for increasing the width to 64 feet: Muskogee Street, Toltec Street, Piute Court, May Court and Chiptewa Lane. Choctaw Lane should be increased as it ties into Chiptewa Lane. We have marked the plat where we believe the regulations require 64 foot streets.

We would also recommend that Lots 19 thru 29 in Block V, not be zoned for duplexes as they face single family lots. The separation of housing types is best accomplished at rear property lines, rather than across the street from each other. Also, as our letter of March 15th pointed out, we find no justification for "IC" zoning at the corner of Pawnee and 107th since there is ample undeveloped commercial zoned property within 1/2 mile. We would recommend

Campbell and Castle, P.A., Engineers  
4-19-79  
Page 2

that Block W, be redesigned for either more duplex lots or for multiple family use. Consideration should also be given to redesigning Block V for duplexes to face across the street from proposed duplexes. One thing that should be carefully considered is whether or not the rather shallow depth lots of only 100 feet will accommodate a house and the required four off-street parking spaces.

Finally, regarding the street names indicated on the plat, these should be carefully checked with the Department of Public Works to see if they comply with the street name policy. The appropriate street names shall then be indicated on the preliminary plat.

Once the plat design changes have been made, you should submit 29 copies to our office for scheduling for the Subdivision Committee. Of course, the other concerns: drainage, annexation, etc., discussed in our previous letter, are still yet to be resolved and will be discussed at the Subdivision Committee meeting. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:CLN:h

cc: Willard W. Garvey, 300 W. Douglas, 67202  
Builders, Inc., c/o Ruth Mercer, Host, Inc., 1000 Park Lane, 67218  
Amortibanc Investment Co., Inc., 300 W. Douglas, 67202

*Curt*



CAMPBELL & CASTLE, P. A.  
ENGINEERS  
PHONE (316) 942-8144 • 4801 WEST IRVING  
P. O. BOX 9262  
WICHITA, KANSAS 67277  
April 10, 1979

Wichita-Sedgwick County Metropolitan  
Area Planning Department  
City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Pawnee Mesa Addition  
File No. 7849

Attn: Curtis Newby

Dear Mr. Newby:

Under separate cover we sent to you 29 copies of the revised Preliminary Plat of Pawnee Mesa Addition. The pertinent plat data is on the Preliminary Plat with the exception of Item No. 7 on the application. There are 5030 Lin. Ft. of new streets at 66 Ft. of R/W width and there are 20190 Lin. Ft. of new streets at 58 Ft. of R/W width.

If you have any further questions please contact us.

Very truly yours,

CAMPBELL & CASTLE, P.A.

*Max Hybbert*  
Max Hybbert

MH/ic

THE CITY OF WICHITA

*Journal*



OFFICE OF THE CITY MANAGER  
CITY HALL - THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351

March 21, 1979

Mr. Willard W. Garvey  
300 West Douglas  
Wichita, Kansas 67202

Dear Willard:

I have received a copy of the Planning Department's letter to you of March 15, 1979, responding to your inquiries on the proposed plat of Pawnee Mesa Addition. Apparently, you and Mr. Galbraith's letters "crossed" in the mail.

In any event, the matter should now be able to proceed in a timely manner.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. H. Denton".

E. H. Denton  
City Manager

EHD/fpd

cc: Robert A. Lakin, Director of Planning



March 15, 1979

Mr. Willard W. Garvey  
President, Builders, Inc.  
300 West Douglas  
Wichita, Kansas 67202

Subject: Proposed plat of Pawnee Mesa Addition. Generally  
located at the northwest corner of Pawnee and  
107th Street West

Dear Mr. Garvey:

The City Manager has forwarded the above plat to our office for review. Our staff discussed a preliminary sketch on this property submitted by Lauren Hogan last November and advised him of several major problems of design, probable high cost of extending sewer and water, annexation, no available storm sewer and the probable requirement of on site retention of storm water. At that time we recommended that he contact Public Works as to drainage and the extension of sewer, and the Water Department relative to problems of extending water. We also recommended redesign of the plat.

