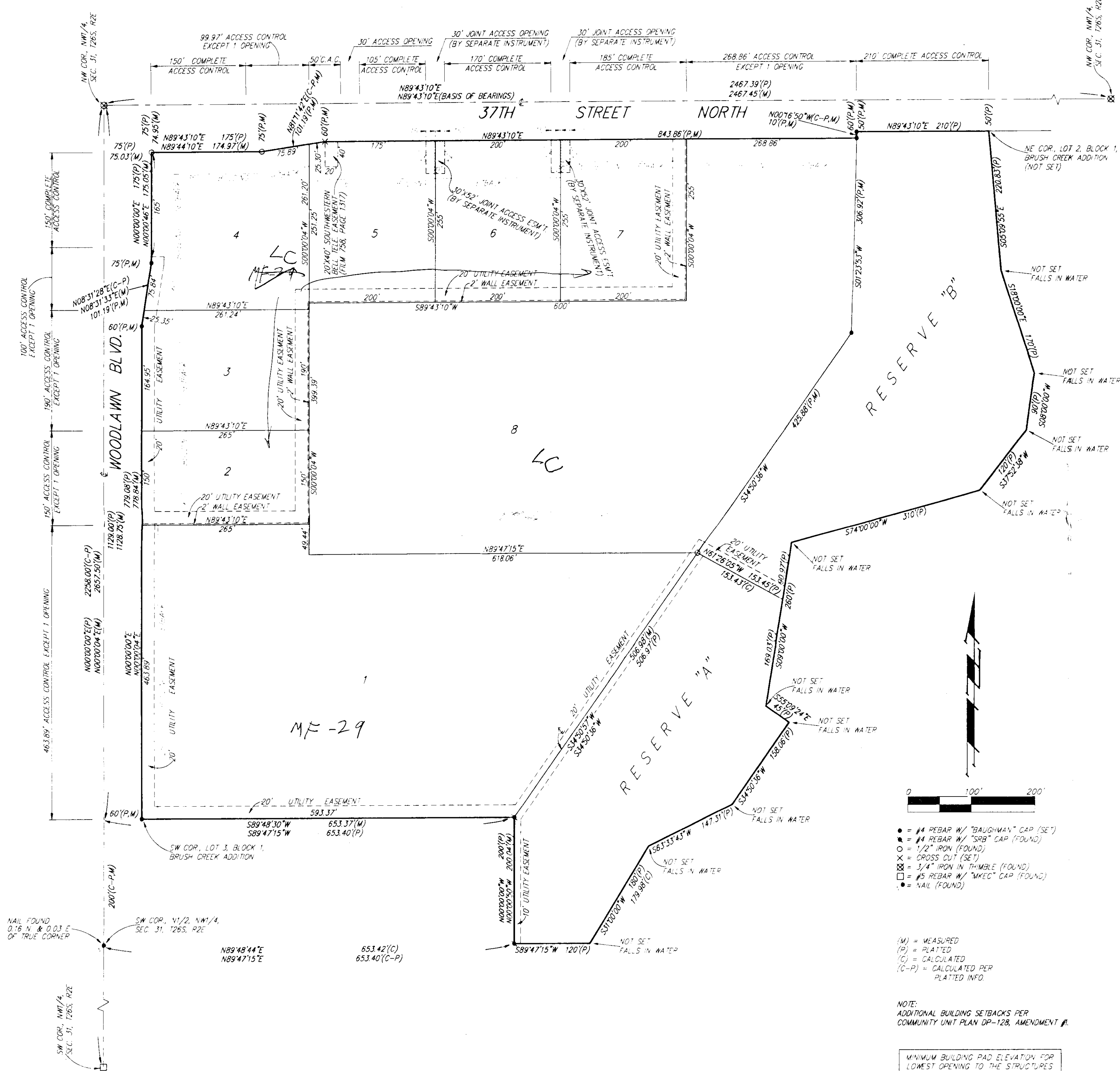


BRUSH CREEK 3RD ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS



State of Kansas) SS We, Baughman Company, P.A., Surveyors in Sedgwick County) and State do hereby certify that we have surveyed and platted "BRUSH CREEK 3RD ADDITION", Wichita, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows: A replat of Lots 1, 2, and 3, Block 1, Brush Creek Addition, Wichita, Kansas.

All being situated in the NW1/4 of Sec. 31, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas.

Existing public easements and dedications being vacated by virtue of K.S.A. 12-512(b).

