

PLAT NO. S/D 79-51 MAP NO. 5343

NAME MOBILE MANOR ADDITION to Wichita, Sedgwick Co.

LOCATION: Northeast corner of MacArthur & Meridian

ENGINEER Hall & Associates Inc.

OWNER B. A. Ruedebusch

APPLICATION FILED 4-23-79

SKETCH PLAT FILED _____

PRELIMINARY FILED 4-23-79 10-12-79

S/D ACTION 11-1-79 approve

FINAL FILED _____

S/D ACTION 4-3-80 defaunks; 4-17-80 defer 2 weeks

MAPC ACTION 5-8-80 approve

BCC ACTION 7-1-80 Approve as recorded

RECORDED 1/9/81

REMARKS Associated Case Z-2114

S/D filed 5-1-80 - approve

S/D 79-51 - MOBILE MANOR ADDITION -
Northeast corner of MacArthur Rd.
& Meridian - Hall & Associates Inc

100780
4/25/80
[Signature]

ACTION

S/D COMMITTEE (Admin.)	approve	DATE	11-1-79
S/D (final)	refer 2 wks		4-3-80
M.A.P.C.	approve		5-8-80
B.C.C./B-60-C.	Approved		7-1-80
	<i>Rehman</i>		
S/D (final)	refer 2 weeks		4-17-80
S/D (final)	approve		5-1-80

Map No. 5343
Sec. 7
Twp. 28S
Range 1E

Subdivision Report and Progress
S/D No.: 79-51

Name: MOBILE MANOR ADDITION to Wichita, Sedgwick County

General Location: Northeast corner of MacArthur & Meridian

Owner: B. A. Ruedebusch
Address: 3200 Southeast Blvd. Zip Code: 67216 Phone: 684-1531

Subdivider: same as owner
Address: _____ Zip Code: _____ Phone: _____

Engineer/Surveyor: Hall & Associates Inc.
Address: 200 S. Rock Road Zip Code: 67207 Phone: 685-2304
*Attorney - Richard Beckham
1974, 10/21/77
2-10-81, 6-2-86*

Present Zoning: "AA" & "LC"
Proposed Zoning: "G"
Assoc. Zone Case: Z-2114

M.A.P.C. ACTION: 5-8-80 approve
Advisory Letter: 5-12-80

APPLICATION RECEIVED: 4-23-79

Closure Data Submitted: _____
Title/Taxes Rec'd. and Reviewed: 5-29-80
Final Review: 6-23-80
Referral to B.C.C.: 6-23-80

SKETCH PLAT RECEIVED: _____
Letter of Intent: _____

PREL. PLAT RECEIVED: 4-23-79
S/D Comm. Action: 11-1-79 approve

B.C.C. ACTION: 7-1-80 Approved
As recommended

Advisory Letter: _____

FINAL PLAT RECEIVED: _____
S/D Comm. Action: 4-3-80 defer 2 wks.
4-17-80 defer 2 wks.; 5-1-80 approve
Advisory Letter: 5-2-80

Tracing Received: 5-29-80
Released for Recording: 12/27/80
Plat Recorded: 1/9/81

Comments:

Storm sewer (85%)
Carey Street paving (52%)
Sanitary sewer (100%) } petitions

Scheduled for B.C.C. 12-23

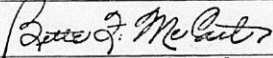
(Plat was approved July 1st subject to completion of sewer/platting requirements. These 3 petitions are the last of the requirements.)

all petitions accepted on 12-23-80

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

S/D 79-51 n
Map: 5343
Assoc. Z-2114 n

MOBIL MANOR ADDITION was
filed for record on January 9, 1981


Register of Deeds

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

T9-328

12-9-80

Mike said he is
scheduling the storm^{85%}
sewer, sanitary sewer^{10%}
and Carey street paving^{52%}
petitions for

12-23-80

Ruedebusch turned in these items to Engineering about 9-15-80.

Page 2 REFERRAL SHEET

The applicant has submitted a 100% petition guaranteeing extension of City water to the site. Other platting requirements which are not yet completed are listed below:

Planning Commission Recommendation:

That this plat be approved subject to:

1. The applicant shall guarantee, by petition, the paving of Carey Lane adjacent to this plat. This project will be held until it is needed. *less than 100% need ownership*
2. Since Carey Lane is a designated collector, the petition shall include a sidewalk on both sides.
3. The applicant shall guarantee the extension of sanitary sewer to serve the mobile home park. *100%*
4. The applicant's temporary drainage plan has been approved subject to the granting of a private drainage easement and the construction of a storage area for drainage waters. *for legal for plat 9/16*
 The guarantee is required for the construction of this drainage storage area and a maintenance covenant is required to assure that this area will be maintained. *Development in Mobile Manor Addition may not begin until this storage area is constructed. (K said he paid treasure 50000 2 or 3 weeks ago. He has now finished construction of drainage area.)*
5. The applicant shall guarantee the construction of a permanent storm sewer in Carey Lane; such guarantee to be held until the system is needed. *not valid. needs his sign on reg. plat. needs ownership list returned*
6. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bayouth moved, Gardner seconded and it carried unanimously. Hennessy and Lofton were absent. One vacancy.

ACTION: Take such action as the Commission deems appropriate regarding the paving of Carey Lane and the landscaping of the setback from Meridian; 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 plat and authorize the Mayor to sign; instruct the Planning Department to withhold release of the plat for recording until all conditions of plat approval have been satisfactorily completed.

estimated costs of projects:

Carey St. paving	\$ 92,400
storm sewer	\$ 310,000
sanitary sewer	\$ 27,000

copy

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 79-51 Name Mobile Manor Addition
 Application & Sketch Filed: 4-23-79
 Preliminary Plat Filed: 10-12-79 Approved by S/D: 11-1-79
 Final Plat Filed: 3-21-80 Approved by S/D: 5-1-80
 Approved by Metropolitan Area Planning Commission: 5-8-80

DESCRIPTION

General Location: northeast corner of MacArthur and Meridian

Surveyor or Engineer: Hall and Associates, Inc.
 Owner: B. A. Ruedebusch, et al.
 Address: 3200 Southeast Boulevard 67216

- | | | | | | | | | | | | | | | | | | | | |
|---|---|----------------------|--------------|------------|---------------------|--------------|------------|-----------|--------------|-------|---------------------|-------|----------|-------------------|----------|----------|----------------|-------|-------|
| <p>1. Gross Acreage of Plat <u>18.9</u></p> <p>2. Number of Lots
 Residential <u>1</u>
 Commercial _____
 Industrial _____
 Other _____
 Total Number of Lots: <u>1</u></p> <p>3. Minimum Lot Area: <u>18.1</u> acres</p> <p>4. Existing Zoning: <u>LC and AA</u></p> <p>5. Special Problems Discussed: <u>Street paving, drainage, compliance with mobile home park ordinance</u></p> | <p>6. Access Control</p> <table border="0"> <tr> <td>St. <u>MacArthur</u></td> <td>No. Openings</td> <td><u>One</u></td> </tr> <tr> <td>St. <u>Meridian</u></td> <td>No. Openings</td> <td><u>Two</u></td> </tr> <tr> <td>St. _____</td> <td>No. Openings</td> <td>_____</td> </tr> </table> <p>7. Req'd Improvements</p> <table border="0"> <tr> <td>St. Paving <u>X</u></td> <td>Water</td> <td><u>X</u></td> </tr> <tr> <td>Sidewalk <u>X</u></td> <td>Drainage</td> <td><u>X</u></td> </tr> <tr> <td>Sewer <u>X</u></td> <td>Other</td> <td>_____</td> </tr> </table> | St. <u>MacArthur</u> | No. Openings | <u>One</u> | St. <u>Meridian</u> | No. Openings | <u>Two</u> | St. _____ | No. Openings | _____ | St. Paving <u>X</u> | Water | <u>X</u> | Sidewalk <u>X</u> | Drainage | <u>X</u> | Sewer <u>X</u> | Other | _____ |
| St. <u>MacArthur</u> | No. Openings | <u>One</u> | | | | | | | | | | | | | | | | | |
| St. <u>Meridian</u> | No. Openings | <u>Two</u> | | | | | | | | | | | | | | | | | |
| St. _____ | No. Openings | _____ | | | | | | | | | | | | | | | | | |
| St. Paving <u>X</u> | Water | <u>X</u> | | | | | | | | | | | | | | | | | |
| Sidewalk <u>X</u> | Drainage | <u>X</u> | | | | | | | | | | | | | | | | | |
| Sewer <u>X</u> | Other | _____ | | | | | | | | | | | | | | | | | |

Zone Case Z-2114 "AA" and "LC" to "G" has been approved subject to platting. The Subdivision Committee and Planning Commission have approved the proposed plat, subject to the usual guarantees being submitted for improvements such as street paving, drainage, sanitary sewer and water and subject to compliance with the mobile home park layout requirements as specified in Section 26.04.120 of the Code of the City of Wichita. The applicant is appealing the requirement for paving Carey Lane and is appealing the screening requirements outlined in Section 26.04.120(i). Said section reads as follows: "Screening - Whenever a mobile home park adjoins an arterial street or an area zoned other than for residential use, then special protection shall be provided for the park by planting of the setback from such adjoining boundary to create a landscape buffer consisting of coniferous and deciduous plant material." The required setbacks are specified in Section 26.04.120 (b) as follows: "All mobile homes and house trailers shall be so located as to maintain a setback of no less than twenty feet from any public street or highway right-of-way; as to maintain a setback no less than five feet from the edge of a park or camp roadway; and as to maintain a setback no less than ten feet from any side or rear boundary line when such boundary is not common to any public street or highway right-of-way." The applicant proposes a fence and a 23-foot-wide interior private roadway as screening between Meridian Avenue and some of the mobile homes. Staff interprets the regulation as requiring the necessary setback (20 feet in this location) to be landscaped. Since a roadway cannot be filled with landscaping, there must be 20 feet of landscaping in addition to the roadway.

The Subdivision Regulations state that a subdivider shall provide for the installation of all roadways and street drainage facilities in accordance with the standards set by the appropriate engineer (Section 8-103 (A)). Any waiver of the required improvements may be by only the governing body on a showing that such improvement is technically not reasonable (Section 10-103). The applicant's attorney has written to the City Manager appealing the requirement for paving Carey Lane.

(Continued)

January 15, 1981

Donald C. Gisick, City Clerk
Jack H. Galbraith, Chief Planner

Z-2114 - "AA" & "LC" to "G"; and
S/D 79-51 - Mobile Manor Addition

At the regular meeting of the Board of City Commissioners on April 24, 1979, the above captioned request for zone change was considered and approved, subject to platting, and the City Clerk was instructed to withhold publication of the ordinance establishing the zone change until such time as the plat has been recorded. The associated plat was approved by the Board of City Commissioners on July 1, 1980.