The sketch as now submitted is essentially the same as the one reviewed before and the following are our comments:

The overall design of the plat should again be reviewed by your engineer or land planner. The street on the east (107th) is not a major street, but is a designated collector. The basic problem with the design of the plat is that there are three other streets that will function as collectors. The east-west street on the north, indicated as May, and the north-south street on the west (Zuni) will both serve as collectors and should be 66' in right-of-way width. Collectors, if possible, should be designed with a minimum number of lots facing directly onto the street. Both of these streets are designed in such a way as one entire side has lots that must face directly onto the street. The other street that will serve as a collector is Aztec the diagonal which most other streets intersect with. It would be desirable to minimize the number of four way intersections that the street produces. This number of collectors will result in excessive cost to the public. A number of design techniques are available to overcome this. We would be pleased to review alternatives submitted by your engineer.

Although it is mentioned that lots are proposed for duplexes and multiple family, none of those proposed areas are indicated. They should be clearly noted on the plat. It will be necessary that a zone change ap-

Willard W. Garvey  
Page 2  
March 15, 1979

plication be filed and approved prior to the recording of the plat. We question the intent of Reserve "A" in the southeast corner and would recommend that this tract not be proposed for light commercial. One quarter of a mile to the east at Maize Road (a major street) there are already three corners zoned "LC" light commercial that are still undeveloped. If there is a need for additional commercial zoning, it should be kept at the major street intersections. Accordingly, Reserve A area should be redesigned for individual lots.

The design, as now proposed, creates several triangular lots that we have circled on the map which may have difficulty in meeting setback requirements. There is one "Y" intersection that should be redesigned to provide a 90° intersection and a number of street rights-of-way are deficient. One item that you may want your engineer to consider in redesigning the plat is the reduced street right-of-way and paving standards adopted in 1978. Instead of the 64' widths as shown, with a better design, some streets might be able to be reduced to 58 foot widths and 29 feet of paving. A redesign may well produce more lots and less special assessments.

A condition of plat approval for an urban plat is having a municipal type sewer and water system. The policy of the City is that property be annexed before water and sewer service is provided. We have recently annexed an area east of the northeast corner of this plat which places the City limit line 1/2 mile from your property. Sewer was petitioned for on the plat, which may bring a sewer main to within 1/2 mile from your plat. Also, a water main was extended to the plat known as "The Park" that is east on Pawnee and we are advised that a water main is 1/2 mile to the east. The policy provides that the extension of these lines will be at the developer's cost. We recommend that you contact both the Engineering Division of Public Works and the Water Department relative to the extension of these systems.

Inasmuch as annexation is required prior to services being provided, the options are to request thru the City Manager that island annexation be initiated; or that the City annex, if legally possible, those developed but unplatted tracts between the City limits and your property. Island annexation requires the approval of both the City and County Commissions whereas the other method can be by City Commission action only after notices are sent, a public hearing is held, and plans for all services are formulated for the area being annexed. The latter method is a procedure that takes approximately 120 days.

There is no storm sewer system existing in this area to serve subject property and with the City Commission's recent concerns over requiring on site retention of storm water, it is necessary that this plat provide a satisfactory solution for handling storm water drainage. Your engineer should contact the Engineering Division of the Department of Public Works to determine if retention areas are needed and if so what design standard. This should be done prior to proceeding further with this plat.