Baughman Co., P.A.
Michael G. Conrey Surveyor

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots and Reserves to be known as "BRUSH CREEK 3RD ADDITION", Wichita, Sedgwick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The wall easements are hereby granted as indicated for the construction and maintenance of a private wall and utility main lines and service lines shall be allowed to cross these easements. Reserves "A" and "B" are hereby reserved for floodway, drainage purposes, lakes, open space, landscaping, sidewalks, and utilities as confined to easements. Reserve "A" shall be owned and maintained by the owner of Lot 1. Reserve "B" shall be owned and maintained by the owner of Lot 8. The floodway shall be the responsibility of the corresponding owners of said Reserves "A" and "B" until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage, provided further that no building shall be constructed on or within said floodway, nor shall any fill, change of grade, creation of channel, or any other work be carried on without the permission of the appropriate governing body. All abutters rights of access shall be as indicated on the face of the plat and are hereby granted to the City of Wichita, Kansas. The location of all access openings shall be determined by the City Engineer of the City of Wichita, Kansas. The Minimum Building Pad Elevations for the lowest opening to the structures shall be as indicated on the face of the plat.

Brushcreek Community, Joint Venture

Earl L. Steward III William L. Korber

W. B. Carter Construction Co., Inc.

Jack K. Stamp Vice-President

State of Missouri) SS The foregoing instrument acknowledged before me, this 26th day of MAY, 1998, by Earl A. Steward III, a Joint Venturer of Brushcreek Community, Joint Venture, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above written.

DORRIS V. HARRIS Notary Public
My App't. Exp. 11-20-98

State of Kansas) SS The foregoing instrument acknowledged before me, this 5th day of JUNE, 1998, by William L. Korber, a Joint Venturer of Brushcreek Community, Joint Venture, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above written.

JUDITH M. TERHUNE Notary Public
My App't. Exp. 11-7-2001

This plat of "BRUSH CREEK 3RD ADDITION", Wichita, Sedgwick County, Kansas has been submitted to and approved by the Wichita, Sedgwick County, Metropolitan Area Planning Commission, Wichita, Kansas.
Dated this day of 1998.
Wichita-Sedgwick County Metropolitan Area Planning Commission

Richard Lopez, Chairman

Marvin S. Krout, Secretary

This plat approved and all dedications shown hereon accepted by the City Council of the City of Wichita, Kansas, this day of 1998.

Bob Knight, Mayor

Pat Burnett, City Clerk

Entered on transfer record this day of 1998.

James Alford, County Clerk

State of Kansas) SS This is to certify that this plat has been filed for record in the office of the Register of Deeds, this day of 1998, at o'clock M.; and is duly recorded.

Bill Meek, Register of Deeds

Linda Kizzire, Deputy

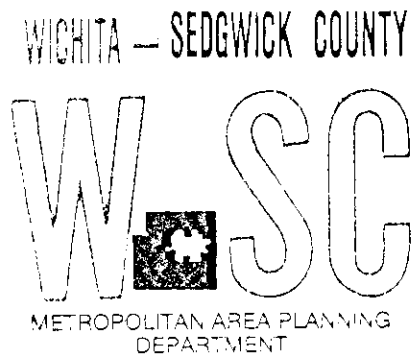
And tracing rect 6-2-98

State of Kansas) SS The foregoing instrument acknowledged before me, this 8th day of JUNE, 1998, by Jack K. Stamp, Vice-President of W.B. Carter Construction Co., Inc., a Joint Venturer of Brushcreek Community, Joint Venture, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above written.

JUDITH M. TERHUNE Notary Public
My App't. Exp. 11-7-2001

JUDITH M. TERHUNE Notary Public
My App't. Exp. 11-7-2001



CITY HALL — TENTH FLOOR
465 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
PHONE 316/258-4421
FAX 316/258-4390

April 17, 1998

Baughman Company PA
315 Ellis
Wichita, KS 67211

Re: S/D 98-26 -- One-Step Final Plat of BRUSH CREEK 2ND ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on April 16, 1998, the above captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of April 10, 1998.

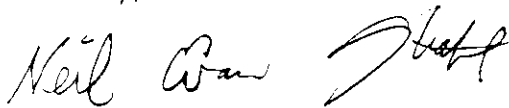
In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the City Council and/or County Commission for consideration:

1. Submission of the fully completed and signed tracing of the subdivision, along with five (5) copies, to the Metropolitan Area Planning Department.
2. Submission of a check, made out to the Register of Deeds, covering the costs of any documents to be recorded as a requirement of platting.
3. Subdivision regulations now require a detailed Lot Grading Plan be submitted to Engineering prior to the tracing being released. This applies to all multi-lot and residential developments.
4. Submission of a disk to the Planning Department detailing this plat. This will be used by the City and County GIS Departments.

Re: S/D 98-26 -- One-Step Final Plat of BRUSH CREEK 2ND ADDITION
April 17, 1998 -- Page 2

Please call if you have any questions.