This is to advise you that the final plat of Mobile Manor Addition was recorded with the Register of Deeds on January 9, 1981 and, therefore, the ordinance establishing the zone change may now be published.

Jack H. Galbraith
Chief Planner

JHG:el

December 17, 1980

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

Recording of documents associated with Mobile Manor
Addition

On July 1, 1980, the City Commission approved the plat of Mobile Manor Addition (S/D 79-51) subject to completion of several platting requirements. The last of these requirements has been submitted and it is anticipated the plat will be released for recording in the near future. The attached private drainage easement and maintenance covenant were platting requirements and should be recorded with the Register of Deeds. The recording costs should be billed to the platator.

Mr. E. A. Ruedebusch
3200 Southeast Boulevard
Wichita, Ks. 67216

Please call if you have any questions.

Louise Olivarez
Senior Planner

LO:bh

December 17, 1980

Robert Feldner, Superintendent of Central Inspection

Louise Olivarez, Senior Planner

Preliminary development plan for Mobile Manor Addition

Attached for your files are two copies of the approved preliminary site development plan for a mobile home park to be located on the east side of Meridian between MacArthur Road and Carey Lane. The preliminary site plan was approved with the plat of Mobile Manor Addition which is expected to be recorded with the Register of Deeds in the near future. Any final site development plan submitted to your office should be in substantial compliance with this approved preliminary plan.

Louise Olivarez
Senior Planner

LO:bh

Attach.

9-18

Call Ruedebusch
When I have
heard about the
private sm't. &
covenant from
Engineering.

Tell him S. Lachey says
drainage pond is O.K.

I called 9-25 and left message
for Ruedebusch that all
was OK except steam sewer guarantee

October 15, 1980

6 mo. extension granted 10-21-80 (to 4-24-81)

E. H. Denton, City Manager
Jack H. Galbraith, Chief Planner

Platting time extension for Z-2114 and S/D 79-51 (AA and LC to G and Mobile Manor Addition)

We are in receipt of a copy of a letter to you from B. A. Ruedebusch requesting a platting time extension for the above referenced cases. You may recall that Mr. Ruedebusch appealed several of the Planning Commission's platting requirements before the City Commission last July 1st. The City Commission upheld the requirements, approved the plat subject to the applicant satisfactorily completing all platting requirements, and instructed the Planning Department to withhold release of the plat tracing for recording until all platting requirements were completed. Mr. Ruedebusch has now submitted all the necessary documents and guarantees EXCEPT a valid guarantee for construction of a permanent storm sewer in Carey Lane, such guarantee to be held until the system is needed.

Mr. Ruedebusch owns unplatted property adjacent to the east of his proposed Mobile Manor Addition which is developed as a mobile home park. This unplatted property is included in the benefit district for the proposed storm sewer system, but Mr. Ruedebusch will not sign the storm sewer petition as owner of that property, although if he would, the petition would then have enough signatures to be valid and this platting requirement would be fulfilled.

Mr. Ruedebusch has recently proposed an alternate drainage solution to City Engineering which states his willingness to sign a covenant agreeing to construct a permanent holding pond in the northeast corner of Mobile Manor Addition if it should ever become necessary to do so. However, unless his plat is redesigned to provide a reserve area for this possible future pond, in all likelihood his new mobile home park would be developed with homes situated over the site where the pond would need to be.

City Engineering has responded to Mr. Ruedebusch saying they are willing to review any alternate drainage system he wishes to propose if he will provide necessary drainage calculations. Should a new drainage plan be submitted, a revised plat would need to be reviewed by the Subdivision Committee and Planning Commission prior to review by the City Commission. This could take several months.

Since a permanent holding pond has just been suggested, we would concur in a 6-month platting time extension with the understanding that

E. H. Denton, City Manager
Page 2
October 15, 1980

Mr. Ruedebush will resolve a satisfactory drainage solution and complete the plat in that time. No additional extensions will be recommended. Six months should give Mr. Ruedebush ample time to work out the details of a new drainage plan, sign the storm sewer petition, or determine that he wishes to discontinue his plat and zone case.

Please schedule this request for platting time extension on the City Commission agenda for October 21, 1980.

Jack H. Galbraith
Chief Planner

Robert A. Lakin
Director of Planning

JHG:LO:hh

cc: B. A. Ruedebusch, 3200 Southeast Boulevard, 67216
Mike Lindebak, City Engineering

Wichita, Kansas
October 8, 1980

~~Art~~

Art

Mr. E. H. Denton
City Manager
Wichita, Kansas

Dear Sir,

There has been considerable delay in getting a plat approved due to various demands imposed by City staff on 20 acres at Meridian and MacArthur Rd., known as Mobile Manor (Addition SD 79-51)

I want you to know that we are still working out details but do not think we can make the October 24 deadline.

I am therefore asking for a second extension of the time limit to work out the details.

Yours truly,

B. A. Ruedebusch

c.c. to Robert A. Zepher
Director of Planning

RECEIVED
OCT 9 1980
METROPOLITAN PLANNING
ROUTE _____

B. A. Ruedebusch
3200 Southeast Blvd.
Wichita, Kansas 67216

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY HALL - SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4501

RECEIVED

OCT 13 1980
METROPOLITAN PLANNING
ROUTE _____

October 10, 1980

Mr. B. A. Ruedebusch
3200 Southeast Boulevard
Wichita, Kansas 67216

Dear Mr. Ruedebusch:

In response to your October 2, 1980 letter regarding guaranteeing of Storm Water Sewer for Mobile Manor Addition. The City of Wichita, Engineering Department, would review an alternate drainage plan for Mobile Manor Addition that would call for complete retention of on-site drainage. Such a system would require a home owners association to be formed for maintenance.

If you desire to submit a revised drainage plan, please submit all calculations and supply information to Chris Breitenstein, Acting Drainage Engineer.

Sincerely,

Mike Lindebak
LDL

Mike Lindebak
Program Development Engineer

ML:ck

cc: Richard J. Peckham, Attorney
16101 Kerry Lynn Dr.
Wichita, Kansas 67230

RICHARD J. PECKHAM
ATTORNEY AT LAW

October 2, 1980

TO:
Mr. Mike Lindenback
Chief Design Engineer
Engineering Dept.
Wichita City Hall

FROM:
Richard J. Peckham, Atty. for
Mr. B. A. Ruedebusch

RE: S/D 79-51 Mobile Manor Addition, storm sewer

Dear Mr. Lindenback,

In view of the fact that the required number of property owners in the benefit district have refused to sign the petition guaranteeing future construction of a storm sewer in Carey Lane, the following is suggested as an alternate proposal for future storm sewer needs:

1. As now planned, the temporary holding pond, currently extending across the north end of Mobile Manor Inc. (by easement), shall become fully operational until such time as Carey Lane shall be constructed in the benefit district.

2. Mobile Manor Addition will execute a written agreement (covenant) with the City of Wichita to the effect that:

If and when Carey Lane is constructed, and of necessity the temporary holding pond eliminated, Mobile Manor Addition will construct, at its own expense, a permanent holding pond in the northeast corner of Mobile Manor Addition according to specifications acceptable to the City of Wichita, and recited in the covenant itself. Further, the covenant can include a provision that in the event Mobile Manor Addition should fail to construct such a holding pond, the City of Wichita may cause said construction and charge all reasonable expense against the property.

This proposal obviates the need for a storm sewer petition at this time, in view of the urgent need to commence construction

*By this mobile homes
could possibly be
located while the
pond needs to be*

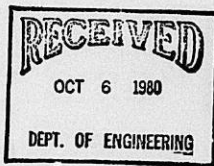
on the development, and at the same time binds Mobile Manor Addition to a contingent drainage system which will protect the interests of the other property owners in the benefit district as well as the interests of the City of Wichita.

As soon as you advise us that this proposal is acceptable, we will engage an engineer to draft detailed specifications of the permanent holding pond (on northeast corner of Mobile Manor addition), for your approval, and for ultimate inclusion in the proposed covenant.

Sincerely,

Richard J. Peckham

Richard J. Peckham, Atty. for
Mr. B.A. Ruedebusch
16101 Kerry Lynn Dr.
Wichita, Kansas 67230
Home: (316) 733-4012
Office: (316) 684-5249



September 30, 1980

Mr. B. A. Ruedebusch
3200 Southeast Boulevard
Wichita, Ks. 67216

Re: S/D 79-51 - Mobile Manor Addition

Dear Mr. Ruedebusch:

This letter is intended to bring you up to date on the status of the requirements for platting Mobile Manor Addition. To date we have approved or received approval on all the necessary requirements EXCEPT the guarantee for future construction of a permanent storm sewer in Carey Lane. The petition which you turned in to Mike Lindebak several weeks ago needs additional signatures on it before it will be a valid guarantee for the future storm sewer. Mike tells me he has discussed this matter with you.

Please remember that October 24, 1980, is the deadline for recording this plat. A valid storm sewer petition is needed by October 8, 1980, in order for it (and your other petitions) to be scheduled for City Commission review on October 21, 1980. If you have any questions, please call me at 268-4406.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

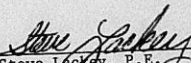
THE CITY OF WICHITA
OFFICE OF ENGINEERING

DATE SEPTEMBER 23, 1980

TO LOUISE OLIVAREZ, CURRENT PLANS - PLANNING DEPARTMENT
FROM STEVE LACKEY, DESIGN CHIEF ENGINEER

SUBJECT EASEMENT AND MAINTENANCE
AGREEMENT BETWEEN MOBILE
MANOR ADDITION AND MOBILE
MANOR, INC.

Attached herewith are an Easement and a Maintenance Agreement between Mobile Manor Addition and Mobile Manor, Inc., for Private Project - Flood Storage Ponds to provide Drainage for Mobile Manor Mobile Home Park, Project No. 468 76 245 80000 000 000 008. Please note that these have been reviewed by the Law Department.


Steve Lackey, P.E.
Design Chief Engineer

SL/dla

Attachments

RECEIVED
SEP 24 1980
METROPOLITAN PLANNING
ROUTE _____

MAINTENANCE COVENANT

This covenant, made in the City of Wichita, State of Kansas, by the owners of Mobile Manor Addition.

WHEREAS the owners of Mobile Manor Addition, legally described as: the west 691.81 feet of the South half of the SW $\frac{1}{4}$ of Section 7-28-1E, except the South 40 Feet for road, have been granted a private drainage easement for purposes of handling surface water drainage and for constructing a water storage facility on adjacent property, legally described as: the North 33 feet of the South half of the SW $\frac{1}{4}$ of Section 7-28-1E, except the South 40 feet for road, and except the East 749.46 feet, and except the West 691.81 feet;
NOW, THEREFORE

IT IS DECLARED AS FOLLOWS:

- 1.) The owners of Mobile Manor Addition agree to maintain the above described drainage facility in a good and useable condition consistent with the purpose and function as designed.

