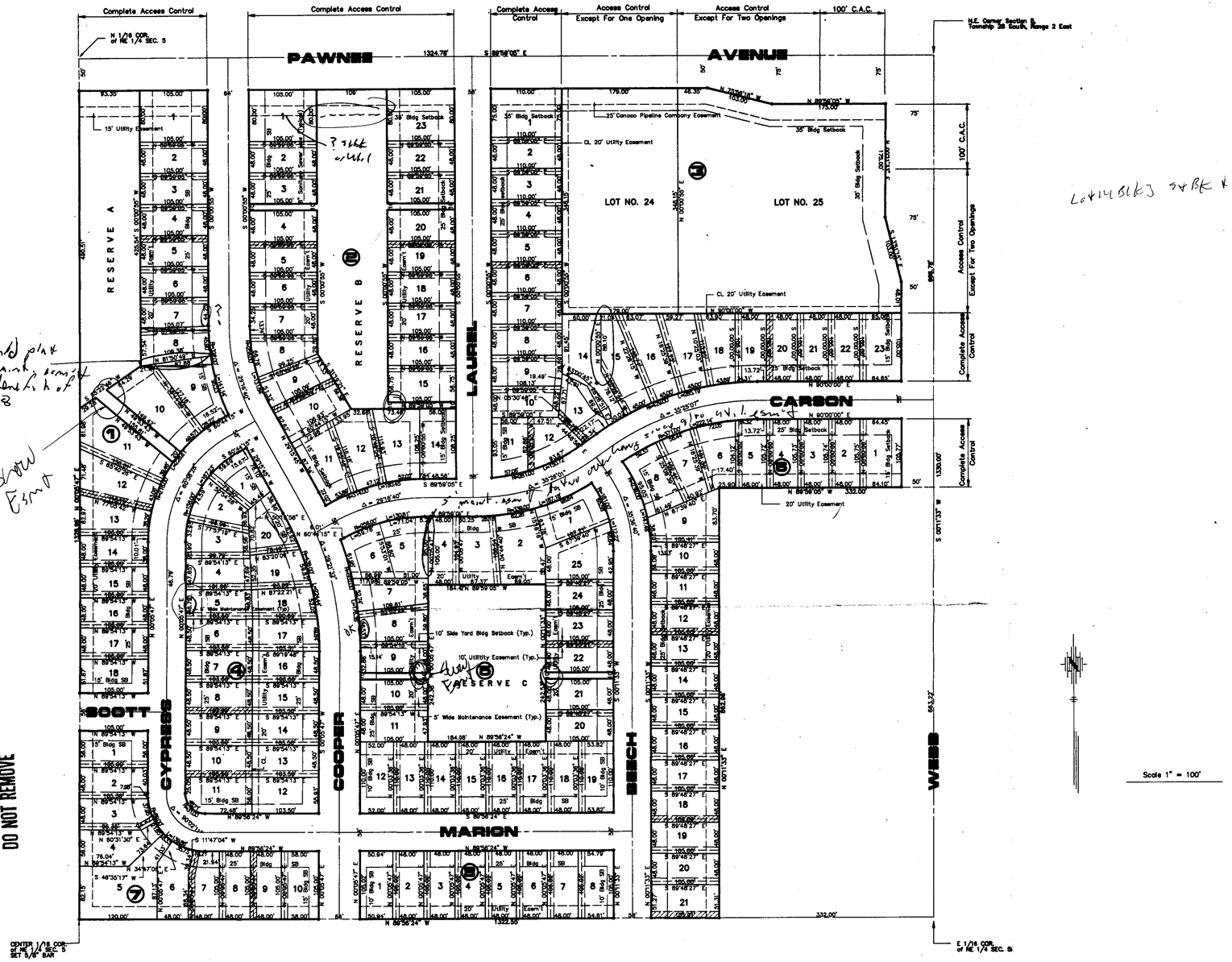


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THIS PLAT APPROVED BY THE SUBDIVISION COMMITTEE ON 4/18/91 SUBJECT TO THE CONDITIONS OF APPROVAL OUTLINED IN OUR LETTER DATED 4/19/91

FINAL PLAT

COTTAGE GARDENS

AN ADDITION TO WICHITA - SEDGWICK COUNTY, KANSAS

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

I, Kenny E. Hill, being a duly licensed Land Surveyor in said County and State, do hereby certify that I have been in responsible charge of surveying and platting "COTTAGE GARDENS" an addition to Wichita, Kansas, being described as follows:

Beginning at the Northeast corner of the Northeast Quarter (NE1/4) of Section 5, Township 28 South, Range 2 East of the 6th P.M. Sedgwick County, Kansas; thence S 0° 11' 33" W 666.78 feet on the East line of said Northeast Quarter; thence N 89° 59' 05" W 332.00 feet; thence S 0° 11' 33" W 664.00 feet to a point on the South line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 5; thence N 89° 56' 24" W 990.55 feet to the Southwest corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 5; thence N 0° 05' 47" E 1328.96 feet to the Northwest corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 5; thence S 89° 59' 05" E 1324.78 feet to the point of beginning, containing 35.34 acres more or less.