Sincerely,

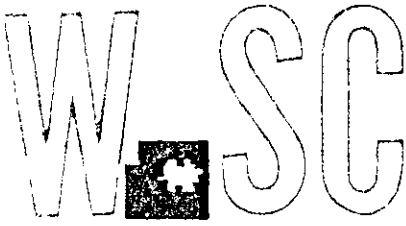
A handwritten signature in black ink, appearing to read "Neil Evan Strahl". The signature is fluid and cursive, with the first and last names being more prominent.

Neil Evan Strahl, AICP
Senior Planner, Current Plans Division

NES\lfb

cc: Brushcreek Community, Attn: William L. Korber, 202 S. Breezy Pointe Circle,
Wichita, KS 67235
Bossier Crossroads, Inc., Attn.: Thomas Wilson, 104 Bossier Crossroads, Bossier City LA 71111
Mike Lindebak, City Engineering, Mail Stop (1-71)
Jim Weber, PE-Director, Sewer Operations & Maintenance Department, Bureau of Public
Services, 1250 S. Seneca, Wichita, KS 67213

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

April 10, 1998

Baughman Company PA
315 Ellis
Wichita, KS 67211

Re: S/D 98-26 -- One-Step Final Plat of BRUSH CREEK 2ND ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, April 9, 1998, the above captioned plat was considered. The action of the Committee was to approve the final plat, subject to the following:

- A. Existing municipal services appear to be available to this site. City Engineering needs to indicate if any other guarantees are required. *A guarantee for sanitary sewer extension is required. A cross-lot drainage agreement is required.*
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. The final tracing should be submitted with a revised name as an Addition now exists with the name "Brush Creek 2nd Addition".
- D. City Engineering needs to comment on the status of the applicant's drainage plan along with the minimum building pad elevations denoted on the plat. *A guarantee for drainage improvements will be required.*
- E. A condition of the CUP was that the access controls *would* be determined at the platting stage. The plat denotes one access opening for the multi-family lot (Lot 1) along Woodlawn. Lots 2, 3 and 4 are platted with one opening for each lot along Woodlawn. Five openings along 37th Street North have been denoted on the plat. The Subdivision regulations encourage shared access points for multiple lot commercial subdivisions along arterials. Traffic Engineering needs to comment on the recommended location of said joint access openings. *Traffic Engineering has approved the access controls as platted.*
- F. The plat shall denote 150 feet of complete access control at the corner of the intersection of Woodlawn and 37th St. North.



- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.
- X. The applicant has indicated a revision in lot sizes will be denoted on the final plat tracing, and a CUP adjustment will be requested. The north-south dimension of Lot 2 will be revised from 173 to 150 feet. Ten (10') feet of Lot 8 will encroach into Lots 5, 6, and 7.

If this plat requires the guaranteeing of improvements, a list of the five methods which have been adopted as being acceptable is available through the Planning Department. Also certificates, which are required if petitions are submitted and forms for the bond and irrevocable Letter of Credit, are also available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 16, 1998, at 1:30 p.m. If you have any questions concerning this matter, please call.

S/D 98-26 -- Final Plat of BRUSH CREEK 2ND ADDITION

April 10, 1998 - Page 4

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Evan Strahl". The signature is fluid and cursive, with the first name "Neil" being the most prominent.

Neil Evan Strahl, AICP

Senior Planner, Current Plans Division

NES\lfb

Enclosure

cc: Brushcreek Community, Attn: William L. Korber, 202 S. Breezy Pointe Circle, Wichita, KS 67235
Bossier Crossroads, Inc., Attn.: Thomas Wilson, 104 Bossier Crossroads, Bossier City LA 71111
Mike Lindebak, City Engineering, Mail Stop (1-71)
Jim Weber, PE-Director, Sewer Operations & Maintenance Department, Bureau of Public Services,
1250 S. Seneca, Wichita, KS 67213

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2-4

April 16, 1998

STAFF REPORT

(One-Step Final Plat-Approved 4/9/98)

CASE NUMBER: S/D 98-26 - BRUSH CREEK 2nd ADDITION

OWNER/APPLICANT: Brushcreek Community, Attn: William L. Korber, 202 S. Breezy Pointe Circle, Wichita, KS 67235

CONTRACT PURCHASER: Bossier Crossroads, Inc., Attn: Thomas Wilson, 104 Bossier Crossroads, Bossier City, LA 71111

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LOCATION: Southeast corner of 37th Street North and Woodlawn