- 2.) In the event that the owners of Mobile Manor Addition fail at any time to maintain the drainage facility, the City of Wichita may serve written notice to the owners of Mobile Manor, or their successors or assigns, setting forth the manner in which they have failed to fulfill their maintenance obligations.. Such notice shall include a statement describing the obligation that has not been fulfilled and shall grant ten (10) days time within which the obligation may be fulfilled. If said obligation is not fulfilled within the time specified, the City of Wichita may perform the obligations listed in the notice of deficiency. All costs incurred by the City of Wichita in carrying out the obligations of the owners of Mobile Manor Addition may be billed back to the owners of Mobile Manor Addition, their successors or assigns.

3.) This is a covenant running with the land and is binding on all future owners until such time as a public storm sewer is constructed to serve Mobile Manor Addition to Wichita, Kansas.

In witness whereof, the parties hereunto have duly executed this agreement.

Dated Sept 12/1980

B.A. Ruedebusch
B.A. Ruedebusch

Jesse L. Graham
Jesse L. Graham

Luis A. Casado
Luis A. Casado

STATE OF KANSAS
County of Sedgwick ss

Before me personally appeared B.A. Ruedebusch, Jesse L. Graham, and Luis A. Casado, to me known, and known to be the persons described in and who executed the foregoing instrument, and acknowledged to and before me that they, B.A. Ruedebusch, Jesse L. Graham, and Luis A. Casado, executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 12th day of September, 1980.

David C. Danaher
Signature, Notary Public

My Commission expires October 3, 1983.

EASEMENT
For Surface Water Drainage and Storage

This agreement, made in the City of Wichita, State of Kansas, by Mobile Manor Inc., residing at 2206 W. MacArthur, Wichita, Kansas, party of the first part, and Mobile Manor Addition, residing at Wichita, Kansas, party of the second part.

Whereas, the party of the first part warrants that it owns and has fee simple title to that certain parcel of real estate located in the City of Wichita, County of Sedgwick, State of Kansas, more particularly bounded and described as follows:

The south half of the SW 1/4 of Section 7-28-1E except the south 40 feet for road, and except the east 749.46 feet, and except the west 691.81 feet.

Whereas, the party of the second part desires to use the north thirty-three (33) feet of said property for surface water drainage and for a water storage facility.

NOW, therefore, it is mutually agreed as follows:

The party of the first part, for good consideration, does hereby grant, assign and set over to the party of the second part:

An easement and right-of-way to drain, collect and store surface water from Mobile Manor Addition (particularly described as: The West 691.81 feet of the South half of the SW1/4 of Section 7-28-1E, except the South 40 feet for road.) on the entire north thirty-three (33) feet of the South half of the SW1/4 of section 7-28-1E except the south 40 feet for road, and except the East 749.46 feet and except the West 691.81 feet.

Except as herein granted, the party of the first part shall continue to have the full use and enjoyment of the property.

The party of the second part shall bear full responsibility for use and enjoyment of the property and shall hold the party of the first part harmless from any claim of damage to persons or premises resulting from the use, occupancy and possession thereof by the party of the second part.

To have and to hold the said easement unto the party of the second part and unto his successors and assigns until such time as an alternate drainage scheme and structure shall be constructed to service Mobile Manor Addition.

In witness whereof, the parties hereunto have duly executed this agreement.

Dated: Sept 12, 1980

B.A. Ruedebusch
B.A. Ruedebusch
Owner - Mobile Manor Inc.

Jesse L. Graham
Jesse L. Graham
Owner - Mobile Manor Addition

Catherine C. Ruedebusch
Catherine C. Ruedebusch
Owner - Mobile Manor Inc.

Luis A. Casado
Luis A. Casado
Owner - Mobile Manor Addition

B.A. Ruedebusch
B.A. Ruedebusch
Owner - Mobile Manor Addition

STATE OF KANSAS
County of Sedgwick ss

Before me personally appeared B.A. Ruedebusch, Catherine C. Ruedebusch, Jesse L. Graham, Luis A. Casado, to me known and known to be the persons described in and who executed the foregoing instrument, and acknowledged to and before me that they, B.A. Ruedebusch, Catherine C. Ruedebusch, Jesse L. Graham and Luis A. Casado, executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 12th day of September, 1980.

Paul E. Dandrea
Signature, Notary Public

My Commission expires October 3, 1983

August 29, 1980

Mr. B. A. Ruedebusch
3200 Southeast Boulevard
Wichita, Kansas 67216

Re: Maintenance Covenant and Easement for Surface
Water Drainage and Storage associated with the
platting of Mobile Manor Addition - S/D 79-51

Dear Mr. Ruedebusch:

Attached please find a draft of an acceptable maintenance covenant for the platting of Mobile Manor Addition. In addition, I am also returning the originals of the Maintenance Covenant and Drainage Easement that was submitted to City Engineering. The Maintenance Covenant should be replaced with the draft I have enclosed. The Drainage Easement should be executed with both your signature and your wife's signature as these are the owners shown on Courthouse records. That is, Mobile Manor, Inc., is not shown to hold the simple title to the subject piece of property.

Sincerely,

Forrest L. Nagley
Junior Planner

Attachments (3)

cc: Mike Lindebak, Program Development Engineer, City Engineering
Richard Peckham, Suite 102, 400 N. Woodlawn, 67208

Maintenance Covenant

This covenant, made in the City of Wichita, State of Kansas, by the owners of Mobile Manor Addition.

WHEREAS the owners of Mobile Manor Addition, legally described as: the west 691.81 feet of the south half of the SW $\frac{1}{4}$ of Section 7-28-1E, except the south 40 feet for road, have been granted a private drainage easement on adjacent property, legally described as: the north 33 feet of the south half of the SW $\frac{1}{4}$ of Section 7-28-1E, except the south 40 feet for road, and except the east 749.46 feet, and except the west 691.81 feet;

NOW, THEREFORE

for purposes of handling surface water drainage and for constructing a water storage facility

IT IS DECLARED AS FOLLOWS:

- 1.) THE OWNERS OF MOBILE MANOR ADDITION agree to maintain the above described drainage facility in a good and useable condition consistent with the purpose and function as designed.

(2)

2.) In the event that the owners of Mobile Manor Addition fail at any time to maintain the drainage facility, the City of Wichita may serve written notice to the owners of Mobile Manor, or their successors or assigns, setting forth the manner in which they have failed to fulfill their maintenance obligations. Such notice shall include a statement describing the obligation that has not been fulfilled and shall grant ten (10) days within which the obligation may be fulfilled. If said obligation is not fulfilled within the time specified, the City of Wichita may perform the obligations listed in the notice of deficiency. All costs incurred by the City of Wichita in carrying out the obligations of the owners of Mobile Manor Addition may be billed back to the owners of Mobile Manor Addition, their successors or assigns.

3.) This is a covenant running with the land and is binding on all future owners until such time as a public storm sewer is constructed to serve Mobile Manor Addition to Wichita, Kansas.

(2.)

- 2.) In the event that the owners of Mobile Manor Addition fail at any time to maintain the drainage facility, the City of Wichita may serve written notice to the owners of Mobile Manor, or their successors or assigns, setting forth the manner in which they have failed to fulfill their maintenance obligations. Such notice shall include a statement describing the obligation that has not been fulfilled and shall grant ten (10) days time within which the obligation may be fulfilled. If said obligation is not fulfilled within the time specified, the City of Wichita may perform the obligations listed in the notice of deficiency. All costs incurred by the City of Wichita in carrying out the obligations of the owners of Mobile Manor Addition may be billed back to the owners of Mobile Manor Addition, their successors or assigns.
- 3.) This is a covenant running with the land and is binding on all future owners until such time as a public storm sewer is constructed to serve Mobile Manor Addition to Wichita, Kansas.

(2.)

In witness whereof, the parties hereto
have duly executed this agreement,

Dated, _____

B.A. Ruedebusch
Mobile Manor, Inc.

Jesse L. Graham

Luis A. Casado

~~XXXXXXXXXXXX~~

Notarial Block and Seal

THE CITY OF WICHITA

OFFICE OF Department of Engineering

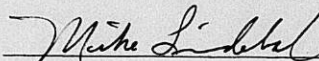
DATE August 14, 1980

TO Louise Olivarez, Senior Planner

FROM Mike Lindebak, Program Development Engineer

SUBJECT Maintenance Covenant for
Mobile Manor Addition

Attached please find an Easement and Maintenance Covenant for Mobile Manor Addition. I don't think that the Maintenance Covenant is adequate. We need to have it written in such a way that the City has the right to assess the maintenance costs back to Mobile Manor Addition if he does not perform.



Mike Lindebak
Program Development Engineer

ML:ck

Attachment: (2)

RECEIVED

AUG 15 1980

METROPOLITAN PLANNING

ROUTE Louise

EASEMENT
For Surface Water Drainage and Storage

This agreement, made in the City of Wichita, State of Kansas, by Mobile Manor Inc., residing at 2206 W. MacArthur, Wichita, Kansas, party of the first part, and Mobile Manor Addition, residing at Wichita, Kansas, party of the second part.

Whereas, the party of the first part warrants that it owns and has fee simple title to that certain parcel of real estate located in the City of Wichita, County of Sedgwick, State of Kansas, more particularly bounded and described as follows:

The south half of the SW 1/4 of Section 7-28-1E except the south 40 feet for road, and except the east 749.46 feet, and except the west 691.81 feet.

Whereas, the party of the second part desires to use the north thirty-three (33) feet of said property for surface water drainage and for a water storage facility.

NOW, therefore, it is mutually agreed as follows:

The party of the first part, for good consideration, does hereby grant, assign and set over to the party of the second part:

An easement and right-of-way to drain, collect and store surface water from Mobile Manor Addition (particularly described as: The West 691.81 feet of the South half of the SW1/4 of Section 7-28-1E, except the South 40 feet for road.) on the entire north thirty-three (33) feet of the South half of the SW1/4 of section 7-28-1E except the south 40 feet for road, and except the East 749.46 feet and except the West 691.81 feet.

Except as herein granted, the party of the first part shall continue to have the full use and enjoyment of the property.

The party of the second part shall bear full responsibility for use and enjoyment of the property and shall hold the party of the first part harmless from any claim of damage to persons or premises resulting from the use, occupancy and possession thereof by the party of the second part.

To have and to hold the said easement unto the party of the second part and unto his successors and assigns until such time as an alternate drainage scheme and structure shall be constructed to service Mobile Manor Addition.

In witness whereof, the parties hereunto have duly executed this agreement

Dated, July 24, 1980

Gary Ruedebusch
Vice President
Mobile Manor Inc.

Gary Ruedebusch (L.S.)

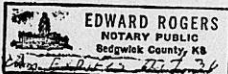
(Corp. Seal)

B.A. Ruedebusch
Owner
Mobile Manor Addition

B.A. Ruedebusch (L.S.)