The accompanying plat is a true and correct exhibit of property surveyed.

Dated this _____ day of _____, 1991.

Kenny E. Hill, L.S.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, have caused the land described in the Surveyor's Certificate to be platted into lots, blocks, streets and reserves. The streets are hereby dedicated to and for the use of the public. Easements are hereby granted as indicated for the construction and maintenance of drainage and utilities. Reserves A, B and C are hereby reserved for common open area and for the construction and maintenance of drainage improvements. The Reserves are to be owned and maintained by a property owners association consisting of all of the owners of property in this addition. All abutters' rights of access to or from Pawnee Avenue or Webb Road over and across the North line of Lot 1, Block 1, the North line of Block 2, the North line of Lot 1, Block 3, the East line of Lot 23, Block 3, the East line of Lot 1, Block 6, the North line of Lot 24, Block 3, except for one opening, the North and East line of Lot 25, Block 3, except for two openings to Pawnee being at least 100.00 feet West of the Northeast corner of said Lot 25 and except for two openings to Webb Road being at least 100.00 feet South of the Northeast corner of said Lot 25 are hereby granted to the appropriate governing body. 5 foot sideyard maintenance easements and 10 foot sideyard setbacks are hereby granted as indicated for the benefit of the adjoining property to allow maintenance of the structure located adjacent to the maintenance easement and that the sideyard setback provides for the proper separation of adjacent structures on abutting lots. Where there is a change in the boundary between adjoining lots, no part of a zero line structure, except for a roof overhang, shall encroach into a maintenance access easement and a sideyard setback unless the owners of the adjoining lots supersede the maintenance access easement and sideyard setback with a new private maintenance access easement or sideyard setback. The new private maintenance access easement and sideyard setback shall be recorded and be a minimum of 5 feet in width for the maintenance easement and 10 feet minimum for the sideyard setback and shall specifically state that it supersedes the maintenance access easement and sideyard setback shown on the plat.

Devoe Treadwell

Thea Treadwell

Walter O. Johnson

Avis M. Johnson

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

This instrument was acknowledged before me on this _____, day of _____, 1991, by Devoe Treadwell and Thea Treadwell his wife, also by Walter O. Johnson and Avis M. Johnson his wife.

Notary Public

My Appointment Expires:

This plat of COTTAGE GARDENS an addition to Wichita, Sedgwick County, Kansas has been submitted to and approved by this WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, Wichita, Kansas.

Dated this _____, day of _____, 1991.

WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

George D. Sherman, 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 _____, 1991.

Bob Knight, Mayor

Pat Burnett, Deputy City Clerk

Entered on transfer record this _____, day of _____, 1991.

Don Wright, County Clerk

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____ A.M.-P.M. on the _____, day of _____, 1991.

Pat Kettler, Register of Deeds

Ed Resa, Chief Deputy

WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

April 26, 1991

Kenny Hill
Poe & Associates of Kansas, Inc.
434 North Oliver, Suite 110
Wichita, KS 67208

Re: S/D 90-64 (Final Plat) Cottage Gardens Addition

Dear Kenny:

At the regular meeting of the Metropolitan Area Planning Commission on April 25, 1991, 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 19, 1991. A motion at the MAPC meeting moved that this plat be approved subject to the original requirement for rezoning the area of "LC" to "AA."

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 for consideration:

1. Submission of the fully completed and signed tracing of the subdivision 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.

Please call if you have any questions.

Sincerely,

Kandace A. Jones

Kandace A. Jones
Associate Planner

KJ:sm

cc: Devoe Treadwell, 9525 E. Pawnee, Wichita, KS
Mike Lindebak, City Engineer
Ray M. Jacoby, 418 S. Forestview Ct., Wichita, KS 67235

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Z. The utility easement and/or setback along the north line of the residential lots and Reserve B adjacent to Pawnee shall be clearly labeled with the dimension of the setback (35-feet), or of an easement. It shall be clearly indicated as such. In particular if an easement is to cross Reserve B, and shall be shown along the north end of this Reserve and Lots 1 and 23 either side of the Reserve.

AA. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property. Since the noise impact boundary for McConnell AFB is just at the western edge of this site, the applicant may request that Planning make a more detailed review of the site to determine how much of the site is involved.

BB. The applicant shall submit a copy of this site's drainage plan to County Engineering, for their files.

CC. 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.

DD. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

EE. 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.

FF. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).