SITE SIZE: 30.43 acres

NUMBER OF LOTS

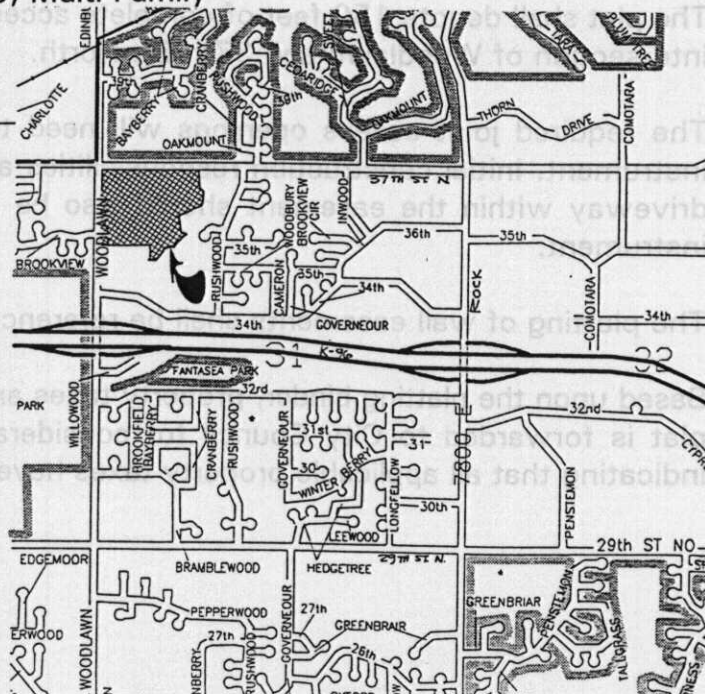
Residential: 1
Office:
Commercial: 7
Industrial:
Total: 8

MINIMUM LOT AREA: 45,845 sq.ft.

CURRENT ZONING: LC, Limited Commercial
MF-29, Multi-Family

PROPOSED ZONING: Same

VICINITY MAP



Note: This site is governed by the Brush Creek Commercial and Residential Community Unit Plan (DP-128 Amendment #1) approved March 12, 1998.

STAFF COMMENTS:

- A. Existing municipal services appear to be available to this site. City Engineering needs to indicate if any other guarantees are required. **A guarantee for sanitary sewer extension is required. A cross-lot drainage agreement is required.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. The final tracing should be submitted with a revised name as an Addition now exists with the name "Brush Creek 2nd Addition".
- D. City Engineering needs to comment on the status of the applicant's drainage plan along with the minimum building pad elevations denoted on the plat. **A guarantee for drainage improvements will be required.**
- E. A condition of the CUP was that the access controls *would* be determined at the platting stage. The plat denotes one access opening for the multi-family lot (Lot 1) along Woodlawn. Lots 2, 3 and 4 are platted with one opening for each lot along Woodlawn. Five openings along 37th Street North have been denoted on the plat. The Subdivision regulations encourage shared access points for multiple lot commercial subdivisions along arterials. Traffic Engineering needs to comment on the recommended location of said joint access openings. **Traffic Engineering has approved the access controls as platted.**
- F. The plat shall denote 150 feet of complete access control at the corner of the intersection of Woodlawn and 37th St. North.
- G. The required joint access openings will need to be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- H. The platting of wall easements shall be referenced in the platting's text.
- I. Based upon the platting binder, property taxes are still outstanding. Before the plat is forwarded to City Council for consideration, proof shall be provided indicating that all applicable property taxes have been paid.

- J. On the final plat tracing, since the site is within the City limits of Wichita, the platlor's text shall note that the access controls are being dedicated to the City of Wichita and that the location of the openings are subject to the approval of the City Engineer. Distances should be shown for all segments of access control.
- K. The CUP required at a minimum, the following off-site road improvements: extended left-turn lanes to serve the entrances to the apartment development, acceleration/deceleration lanes, provision of adequate stacking distance for the gated entrances to the apartment development. Traffic Engineering needs to indicate the need for any additional improvements.
- L. For the reserves being platted for drainage purposes, the platlor's text shall include language that grants to the City the authority to maintain the drainage reserves in the event the owners fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- M. A CUP Certificate shall be submitted to MAPD for recording with the Register of Deeds prior to City Council consideration, identifying the approved CUP (referenced as the Brush Creek Commercial and Residential Community Unit Plan (DP-128 Amendment #1) and its special conditions for development on this property.
- N. The final plat tracing shall reference a tie point to a section corner.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- R. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.
- X. The applicant has indicated a revision in lot sizes will be denoted on the final plat tracing, and a CUP adjustment will be requested. The north-south dimension of Lot 2 will be revised from 173 to 150 feet. Ten (10') feet of Lot 8 will encroach into Lots 5, 6, and 7.**