STATE OF KANSAS
County of Sedgwick ss

On the 22 day of July, 1980, before me personally came Gary Ruedebusch, to me known, who, being duly sworn, did depose and say that he is the vice-president of Mobile Manor Inc., the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.



1983

Edward Rogers
Notary Public

(Notary Seal)

MAINTENANCE COVENANT

This covenant, made in the City of Wichita, State of Kansas, by B.A. Ruedebusch, residing at 3200 S.E. Blvd. #65, Wichita, Kansas, owner of record of Mobile Manor Addition, Wichita, Kansas, party of the first part and the City of Wichita, Kansas, party of the second part.

Whereas, the party of the first part represents and warrants that he owns and has fee simple title to that parcel of real estate located in the City of Wichita, County of Sedgwick, State of Kansas, more particularly bounded and described as follows:

The West 691.61 Feet of the South half of the SW1/4 of Section 7-28-1E, except the South 40 Feet for road.

Whereas, the party of the first part desires to use the north 33 Feet of the above described property for construction of a facility to drain, collect and store surface water; and the party of the second part agrees to permit construction of said facility; the party of the first part agrees to maintain that portion of said facility, which is to exist on the above described premises (private property), at all times in an operating condition consistent with the purpose and function as designed in accordance with prior mutual agreement.

~~INSERT MAINTENANCE CLAUSE HERE.~~

~~This agreement will remain in effect until such time as by mutual agreement an alternate method of surface water drainage is devised.~~

Dated 7/22 1980
B.A. Ruedebusch (L.S.)
B.A. Ruedebusch
Owner of Record,
Mobile Manor Addition

Authorized Agent for (L.S.) ← SIGNATURE BLOCK NOT
The City of Wichita REQUIRED.

THIS IS A COVENANT RUNNING WITH THE LAND AND IS BINDING ON FUTURE OWNERS UNTIL A PUBLIC STORM WATER SEWER IS CONSTRUCTED.

STATE OF KANSAS
County of Sedgwick, ss

Before me personally appeared B.A. Ruedebusch, to me known,
and known to be the person described in and who executed the
foregoing instrument, and acknowledged to and before me that he,
B.A. Ruedebusch, executed said instrument for the purposes therein
expressed.

WITNESS my hand and official seal, this 2nd day
of August, 1980.

Twila M. Nelson
Signature, Notary Public

My Commission expires August 13, 1983.



July 2, 1980

Mr. B. A. Ruedebusch
3200 Southeast Boulevard
Wichita, Kansas 67216

Re: S/D 79-51 - Mobile Manor Addition

Dear Mr. Ruedebusch:

At the regular meeting of the Wichita Board of City Commissioners on July 1, 1980, the above-referenced plat was considered. After discussion of the platting requirements, especially the requirement to petition for the future paving of Carey Lane, the Commission voted unanimously to uphold the platting requirements as specified by the Subdivision Committee and Planning Commission. Therefore, before the plat tracing can be released to you for recording, all conditions of plat approval as outlined in our letter of May 2, 1980, will need to be satisfactorily completed. Only items A, B, G, H, J and K have so far been completed.

Regarding item "I" of our 2 May 1980 letter which requires three copies of the revised site development plan to be submitted to our department, the three copies are still needed and, to be acceptable, they must show a full 20-foot wide landscaped area adjacent to all public streets (except at the entrance to the park). Subparagraphs 2 through 6 of item "I" have been satisfactorily noted on the most recent site plan which you submitted.

You have until October 24, 1980, to complete these platting requirements and record the plat. Since some of the improvement guarantees will require City Commission action, you should complete these requirements by the end of September so there will be time for City Commission review prior to the October 24th deadline.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

cc: Richard Peckham, Suite 102, 400 N. Woodlawn, 67208
Dean Sellers, Acting City Engineer

Submitted
9-7-80

July 1, 1980

Wichita. The Board meets on the second Thursday of each month at 3:30 p.m.

Motion -- Knight appointed Caroline Myers and moved that the appointment be
-- carried approved. Motion carried 4 to 0.

NOTICE OF VACANCY--
CENTER CITY
STEERING COMM.

NOTICE OF VACANCY -- CENTER CITY STEERING COMMITTEE.

One (1) vacancy, term to expire June 1, 1983, created by the nonattendance of Jerry Hardin (Knight).

The function of the Center City Steering Committee is to prepare, advisory to the City Commission, physical development plans to strengthen the Central area of Wichita. The committee meets on the third Wednesday of each month at 3:30 p.m.

Appointment will be in order at the meeting of July 15, 1980.

PLANNING AGENDA:

The Director of Planning reported that there were no problems with any of the Planning Agenda items excepting Items 3 and 4.

S/D 79-76 - PLAT OF
EWERTZ ADDITION

S/D 79-76 - PLAT OF EWERTZ ADDITION LOCATED ON THE NORTHEAST CORNER OF
MAC ARTHUR AND 119TH STREET WEST, PRESENTED.

A one-lot, residential plat containing 10.3 acres. The Planning Commission recommends approval subject to recording within 30 days.

Motion -- Brown moved that the plat be approved as approved by the Metropolitan
-- carried Area Planning Commission and the Mayor be authorized to sign. Motion carried
4 to 0.

S/D 80-9 - PLAT OF
POWELL'S 7TH ADDN.

S/D 80-9 - PLAT OF POWELL'S 7TH ADDITION LOCATED ON THE WEST SIDE OF
MERIDIAN IN AN AREA BETWEEN MCCORMICK AND IRVING, PRESENTED.

A one-lot, commercial plat containing .45 acres. The Planning Commission recommends approval subject to recording within 30 days.

NOTE: Associated zone case Z-2190 "RB" and "B" to "LC" has been approved subject to platting.

Motion -- Brown moved that the letter of credit be received and filed; the plat
-- carried be approved as approved by the Metropolitan Area Planning Commission and the
Mayor be authorized to sign. Motion carried 4 to 0.

S/D 79-51 - PLAT OF
MOBILE MANOR ADDN.

S/D 79-51 - PLAT OF MOBILE MANOR ADDITION LOCATED ON THE NORTHEAST
CORNER OF MAC ARTHUR AND MERIDIAN, PRESENTED.

A one-lot, residential plat containing 18.9 acres. Zone Case Z-2114 "AA" and "LC" to "G" has been approved subject to platting. The Subdivision Committee and Planning Commission have approved the proposed plat subject to the usual guarantees for improvements such as street paving, drainage, sanitary sewer and water and subject to compliance with the mobile home park layout requirements as specified by City Code. The applicant is appealing the requirement for paving Carey Lane and is appealing the screening requirements. Any waiver of the required improvements may only be granted by the governing body on a showing that such improvement is technically not feasible.

BCC minutes 7-1-80

July 1, 1980

The Planning Commission recommends approval subject to:

- 1) The applicant guaranteeing by petition the paving of Carey Lane adjacent to the plat. (The petition will be held until needed.)
- 2) Since Carey Lane is a designated collector, the petition shall include a sidewalk on both sides.
- 3) The applicant shall guarantee the extension of sanitary sewer to serve the mobile home park.
- 4) The applicant's temporary drainage plan has been approved subject to the granting of a private drainage easement and the construction of a storage area for drainage waters.
- 5) The applicant shall guarantee the construction of a permanent storm sewer in Carey Lane to be held until the system is needed.
- 6) Recording of the plat within 30 days after approval.

A 100% petition for waterworks system improvement in the property adjacent to Meridian Avenue from Carey Street to MacArthur Road in the proposed Mobile Manor Addition. (Benefit District No. 778-80)

The Director of Planning reviewed this matter and the conditions which the developer was seeking a waiver for: guaranteeing the street paving, drainage and the necessary screening. He noted that the plat has proposed a fence in the landscape area which is not the Department's recommendation. He also noted that the landscape area shown on the plat is less than the 20 feet normally required, and unless other dimensions are approved it would be assumed that the 20-foot area would be required. He answered questions by the Commissioners.

* Commissioner Porter present.

Bob Lakin

Dick Peckham, representing the applicant, spoke in support of the request for waiver of the conditions. He stated there is no need for a collector street as the streets in the mobile home park have been constructed with cul-de-sacs and they have no use for the street. He stated that Clarence Street could be the access street for the other property which may develop, and he requested abandonment of Carey Lane and release from the petition requirement.

Dick Peckham

Dean Sellers

Dean Sellers, Acting City Engineer, reviewed the area access and stated that if it is determined that Carey Lane is not needed then there would be no need for the paving guarantee. He outlined the need for temporary drainage which would be followed by a permanent drainage system at some future time.

Bob Lakin

Mr. Lakin felt that the petition requirements were reasonable and if development does not require them later then they can be vacated and abandoned.

Mr. Ruedebusch

Mr. Ruedebusch, applicant, stated that the cost of the drainage was \$310,000 and people in the area indicated they could not stand this type of assessment on top of the street cost. He preferred to wait to see what develops.

Discussion was had.

Motion --

Porter moved that the plat be approved as recommended by the Planning Commission subject to recommended conditions; the landscaping setback from Meridian be retained; the water engineering feasibility report be received and filed, the resolution of finding and the resolution ordering and directing the improvement be adopted; the plat be approved and the Mayor be authorized to sign; the Planning Department be instructed to withhold release of the plat for recording until all conditions of plat approval have been satisfactorily completed.

-- carried

Motion carried 5 to 0.