These are the major issues we see with this plat at this time. We believe the street design provides an excessive number of collectors

Mr. Willard W. Garvey  
Page 3  
March 15, 1979

and the entire plat needs to be redesigned. We are enclosing a marked copy of the plat to your engineer. The plat should be redesigned in sketch form and resubmitted to our office for review prior to the submission of the plat in preliminary form. After you have had an opportunity to review our comments with your engineer, if you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:bh

cc: Campbell and Castle, P.O. Box 9262, 67277  
Builders, Inc., c/o Ruth Mercer, Host, Inc., 1000 Park Lane, 67218  
- Amortibanc Investment Company, Inc., 300 W. Douglas, 67202  
Eugene H. Denton, City Manager  
John Wynkoop, Director of Water Department  
Dick Linn, City Engineer

# THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER  
CITY HALL — THIRTEENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4351



February 14, 1979

Mr. Willard W. Garvey  
President  
Builders, Inc.  
300 West Douglas  
Wichita, Kansas 67202

Dear Willard:

Your application for subdivision approval of the Pawnee Mesa Addition has been forwarded to the Metropolitan Area Planning Commission for processing.

I am asking Robert A. Lakin, Director of Planning, to respond to your inquiries as to any additional information needed and time requirements for approval of the plat.

The addition of 600 residences to the Wichita housing market should certainly help alleviate the present labor shortage in Wichita.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. H. Denton".

E. H. Denton  
City Manager

EHD/fsW

cc: Robert A. Lakin, Director of Planning (w/a)



R. H. Garvey Building

# BUILDERS, INC.

300 W. Douglas, Wichita, Kansas 67202 / Phone (316) FO 3-1161

13 February 1979

Mr. Eugene H. Denton  
City Manager of Wichita  
City Hall  
455 N. Main  
Wichita, Kansas 67202

Office Of The City Manager	
<input checked="" type="checkbox"/> EHP	<input type="checkbox"/> HP
<input type="checkbox"/> HGS	<input type="checkbox"/> SH
<input type="checkbox"/> RT	<input type="checkbox"/>
FEB 13 1979	
<input type="checkbox"/> Copies To	_____
<input type="checkbox"/> Send To	_____
<input type="checkbox"/> File	_____

Gene, in view of the special need for housing in Wichita, Builders, Inc. is submitting its first plat in over 20 years on Builders 15th addition, Pawnee Mesa, nearly 600 building sites, west of Wichita Municipal Airport.

Would you please handle this with your staff. Please let me know what you need to obtain approval, annexation and development. Also, please give me your estimated time by which we can expect to offer lots and build homes? If you will let me know any help you need, I will ask my associates to cooperate fully with your people to expedite that project.

With best wishes

W. W. GARVEY  
President

mp

Encl: 29 plats  
Application  
Filing Fee  
cy: Lionell Alford  
Russ Meyer  
Frank Hedrick  
Harry Coombs

Map No.: 4745  
Section No.: 31  
Twp. No.: 27  
Range: 1W

S/D No. 79-00

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Pawnee Mesa Addition

General Location: Anders North of Pawnee Street and West of 107th Street West

Name of Property Owner: Builders, Inc. To Ruth Mercer, Trust, Inc.  
Address: 1000 Park Lane, Wichita, Kansas 67218 Phone: 685-4391  
Name of Subdivider: Amortibanc Investment Co., Inc.  
Address: Suite 130, 300 West Douglas, Wichita, Ks. 67202 Phone: 261-5309  
Name of Agent/Surveyor: Campbell & Castle, P.A., Engineers  
Address: P. O. Box 9262, Wichita, Kansas 67277 Phone: 942-8144  
Date of Application: February 9, 1979

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 159 Acres
2. Number of Lots:
  - Residential 521 589
  - Commercial 1
  - Industrial None
  - Other "A" 53 "B" 15Total Number of Lots 590
3. Minimum Lot Frontage 70 ft.
4. Minimum Lot Area 7700 ft.
5. Existing Zoning Rural R-1
6. Proposed Zoning AA ~~AA~~ "AA", "A", "B", "LC"
7. Lineal Feet of New Streets:
  - a. 64 R/W 24,200 ft.
  - b.          R/W          ft.
  - c.          R/W          ft.
  - d.          R/W          ft.
  - e.          R/W          ft.TOTAL 24,200 ft.
8. Sidewalk adjacent to all streets? yes  no
9. Public Water Supply No (Yes-No), Name
10. Public Sanitary Sewers No (Yes-No), Name
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita Three-Mile Area  (annexation to be requested)