RESOLUTION

A Resolution of finding as to the advisability and a resolution authorizing construction and ordering and directing under and pursuant to K.S.A. 12-6a, an improvement consisting of a waterworks system to make water and water service available to the property adjacent to Meridian Avenue from Carey Street to MacArthur Road, in the proposed Mobile Manor Addition, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 79-51 Name Mobile Manor Addition
Application & Sketch Filed: 4-23-79
Preliminary Plat Filed: 10-12-79 Approved by S/D: 11-1-79
Final Plat Filed: 3-21-80 Approved by S/D: 5-1-80
Approved by Metropolitan Area Planning Commission: 5-8-80

DESCRIPTION

General Location: northeast corner of MacArthur and Meridian

Surveyor or Engineer: Hall and Associates, Inc.
Owner: B. A. Ruedebusch, et al.
Address: 3200 Southeast Boulevard 67216

- | | | | |
|--|-----------------------|--------------|------------|
| 1. Gross Acreage of Plat <u>18.9</u> | 6. Access Control | | |
| 2. Number of Lots | St. <u>MacArthur</u> | No. Openings | <u>One</u> |
| Residential <u>1</u> | St. <u>Meridian</u> | No. Openings | <u>Two</u> |
| Commercial _____ | St. _____ | No. Openings | _____ |
| Industrial _____ | 7. Req'd Improvements | | |
| Other _____ | St. Paving <u>X</u> | Water | <u>X</u> |
| Total Number of Lots: <u>1</u> | Sidewalk <u>X</u> | Drainage | <u>X</u> |
| 3. Minimum Lot Area: <u>18.1</u> acres | Sewer <u>X</u> | Other | _____ |
| 4. Existing Zoning: <u>LC and AA</u> | | | |
| 5. Special Problems Discussed: <u>Street paving, drainage, compliance</u>
with mobile home park ordinance | | | |

Zone Case Z-2114 "AA" and "LC" to "G" has been approved subject to platting. The Subdivision Committee and Planning Commission have approved the proposed plat, subject to the usual guarantees being submitted for improvements such as street paving, drainage, sanitary sewer and water and subject to compliance with the mobile home park layout requirements as specified in Section 26.04.120 of the Code of the City of Wichita. The applicant is appealing the requirement for paving Carey Lane and is appealing the screening requirements outlined in Section 26.04.120(i). Said section reads as follows: "Screening - Whenever a mobile home park adjoins an arterial street or an area zoned other than for residential use, then special protection shall be provided for the park by planting of the setback from such adjoining boundary to create a landscape buffer consisting of coniferous and deciduous plant material." The required setbacks are specified in Section 26.04.120 (b) as follows: "All mobile homes and house trailers shall be so located as to maintain a setback of no less than twenty feet from any public street or highway right-of-way; as to maintain a setback no less than five feet from the edge of a park or camp roadway; and as to maintain a setback no less than ten feet from any side or rear boundary line when such boundary is not common to any public street or highway right-of-way." The applicant proposes a fence and a 23-foot-wide interior private roadway as screening between Meridian Avenue and some of the mobile homes. Staff interprets the regulation as requiring the necessary setback (20 feet in this location) to be landscaped. Since a roadway cannot be filled with landscaping, there must be 20 feet of landscaping in addition to the roadway.

The Subdivision Regulations state that a subdivider shall provide for the installation of all roadways and street drainage facilities in accordance with the standards set by the appropriate engineer (Section 8-103 (A)). Any waiver of the required improvements may be by only the governing body on a showing that such improvement is technically not feasible (Section 10-103). The applicant's attorney has written to the City Manager appealing the requirement for paving Carey Lane.

(Continued)

The applicant has submitted a 100% petition guaranteeing extension of City water to the site. Other platting requirements which are not yet completed are listed below:

Planning Commission Recommendation:

That this plat be approved subject to:

1. The applicant shall guarantee, by petition, the paving of Carey Lane adjacent to this plat. This project will be held until it is needed.
2. Since Carey Lane is a designated collector, the petition shall include a sidewalk on both sides.
3. The applicant shall guarantee the extension of sanitary sewer to serve the mobile home park.
4. The applicant's temporary drainage plan has been approved subject to the granting of a private drainage easement and the construction of a storage area for drainage waters. A guarantee is required for the construction of this drainage storage area and a maintenance covenant is required to assure that this area will be maintained. Development in Mobile Manor Addition may not begin until this storage area is constructed.
5. The applicant shall guarantee the construction of a permanent storm sewer in Carey Lane; such guarantee to be held until the system is needed.
6. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bayouth moved, Gardner seconded and it carried unanimously. Hennessy and Lofton were absent. One vacancy.

ACTION: Take such action as the Commission deems appropriate regarding the paving of Carey Lane and the landscaping of the setback from Meridian; 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 plat and authorize the Mayor to sign; instruct the Planning Department to withhold release of the plat for recording until all conditions of plat approval have been satisfactorily completed.

June 23, 1980

Mr. Richard J. Peckham
16101 Kerry Lynn Drive
Wichita, Ks. 67230

Re: Mobile Manor Addition paving requirement†

Dear Mr. Peckham:

We received a copy of your letter to the City Manager appealing the platting requirement of paving Carey Lane adjacent to the proposed Mobile Manor Addition. We have scheduled this plat for review by the Board of City Commissioners and for a determination of the paving requirement at their meeting of July 1, 1980. Attached for your information is a copy of our referral sheet which will be sent to each Commissioner.

The City Commission meeting will begin at 9:00 a.m. in the Commission Room on the first floor of City Hall. Planning items are the last items on the agenda.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:LO:bh

cc: B. A. Ruedebusch, 3200 Southeast Blvd., Lot #65, 67216

June 23, 1980

Ray Bruggeman, Director of Public Works
Dean Sellers, Acting City Engineer

Robert A. Lakin, Director of Planning

Improvement Requirements in Mobile Manor Addition

Mr. Ruedebusch, the platator of Mobile Manor Addition, a proposed mobile home park at the ~~South~~ northeast corner of MacArthur and Meridian, has appealed the requirement for paving Carey Lane adjacent to his plat. He has not yet submitted guarantees for sanitary sewer and drainage but to my knowledge he is not appealing these requirements. The plat has been scheduled for City Commission review on July 1, 1980 and for a determination of the paving requirement.

Attached is a copy of our referral sheet on this item. It would be helpful if someone from Public Works could be present at the City Commission meeting on that date to answer questions regarding the street paving and drainage requirements.

Robert A. Lakin
Director of Planning

RAL:LO:bh

June 23, 1980

John Dekker, Director of Law

Robert A. Lakin, Director of Planning

Platting requirements for Mobile Manor Addition

Attached is a copy of all correspondence between Mr. Ruedebusch's attorney and our department regarding his appeal of the requirement to pave Carey Lane adjacent to the property he is platting. Also attached is a copy of the plat referral sheet. This item will be on the Planning Agenda for the City Commission meeting of July 1, 1980.

Robert A. Lakin
Director of Planning

RAL:LO:bh
cc: Tom Powell, Assistant City Attorney

RICHARD J. PECKHAM
ATTORNEY AT LAW

June 18, 1980

TO: Mr. Gene Denton
Wichita City Manager

FROM: Richard J. Peckham for
Mobile Manor Addition
3200 S.E. Blvd, #65
Wichita, Kansas 67216

RE: S/D 79-51 - Mobile Manor Addition

RECEIVED
JUN 20 1980
METROPOLITAN PLANNING
ROUTE _____

Dear Sir,

Pursuant to the recommendation of Mr. Robert Lakin, Director of Planning, Metropolitan Planning Commission, we request that the City Commission take under consideration the final approval of Mobile Manor Addition notwithstanding the fact that petitions guaranteeing the construction of the extension of Carey Lane and an associated storm sewer have not been executed as conditions precedent to Planning Commission certification. We hereby appeal the petition requirement to the City Commission, and request final certification of Mobile Manor Addition.

We believe that to require Mr. Ruedebusch to sign petitions guaranteeing the improvements would be a violation of the due process rights provided in K.S.A. 12-6a04, and would be both arbitrary and unfair to all property owners in the proposed benefit district in view of the fact that all of the property owners and the subdivision planning commission have agreed that no such improvements are currently necessary.

Mr. Ruedebusch is attempting to provide the City of Wichita with badly needed additional low income housing while battling high interests and construction costs as a small businessman. He has worked closely with the planning commission and attempted to satisfy all the technical requirements of the Mobile Home Park Ordinance, the Subdivision Regulations, and other agency policies. He is now asking very little of the City, and his request for waiver of the petition requirement in no way compromises the

the interests of the City of Wichita or the adjacent property owners. Our position is further detailed in the attached letter from the property owners in the district, dated March 31, 1980, and in my letter to Mr. Lakin, dated May 26, 1980, also attached herewith.

The careful consideration of this appeal by the City Commission at hearing would be greatly appreciated.

Sincerely,

Richard J. Peckham

Richard J. Peckham
16101 Kerry Lynn Dr.
Wichita, Kansas 67230

cc: Robert Lakin,
Metro Planning Commission

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

May 29, 1980

Richard J. Peckham
Attorney at Law
16101 Kerry Lane Drive
Wichita, Kansas 67230

Re: S/D 79-51 - Mobile Manor
Addition

Dear Mr. Peckham:

Mr. Ruedebusch, as a platlor of land, has been required by the Subdivision Committee and the Planning Commission to guarantee the paving of Carey Lane. The statutes pertaining to the subdivision of land are quite clear as is the case law that approval of subdivisions can, as a requirement of the local regulations pertaining to approval of subdivision, require the guarantee and construction of improvements that serve those subdivisions. In most places in the United States, such guarantees of improvements are handled by having the developer make the physical improvement prior to the recording of the plat or by providing cash or its equivalent (letters of credit, corporate surety performance bonds, etc.). In this area, the governing bodies have expanded the guarantee provisions to allow for a noncash way of providing the guarantee. This is by the petition method. This then allows the governing body to install the pavement, when in its judgment, it is needed.

If your client, Mr. Ruedebusch, feels that the petition method is not to his liking, then the other alternates of actual installation of the pavement and/or cash guarantees are available to him.

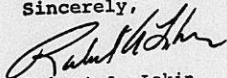
I think it is quite clear from a policy standpoint, at least through the Planning Commission level, and through recommendations by the Planning Department and the Department of Public Works, that we believe that streets, sewers and other improvements which will often be needed and required, should be guaranteed at the time of platting. This, in essence, is the posture of the Planning Commission.

WICHITA - SEDGWICK COUNTY

Richard J. Peckham
May 29, 1980
Page 2

At this time, I view your alternatives to be either, one, provide the guarantee as required and provided for under the Subdivision Regulations of the City and the County, and as are being recommended by the Planning Commission, or submit a written request that the plat be forwarded on to the City Commission without such guarantee as an appeal to the decision of the Planning Commission. It is our normal practice not to forward material to the City Commission until the conditions have been met. However, if you feel that is an excessive and unjust requirement, the appeal procedure is open to you. Please advise as to your client's desire.

Sincerely,



Robert A. Lakin
Director of Planning

RAL:rme

cc: B. A. Ruedebusch, 3200 Southeast Boulevard, 67216
E. H. Denton, City Manager
John Dekker, Director of Law
Subdivision Committee (3)
/ Jack H. Galbraith, Chief Planner, Current Plans Division

RICHARD J. PECKHAM
ATTORNEY AT LAW

May 26, 1980

RECEIVED

MAY 28 1980

METROPOLITAN PLANNING

ROUTE



Mr. Robert Lakin
Metropolitan Area Planning Dept.
City Hall, 10th Floor
455 N. Main St.
Wichita, Kansas 67202

RE: S/S 79-51- Final Plat of Mobile Manor Addition

Dear Mr. Lakin,

As the representative of Mr. B.A. Ruedebusch, I would greatly appreciate your consideration of what appears to be the last remaining obstacle to successful completion of the final plat of Mobile Manor Addition. Mr. Ruedebusch has been asked to sign a petition guaranteeing construction of specified portions of "Carey Lane" between Meridian Avenue and Clarence Street, as a condition to approval of the final plot of Mobile Manor Addition which adjoins the dedicated right-of-way.

The Planning Department has advised Mr. Ruedebusch that there is no current need or plan to construct the extension of Carey Lane. All of the property owners in the benefit district have agreed in writing that no such road is needed or desired. (See attached letter from "property owners", dated March 31, 1980)

It is noted that Mr. Ruedebusch has dedicated ground for a right-of-way as provision for the potential need for Carey Lane at some future date. He is quite willing to pay his proportionate share of the cost at such time as the road is actually necessary. However, to condition

RICHARD J. PECKHAM
ATTORNEY AT LAW

approval of his current plat upon the guarantee of a road which may never be necessary is to abuse the legislative intent of KSA 12-6a04 which requires notice and hearing. The due process provisions of that statute are completely frustrated when the party seeking city approval of a plat is coerced into petitioning for an unrelated improvement. K.S.A. 12-6a04 was designed to allow public comment and participation prior to commencement of a general improvement, it was not designed to be used as a municipal "club".

The obvious practical effect of such a policy is that the city can foreclose the options of the members of the benefit district at a point in time when they would otherwise vote against the petition for road construction, and endows a future minority in the benefit district with the power to frustrate the will of the majority. The process of "petitioning" is to be voluntary, not coerced.

With the Mobile Manor Addition, Mr. Ruedebusch is attempting to provide the city of Wichita with badly needed additional low income housing. He has made every effort to comply with the applicable Subdivision Regulations, Mobile Home Park Ordinances, as well as the policies and procedures of the Planning Commission. However, for the reasons stated above, the policy requiring a road petition and cost guarantee would be unfair and would contravene the intent of the Kansas legislature. We request that the approval of the final plat of Mobile Manor Addition not be conditioned upon such petition and guarantee.

Sincerely,

Richard J. Peckham

Richard J. Peckham
16101 Kerry Lane Dr.
Wichita, Kansas 67230

Office Phone: 684-5249

March 31, 1980

To: Chairman, Subdivision Committee
Metropolitan Area Planning Commission

From: Property Owners in the Carey Lane benefit district

Dear Sir:

We, the undersigned, are the principal owners of property adjoining a dedicated right-of-way between Meridian Avenue and Clarence Street in the southwest quadrant of the city of Wichita, presumably projected as an extension of Carey Lane. At this time, we perceive no need for construction of a road on the right of way, and we are prepared to protest commencement of construction until such time as the traffic requirements of the benefit district reasonably warrant creation of a road.

It is our understanding that Mr. B.A. Ruedebusch has presented his plan for development of a new mobile home park to be located on 18 acres at the north east corner of Meridian and MacArthur roads, abutting the above stated right of way. We are told that Mr. Ruedebusch has been advised by the city engineering staff that his final platting should not be approved unless he signs an agreement or petition guaranteeing his pro rata contribution to the cost of construction of such a road to be commenced on any future date at the discretion of the city of Wichita.

As business operators and landowners in the benefit district, we strongly object to any such tactic designed to unfairly coerce an involuntary, open-ended consent to pay for a general improvement. Such a tactic frustrates notice and hearing requirements intended by the state legislature, as codified in section 12-6a04 of the Kansas Statutes Annotated. Coercing Mr. Ruedebusch to sign

a road construction guarantee under these circumstances, therefore, amounts to a violation of his due process rights under the 14th Amendment of the U.S. Constitution, and deprives the undersigned landowners of the statutory right to participate in the community improvement decisions affecting our interests.

Therefore, we respectfully request that the city engineering staff delate the proposal requiring Mr. Ruedebusch to guarantee road construction as a condition precedent to approval of his platting, and that he be allowed to proceed with his development without further delay.

Air Capital Model Home Trak
1912 W. McArthur
Ed Creamer - Owner

C. J. Mendenhall
3825 So. Seneca

Tom Pierce
3830 So. Meridian

Gary Ruedebusch V.P.
Mobile Manor Inc.
2206 W. McArthur

MADP received
5-29-80

Commitment No. Y-88,565

St. Paul Title Insurance Corporation

ST. PAUL TITLE INSURANCE CORPORATION, a Missouri corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate THREE MONTHS after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, ST. PAUL TITLE INSURANCE CORPORATION has caused this commitment to be signed and sealed by its duly authorized officers, the commitment to become valid when countersigned by an authorized signatory as of Effective Date shown in Schedule A.



ST. PAUL TITLE INSURANCE CORPORATION

BY: *Thomas W. Jan*
PRESIDENT

ATTEST: *Robert M. Maulle*
SECRETARY

COUNTERSIGNED:

BY: *William G. Matlock*
AUTHORIZED SIGNATURE



Affiliate of The St. Paul Companies Inc.

City of Wichita
Jesse L. Graham and Luis A. Casado
Mobile Manor, Inc.

SCHEDULE A

COMMITMENT
NO. Y-88,565

1. Effective date: May 17, 1980 @ 7:00 A.M.
2. Policy or Policies to be issued:
_____ ALTA Owner's Policy Form A-1970 (Amended 10-17-70) Amount Limited to
(a) x ALTA Owner's Policy Form B-1970 (Amended 10-17-70) \$ 60.00
_____ Proposed Insured: The City of Wichita, a Municipal Corporation

- (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: Jesse L. Graham and Luis A. Casado

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

A Tract of land in the Southwest Quarter of Section 7, Township 28 South, Range 1 East of the Sixth (6th) Principal Meridian, Wichita, Sedgwick County, Kansas, being more particularly described as follows:

From the Southwest Corner of said Southwest Quarter, thence N 0° 00' E 40.0 feet; thence S 89° 45' 02" E 30.0 feet to the point of beginning; thence N 0° 00' E 1247.6 feet; thence S 89° 45' 02" E 661.81 feet; thence S 0° 00' E 1247.6 feet; thence N 89° 45' 02" W 661.81 feet to the point of beginning.

TO BE PLATTED AS: MOBILE MANOR ADDITION, Wichita, Sedgwick County, Kansas.

FIDELITY TITLE COMPANY, INC.



William J. Moran
Authorized Signatory

This Commitment valid only if Schedule B is attached

TSP-114A

SCHEDULE B-I
(REQUIREMENTS)Commitment No. Y-88,565

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 file and record a properly approved and satisfactorily executed Plat of MOBILE MANOR ADDITION, Wichita, Sedgwick County, Kansas, executed by Jesse L. Graham and Luis A. Casado, as fee owner and Mobile Manor, Inc., as Contract Purchasers.
- (2) First Half of 1979 real estate taxes show paid. Second Half of 1979 real estate taxes show unpaid in the amount of \$546.20; Key #D-174-UP. *See copy of receipt*
- (3) Company has been furnished a copy of proposed Plat, which includes building setback lines and access control.

FIDELITY TITLE COMPANY, INC.

Schedule B-I consists of 1 pages.

TSP-113B-1-9/77

WSP

SCHEDULE B-II
(EXCEPTIONS)Commitment No. Y-88, 565

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 80 and all subsequent years. See Schedule B-I.1.B.(2).
4. Any restrictions, covenants and conditions to be imposed subsequent to the recordation of the title.
5. Any easements, streets or right-of-ways to be dedicated to the public including but not limited to all abutter's rights or access to any streets, drainage rights of way, public utilities, approval of elevation or other restrictive matters that may be reserved, dedicated or granted in the recorded Plat.

FIDELITY TITLE COMPANY, INC.

Schedule B-II consists of 1 pages.

TSP-113 B-II-9/77

Wgm

Conditions and Stipulations

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to Paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest or the lien of the insured mortgage covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this commitment.

WICK COUNTY TREASURER,
CITY HOUSE, WICHITA, KS. 67203

TAX RECEIPT

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

VALUATION	MILL LEVY	GENERAL TAX	OTHER TAX	TOTAL TAX	AMOUNT PAID			
2,380	104.360	248.38	844.02	1,092.40	546.20			
7.57	40.00	106.04	00	92.40	7.57			
STATE	COUNTY	COUNTY FIRE DISTRICT	SCHOOL	OLD SCHOOL BOND	CITY	TOWNSHIP	OTHER LEVIES	BREAK DOWN

W 1979 REAL ESTATE
 591.81 FT S 1/2 SW 1/4 EXC S 40 FT & N 35 FT FOR RD SEC 7-28-1E

A 25-3

RECEIPT VALIDATION 2134 EMA C339 C379326 2K 05-20-80 546.20 .00

79-0- -D -00174-00UP- 6702
 JESSE L GRAHAM ETAL
 1403 N HARDING
 WICHITA KS 67208

08-60-5

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

May 12, 1980

Hall and Associates
200 S. Rock Road
Wichita, Ks. 67207

Re: S/D 79-51 - Final plat of Mobile Manor Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, May 8, 1980, the above-captioned plat was considered. The action of the Planning Commission to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of May 2, 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:

- 5-29 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 5-29 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.
- 5-29 3. Certification that all taxes due and payable for 1979 and prior years have been paid.

As soon as all platting requirements have been satisfactorily completed except for the ones which Mr. Ruedebusch wishes to appeal, then this plat will be scheduled for review by the City Commission.

Please call if you have any questions.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

Richard Peckham, Suite 102, 400 N. Woodlawn, 67208
cc: B.A.Ruedebusch, 3200 Southeast Blvd., 67216

May 2, 1980

Hall and Associates
200 S. Rock Road
Wichita, Kansas 67207

Re: S/D 79-51 - Final plat of Mobile Manor Addition

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 1, 1980, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- ✓ A. Prior to submission of the final plat tracing, the applicant's surveyor shall contact the Planning Department regarding a number of changes which are needed, especially with regard to some of the dimensions. The legal description must include the areas being dedicated on this plat for streets.
- ✓ B. The south half of Carey (35 feet) was dedicated to the City in 1970. Since this plat is vacating the south 2 feet of this right-of-way, the surveyor's text shall reference this fact and shall cite the appropriate Kansas statute.
- ✓ C. The applicant's temporary drainage plan has been approved subject to the granting of a private drainage easement and the construction of a storage area for drainage waters. A guarantee is required for the construction of this drainage storage area and a maintenance covenant is required to assure that this area will be maintained. Development in Mobile Manor Addition may not begin until this storage area is constructed.
*esmt. + covenant received 9-24-80
O.K.
drainage storage area constructed and approved by Engineering 9-18-80*
- D. The applicant shall guarantee the construction of a permanent storm sewer system in Carey Lane; said guarantee to be held until the system is needed.
- ✓ E. The applicant shall guarantee, by petition, the paving of Carey Lane adjacent to this plat. This project will be held until it is needed.
petition turned in to Engineering 9-15