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: W. W. Garvey  
W. W. Garvey, President

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

Received by L.O.  
Date 2-16-79  
Fee Submitted 187.00

T9-301B  
(2-71)

2c  
587  
1767  
1817

FORM 29-

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	FEB 16 '79
Signs	Plan Rev. (P.W.)	Cement	T.S.P.
	Planning		CITY OF WICHITA

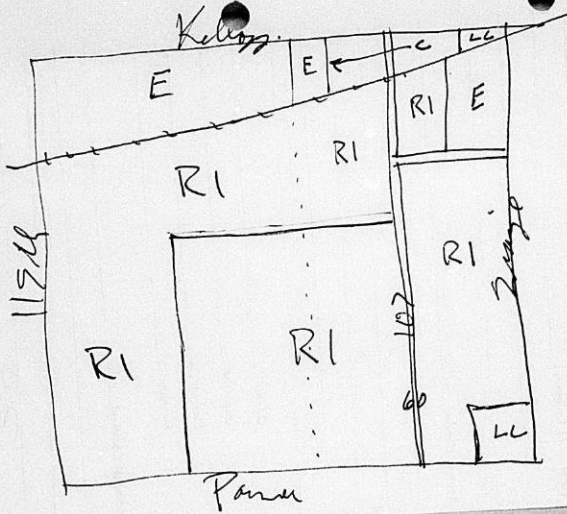
DESCRIPTION	AMOUNT
subdivision application Pawnee Mesa Addition	1817 <sup>00</sup>
NAME	Amortibanc Investment Co.
ADDRESS	300 W. Douglas Suite 130
FUND	110-40071-003-000-000
COMMENTS	DUE DATE 2-16-79
DATE	2-16-79
	BY K.O.

AMORTIBANC INVESTMENT CO., INC.  
300 WEST DOUGLAS  
WICHITA, KANSAS 67202DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF TERMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM WV-3 V-SPL.

DATE	DESCRIPTION	AMOUNT	DISTRIBUTIONS	
			ACCT. NO.	AMOUNT
2/13/79	Filing fee for preliminary plat of the Pawnee Mesa Addition		1132-001	1,817.00

H 2 W



WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT  
COMMUNITY DEVELOPMENT DIVISION

Public Inquiry Slip

NAME Lauren Hogan-Amotibane DATE 11-8-78  
PHONE - 261-5309 PHONE \_\_\_\_\_ COUNTER X  
PROPERTY LOCATION SE 1/4 of 931-727-1W MAP # 4745  
Northwest corner of Pawnee and Maize Rd.

NATURE OF REQUEST:

CITY ZONING X COUNTY ZONING \_\_\_\_\_ CONDITIONAL USE \_\_\_\_\_  
PLAT X LOT SPLIT \_\_\_\_\_ BZA \_\_\_\_\_  
VACATION \_\_\_\_\_ DEDICATION \_\_\_\_\_ STREET NAME CHANGE \_\_\_\_\_

REMARKS: Wants to plat small lots; LC on corner.

- advised him of:
1. poor design
  2. conversation necessary
  3. Probable high cost to get sewer & water
  4. Drainage, no storm sewer available will require a retention system (Max known comments).
  5. Street rights-of-ways increase to 64'
  6. Recommended redesign of plat
  7. Sent him to Engineering and Water Dept to discuss drainage, sewer & water problem.
  8. Zone change necessary for LC on corner did not encourage him on calling approval

ROUTE TO:

GALBRAITH [initials] SHIRKEY [initials] NEWBY YOUNG RICHTER \_\_\_\_\_ DOBSON \_\_\_\_\_ MEEK X  
LAKIN \_\_\_\_\_ STOCKWELL \_\_\_\_\_ RETURN TO Newby

COMMENTS:

It is shown design was done without any thought of contours.  
We don't have a 60' standard.

T9-126