- included in petition*
- 100% petition 6-19-80*
- 6-20-80 Mike Long to be the signed 100% petition*
- re covered 8-7-80*
- F. Since Carey is a designated collector, the petition shall include a sidewalk on both sides.
- G. The applicant shall guarantee the extension of City water to serve the mobile home park.
- H. The applicant shall guarantee the extension of sanitary sewer to serve the mobile home park.
- I. Prior to this plat being submitted to the governing body for review, 3 copies of a revised site development plan shall be submitted which show the following corrections:
- ✓ 1. The full required 20 foot landscaped setback from all public streets shall be indicated. The section of fence between Meridian and the interior roadway is not acceptable -- a 20-foot landscaped area must be provided. The 20-foot setback cannot overlap the interior road because this setback is required to be landscaped.
 - ✓ 2. The north-south interior roadway on the west side of the plat shall terminate at its intersection with the east-west roadway south of Carey. It shall not be shown as dead-ending into the landscaped setback.
 - ✓ 3. The maximum curb cut allowed for the entrance into the park from Meridian is 52 feet with the entrance drive itself being a maximum of 30 feet wide. Thus the 60-foot width as shown shall be corrected. A notation may be added to site plan stating: "Exact width of entrance to be determined when final development plan is submitted."
 - ✓ 4. The dimensions of the lot, exclusive of street rights-of-way, shall be shown.
 - ✓ 5. The number of mobile home spaces and the total square footage or recreation space shall be indicated on the plan. The recreation space cannot include the required setback areas or any area with less than 10,000 square feet of usable recreation space.
 - ✓ 6. The 2 spaces immediately east of the entrance are not sized properly for mobile home spaces. Their intended use shall be labeled on the development plan.
- ✓ J. The individual site layout plan is approved subject to adding the note that all utilities are to be installed underground.
- ✓ K. The Fire Department requests that the dimensions of the interior road turnarounds be increased from 12'x60' to 21'x92'.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Hall and Associates
5-2-80
Page 2

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 May 8, 1980, at 1:30 p.m. If you have any questions regarding this matter, please call.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:bh

cc: B. A. Rusdebusch, 3200 Southeast Blvd., 67216
Richard Peckham Suite 102, 400 N. Woodlawn, 67208
Dean Sellers, Acting City Engineer

THE CITY OF WICHITA

OFFICE OF PUBLIC WORKS ENGINEERING DATE April 25, 1980

TO Jack Galbraith, Chief Planner
FROM Steve Lackey, Design Chief Engineer
SUBJECT Mobile Manor Addition

On April 25, 1980, City Staff met with the applicant and his engineer on the Mobile Manor Addition to discuss the drainage plan and other pertinent information relating to the plat. The following items were discussed and agreed upon as the City Staff's recommendations for said plat:

1. Storage area needed for site would be 2.13 Ac.-Ft.
2. Side slopes to be 4:1 in public R/W and 3:1 in private property.
3. A private drainage easement granted by the unplatted tract of ground immediately east of Mobile Manor Addition for constructing storage area.
4. A maintenance covenant granted by applicant that he will maintain storage area on private property.
5. Guarantee the construction of storage area by private contract. Also, development on Mobile Manor Addition may not begin until said storage area is constructed.
6. Guarantee construction of storm water sewer system in Carey Lane, but said guarantee to be held until the system is needed.
7. Guarantee street paving in connection with the plat.

If you have any questions, please advise.

Steve Lackey
Steve Lackey
Design Chief Engineer

SL:md

cc: Paul Johnston
R. S. Delamater
B. A. Reudebusch

RECEIVED

APR 29 1980

METROPOLITAN PLANNING

ROUTE 26

*Alert
C.I. of
this when
sending
them a
copy
of subm.
site plan*

April 18, 1980

Mr. B. A. Ruedebusch
3200 Southeast Blvd.
Wichita, Kansas 67207

Re: S/D 79-51 - Final plat of Mobile Manor Addition to
Wichita, Sedgwick County, Kansas

Dear Mr. Ruedebusch:

At the regular meeting of the Subdivision Committee on April 17, 1980, action was taken to defer consideration of the final plat of Mobile Manor for another two weeks so that the City Engineering staff will have time to review the drainage data which was submitted to their office only a few hours prior to the meeting. This plat will be scheduled for the next Subdivision Committee meeting to be held on May 1, 1980. Every effort should be made to reach an acceptable drainage solution prior to that meeting.

Sincerely,

Louise Olivarez
Senior Planner

LO:hh

cc: John Hall, 200 S. Rock Road, 67207
R. S. Delamater, Century Plaza Bldg.
Dean Sellers, Acting City Engineer

April 4, 1980

Hall and Associates, Inc.
200 S. Rock Road
Wichita, Kansas 67207

Re: S/D 79-51 - Final plat of Mobile Manor Addition to
Wichita, Sedgwick County

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 3, 1980, the above captioned plat was considered. The action of the Committee was to defer final consideration of this plat for two weeks so as to allow you time to work out an acceptable drainage plan with City Engineering. Also, the Gas Service Company has requested that you or your client meet with them regarding future gas service for this property.

Unless advised otherwise, this final plat will be scheduled for reconsideration by the Subdivision Committee at their next regular meeting on April 17, 1980.

Should you have any questions about this matter, please call me at 268-4405.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:hh

cc: B. A. Ruedebusch, 3200 Southwest Blvd., 67207
Gene Curless, Gas Service Company, 1021 E. 26th St. North,
67219
Dean Sellers, Acting City Engineer

4/1/80

Metropolitan Area Planning Commission
Wichita, Kansas
Attn: Jack Gnalbraith

Dear Sir:

This is in reference to your most recent letter regarding staff comments concerning the subdivision report Mobile Manor Inc. addition. We respectfully request that the staff reconsider certain points.

Paragraph H, Section I of your letter states that a section of fence is not acceptable, and that a 20 foot landscaped area must be provided. However, Section 26.04.1206 of the mobile home ordinance states only that the mobile home must maintain a setback of 20 feet. The roadway is not mentioned. Therefore, we believe that the 20 foot setback can overlap the interior roadway.

We request that the staff reconsider the acceptability of a short section of fence between Meridian and the interior road. We feel that a 6 foot cedar fence would serve the same functions for screening and beautification. At the same time, it would not take up an undue amount of space.

Respectfully yours,

B A Ruedebusch

B. A. Ruedebusch

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 79-51 Name Mobile Manor Addition to Wichita, Sedgwick County
Date Application Rec'd. 10-12-79 Preliminary Approval 11-1-79
Scheduled S/D Meeting 4-3-80

DESCRIPTION

General Location Northeast corner of MacArthur and Meridian Avenue

Owner B. A. Ruedebusch
Surveyor/Engineer Hall and Associates, Inc. Phone 685-2304
Address 200 S. Rock Road

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>18.9</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u>1</u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </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>1</u> | TOTAL <u> </u> ft. |
| 3. Minimum Lot Frontage <u>641.8</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>822,360</u> sq. ft. | streets? <u> </u> yes <u> </u> x <u> </u> no |
| 5. Existing Zoning <u>LC and AA</u> | |
| 6. Proposed Zoning <u>G</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>No</u> (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u> </u> | |

STAFF COMMENTS:

- A. Prior to submission of the final plat tracing, the applicant's surveyor shall contact the Planning Department regarding a number of changes which are needed, especially with regard to some of the dimensions. The legal description must include the areas being dedicated on this plat for streets.
- B. The south half of Carey (35 feet) was dedicated to the City in 1970. Since this plat is vacating the south 2 feet of this right-of-way, the surveyor's text shall reference this fact and shall cite the appropriate Kansas statute.
- C. The applicant's approved drainage plan proposes a ditch within Carey right-of-way. This is acceptable until such time as the street right-of-way is needed for access purposes. At that time, paving of the street will be necessary and this will require that the drainage be conveyed in underground storm sewers. Therefore, the applicant shall submit guarantees for the construction of the drainage ditch, paving of Carey, and storm sewers in Carey. The paving and storm sewer guarantees shall be by petition and will be held for development.
- D. Due to the channel design, it will be necessary to have half street right-of-way (33 feet) dedicated for Carey from the east line of Mobile Manor Addition to the west line of Silver Spur Addition. The applicant shall obtain this dedication of right-of-way as a condition of plat approval.
- E. Since Carey is a designated collector, the petition shall include a sidewalk on both sides.
- F. The applicant shall guarantee the extension of City water to serve the mobile home park.
- G. The applicant shall guarantee the extension of sanitary sewer to serve the mobile home park.

(Over)

H. During review of the preliminary plat and the preliminary site development plan, the applicant was advised of a number of changes which needed to be made in the site development plan before approval could be granted. Most of the changes have not yet been made. Prior to this plat being submitted to the governing body for review, 3 copies of a revised site development plan shall be submitted which show the following corrections:

1. The full required 20 foot landscaped setback from all public streets shall be indicated. The section of fence between Meridian and the interior roadway is not acceptable -- a 20-foot landscaped area must be provided. The 20-foot setback cannot overlap the interior road.
 2. The north-south interior roadway on the west side of the plat shall terminate at its intersection with the east-west roadway south of Carey. It shall not be shown as dead-ending into the landscaped setback.
 3. The maximum curb cut allowed for the entrance into the park from Meridian is 52 feet with the entrance drive itself being a maximum of 30-foot wide. Thus the 60-foot width as shown shall be corrected.
 4. The dimensions of the lot, exclusive of street rights-of-way, shall be shown.
 5. The number of mobile home spaces and the total square footage or recreation space shall be indicated on the plan. The recreation space cannot include the required setback areas or any area with less than 10,000 square feet of usable recreation space.
 6. The 2 spaces immediately east of the entrance are not sized properly for mobile home spaces. Their intended use shall be labeled on the development plan.
- I. A mobile home being brought to the site for placement on a space would not be able to negotiate the turn from Meridian to the north-south private roadway without first traveling into the center east-west roadway and then backing into the north-south roadway. The applicant shall be prepared to discuss this with the Subdivision Committee members.
- J. The individual site layout plan is approved subject to adding the note that all utilities are to be installed underground.
- K. Recording of the plat within 30 days after approval by the Board of City Commissioners.

THE CITY OF WICHITA

OFFICE OF PUBLIC WORKS ENGINEERING

DATE March 24, 1980

TO Jack Galbraith, Chief Planner
FROM Steve Lackey, Design Chief Engineer

SUBJECT Drainage Plan for Mobil Manor Addition

John Hall and Associates and Delamater, Freund and Associates have submitted a drainage plan and supporting information for the subject plat. The plan is satisfactory subject to the following conditions:

1. The proposed channel should be designed to carry the 100 year storm runoff from the Silver Spur Addition site.
2. The channel design indicates that a channel section of forty feet is necessary. Operation and Maintenance requirements prescribe an additional 15 feet either side of the channel; hence, 70 feet is needed for the channel.

Due to the channel design, it will be necessary to have half street right-of-way dedicated, from the east line of Mobil Manor Addition to the west line of Silver Spur Addition. Carey Lane is a designated collector, therefore the dedication will be a width of 33 feet.

4. The developer should guarantee the construction of a storm water sewer in Carey Lane. The developer should guarantee the construction of Carey Lane from the east line of Meridian to the east line of Mobil Manor Addition. Also, the developer should guarantee the construction of Carey Lane from the east line of Mobil Manor Addition to the west line of Silver Spur Addition.

If there are any questions, please advise.

Steve Lackey
Steve Lackey
Design Chief Engineer

SL:md

cc: Paul Johnston
John Hall, 200 S. Rock Rd.
R.S. Delamater, Century Plaza Bldg.
B.A. Reudebusch, 3200 Southeast Blvd.

RECEIVED

MAR 25 1980

METROPOLITAN PLANNING

ROUTE 75

Louise

See memo of 4-25-80

PROPERTY NAME: Mobile Manor Addition to Wichita, Sedgwick County

LOCATION: Northeast corner of McArthur and Meridian Avenue

MAILED TO: Hill & Associates
200 S. Rock Road
Wichita, KS 67206PREPARED BY: Larry L. Henry
District Conservationist
USDA-Soil Conservation Service
4100 Maple, Wichita, Kansas 67209
(316) 942-8422REQUESTED BY: Wichita-Sedgwick County
Metropolitan Area Planning
CommissionScale: 3.2" equals 1 mile
SW $\frac{1}{4}$ 7-25-1ESpecial SituationsSOILS LEGEND

<u>SYMBOLS</u>	<u>CLASS</u>	<u>SOIL</u>	<u>BRIEF DESCRIPTION</u>	<u>HYDROLOGIC GROUP</u>
Wa	IIIu-1	Waldeck sandy loam.	Moderately deep over sand, nearly level, somewhat poorly drained soils of the floodplains and low terraces. Runoff is slow and available water capacity is low and moderately rapid. Watertable fluctuates between 2 and 5 feet from the surface.	C
Na	I-1	Naron sandy loam.	Deep, nearly level and gently sloping, well drained soils on bottomlands and terraces. These soils have slow runoff and moderate to high available water capacity. Permeability is moderate to moderately rapid.	B
Ca	I-1	Canadian fine sandy loam.	Deep, nearly level and gently sloping, well drained soils on bottomlands and terraces. These soils have slow runoff and moderate to high available water capacity. Permeability is moderate to moderately rapid.	B

SOIL INTERPRETATIONS

<u>SYMBOL</u>	<u>CLASS</u>	<u>SOIL</u>	<u>ITEMS</u>	<u>LIMITATIONS</u>	<u>REASON</u>
Wa	IIIw-1	Waldeck sandy loam.	Dwellings	Severe	Floods-Wetness
			Local Roads & Streets	Severe	Floods
			Small Commercial Buildings	Severe	Floods
			Parks & Play-grounds.	Moderate	Floods-Wetness
Ba	I-1	Maron sandy loam.	Dwellings	Slight	
			Local Roads & Streets	Moderate	Low-Strength
			Small Commercial Buildings	Slight	
			Parks & Play-grounds	Slight	
Ca	I-1	Canadian fine sandy loam.	Dwellings	Severe	Floods
			Local Roads & Streets	Moderate	Floods Low-Strength
			Small Commercial Buildings	Severe	Floods
			Parks & Play-grounds	Moderate	Floods

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 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. Stabilize each lot within 60 days after work starts on home or other building construction.
6. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
7. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: (316) 942-8422.

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

November 1, 1979

Hall and Associates, Inc.
200 S. Rock Road
Wichita, KS. 67207

Re: S/D 79-51 - Preliminary plat Mobile Manor Addition to
Wichita, Sedgwick County

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, November 1, 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. The applicant shall submit a drainage plan to the City Engineer's office for review and approval. Written approval of this plan shall be provided to the Planning Department prior to submitting a final plat. *Steve Lachy called 3-21-80 with verbal approval. Letter to follow.*
- B. The applicant shall guarantee any drainage improvements required by this plat.
- C. The applicant shall guarantee the extension of City water and sanitary sewer to serve the site.
- D. The final plat shall show the south half of Carey (33 feet) as being dedicated on this plat.
- E. The applicant shall guarantee the paving of Carey from the west line of the plat to the east line of the plat.
- F. Since Carey is a designated collector, the applicant is required to guarantee construction of a sidewalk along the south side of this street.
- G. All utilities shall be installed underground.
- H. The location of the westernmost private road within the park may have to be moved east if an entrance from Meridian is still proposed. The applicant should contact the City

Traffic Engineer regarding this matter prior to filing a revised preliminary site development plan.

- I. For mobile home parks adjacent to arterial streets and adjacent to land zoned other than for residential use, the setback area is required to be landscaped with coniferous and deciduous plant material. Therefore, the south, west and north sides of this property will need this landscaping. These twenty-foot setback and landscaped areas shall be shown on the revised preliminary site development plan.
- J. The 29-foot wide interior roadways allow parking on one side only. Roadways less than 29 feet wide allow no parking. The preliminary site development plan shall designate the NO PARKING areas or a statement shall be added to the face of the development plan which specifies these limitations. The park operator is required to post and enforce the no-parking areas.
- K. The individual site layout shall show the location of the required storage locker. Indication of electric poles shall be deleted since all utilities are required to be underground.
- L. Along with the final plat, the applicant shall submit 20 copies of a revised preliminary site development plan. The revisions shall include the items mentioned in H, I, J, and K above. The drainage plan should be approved prior to revising the site plan as this may have some effect on the proposed layout.
- M. Requirements for a final plat (see Pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files. Enclosed with the applicant's copy of this letter is the "marked" copy of the site development plan.

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

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

Encl.

cc: B. A. Ruedebauch, 3200 Southeast Blvd., 67207
Dean Sellers, Assistant City Engineer

Preliminary plat

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

SUBDIVISION REPORT

S/D NO. 79-51 Name Mobile Manor Addition to Wichita, Sedgwick County
Date Application Rec'd. 10-12-79 Preliminary Approval _____
Scheduled S/D Meeting 11-12-79

DESCRIPTION

General Location Northeast corner of MacArthur and Meridian Avenue

Owner B. A. Ruedebusch
Surveyor/Engineer Hall and Associates, Inc. Phone 685-2304
Address 200 S. Rock Road

- | | | | |
|---|-----------------------|---------------------------------|----------|
| 1. Gross Acreage of Plat | <u>18.9</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. _____ R/W _____ | ft. |
| Residential | <u>1</u> | b. _____ R/W _____ | ft. |
| Commercial | _____ | c. _____ R/W _____ | ft. |
| Industrial | _____ | d. _____ R/W _____ | ft. |
| Other | _____ | e. _____ R/W _____ | ft. |
| Total Number of Lots | <u>1</u> | TOTAL | <u>0</u> |
| 3. Minimum Lot Frontage | <u>641.8</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>822,360</u> sq ft. | streets? <u>yes</u> <u>X</u> no | |
| 5. Existing Zoning | <u>LC and AA</u> | | |
| 6. Proposed Zoning | <u>G</u> | | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | | | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | | | |
| 11. Health Department Approval (where applicable) <u>No</u> (Yes-No) | | | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | | | |

STAFF COMMENTS:

- Note: The applicant's associated zone case requesting "AA" and "LC" to "G" has been approved subject to platting.
- A. The applicant shall submit a drainage plan to the City Engineer's office for review and approval. Written approval of this plan shall be provided to the Planning Department prior to submitting a final plat.
 - B. The applicant shall guarantee any drainage improvements required by this plat.
 - C. The Traffic Engineer shall be prepared to discuss the access points and turnarounds shown on the site development plan and recommend what access controls should be shown on the final plat.
 - D. Utility Advisory Committee members shall be prepared to comment on the need for easements.
 - E. All utilities shall be installed underground.
 - F. The applicant shall guarantee the extension of City water and sanitary sewer to serve the site.
 - G. The applicant's site plan shows approximately 66,300 square feet for recreation area. Title 26 (Mobile Home Code) requires that 8% of the plat's gross area be for recreation space. Eight percent of this plat equals 65,789 square feet. Therefore, the recreation space requirement has been satisfied.
 - H. The final plat shall show the south half of Carey (35 feet) as being dedicated on this plat.

T9-303

Over

- I. The applicant shall guarantee the paving of Carey from the west line of the plat to the east line of the plat.
- J. Since Carey is a designated collector, the applicant is required to guarantee construction of a sidewalk along the south side of this street.
- K. For mobile home parks adjacent to arterial streets and adjacent to land zoned other than for residential use, the setback area is required to be landscaped with coniferous and deciduous plant material. Therefore, the south, west and north sides of this property will need this landscaping. These twenty-foot setback and landscaped areas shall be shown on the development plan.
- L. The 29-foot wide interior roadways allow parking on one side only. Roadways less than 29 feet wide allow no parking. The preliminary site development plan shall designate the NO PARKING areas or a statement shall be added to the face of the development plan which specifies these limitations. The park operator is required to post and enforce the no-parking areas.
- M. The individual site layout shall show the location of the required storage locker. Indication of electric poles shall be deleted since all utilities are required to be underground.
- N. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

FORM 20-21

PAYMENT NOTICE
City of Wichita

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

9/12/79
new applicant
fee by applicant

Planning

DESCRIPTION AMOUNT

Subdivision Application 950.00
 Mobile Home Roll

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

4/2/79

Kent Healy

FORM 20-21

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

4-12-79

4-24-79

Applicant & surveyor could not agree on preliminary site development plan. Hall asked that plat not be scheduled for 5-3-79 because he could not get development plan submitted

Map No.: 5343
Section No.: 7
Twp. No.: 28S
Range: 1E

S/D No. 79-51

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Mobile Manor Addition to Wichita, Sedgwick County, Kansas

General Location: Northeast corner of MacArthur & Meridian Ave.

Name of Property Owner: B.A. Ruedebusch
Address: 3200 Southeast Blvd. Phone: 684-1531

Name of Subdivider: same as owner
Address: _____ Phone: _____

Name of Agent/Surveyor: Hall & Associates Inc.
Address: 200 S. Rock Road Phone: 685-2304

Date of Application: April 23, 1979 10-12-79

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 18.9
2. Number of Lots: 1
 - Residential _____
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 641.8 ft.
4. Minimum Lot Area 822,360 sq. ft.
5. Existing Zoning L, C, & AA
6. Proposed Zoning G (Z-2114)
7. Lineal Feet of New Streets
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL _____ 0 _____ ft.
8. Sidewalk adjacent to all streets? yes x no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita X Three-Mile Area

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

Owner's Signature: _____

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

Received by Carl Newley
Date 4/23/79
Fee Submitted \$0.00

5-8-79 fee never paid
by applicant

FORM 2-21

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION 450,00 AMOUNT

Subdivision Application
Mobile Manor Add

NAME A. D. Rudebusch

ADDRESS 3200 Southeast Blvd

FUND 110-00-001-40071 DUE DATE 1000-001-000

COMMENTS

DATE 4/21/79 BY Carl Henry