GG. Recording of the plat within 30 days after approval by the City Council.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2-7

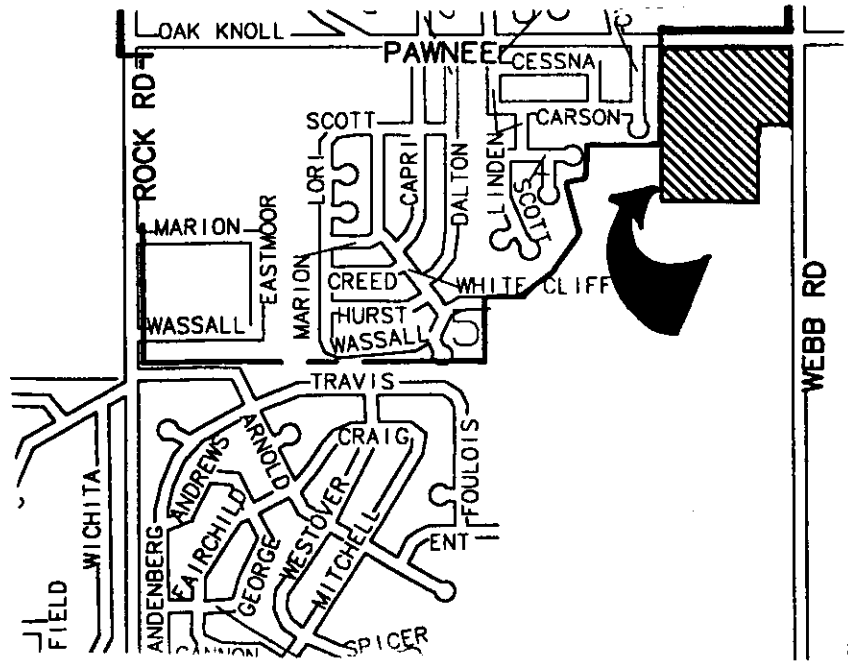
April 25, 1991

STAFF REPORT
(Final Plat Approved 4/18/91,
Preliminary Plat Approved 2/21/91)

CASE NUMBER:	**S/D 90-64 - COTTAGE GARDENS ADDITION**
OWNER/APPLICANT:	Devoe Treadwell, 9525 E. Pawnee, Wichita, KS
SURVEYOR/ENGINEER:	Poe & Associates of Kansas, Inc., 434 North Oliver, Suite 110, Wichita, KS 67208
LOCATION:	Southwest corner of Pawnee and Webb Road
SITE SIZE:	35 Acres
NUMBER OF LOTS	
Residential:	148
Office:	
Commercial:	2
Industrial:	
Total:	150
MINIMUM LOT AREA:	5,040 sq. ft. (Typical)
CURRENT ZONING:	"R-1" Suburban Residential, "LC" Light Commercial
PROPOSED ZONING:	"AA" One Family Dwelling, "LC" Light Commercial

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VICINITY MAP:



STAFF COMMENTS:

A. Prior to this plat being scheduled for City Council review, both the annexation of this site to Wichita and the recommended zone change to "AA" one-family zoning will need to be approved. This site will be subject to any conditions of the annexation and/or zone change. The applicant is advised that if the "LC" zoning is not changed, the plat will need to be revised so that adjacent streets meet requirements for "LC" property (70-foot right-of-way, 41-foot paving, sidewalks at least along the side adjacent to the "LC" zoning).

B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.

C. The applicant shall guarantee the extension of City Water to serve the lots being platted.

D. The applicant shall guarantee any drainage improvements required by the platting of this property.

E. The applicant shall guarantee construction of the storm sewers required by this plat.

F. The applicant shall guarantee the paving of the proposed interior streets. The paving petitions shall also, as required by the sidewalk ordinance, provide for sidewalks along one side of both Cooper and Carson streets. The applicant may if he desires propose an alternate sidewalk system which substantially provides the same level of service as the required sidewalk system.

G. As requested by Traffic Engineering, the following improvements shall be guaranteed for the Commercial portion of the plat; decel lanes along Pawnee and Webb, a left turn lane along Pawnee, and a major entrance on Pawnee or that portion of the entrance in public right-of-way.

H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

I. With the submission of the sketch plat, the applicant indicated an intention to request a waiver of the four, off-street parking space requirement for lots adjacent to narrow streets (58-foot rights-of-way). The applicant has now submitted such a letter to the Planning Department requesting a waiver. This matter will subsequently be forwarded with the plat, to the City Council for its review.

J. As required for a cluster development, the applicant shall either submit for recording a covenant or deed restriction to be approved by the City's Law Department, ensuring the following:

1). That the open space will not be further subdivided in the future;

2). That the use of the open space will continue in perpetuation for the purpose specified; and

3). That the common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

K. A covenant or covenants shall also be submitted which indicates what provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) 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.

L. Depending upon the action of the City Council concerning requirements for off-street parking, the applicant shall submit a covenant which provides for either three (3) or four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.

M. The final plat shall indicate the recording information for the Conoco pipeline easement on this property.

N. On the final plat, the center lines (CL) of Webb and Pawnee shall be labeled.

O. Because of the use of 10-foot sideyard setbacks required for zero lot line development, certain corner lots will be very limited in the buildable area available when a typical 15-foot sideyard setback is also required. It is recommended therefore that a 10-foot sideyard be allowed for a corner lot in cases where the building area would be less than the typical 38 foot areas of the majority of the lots. For example, Lot 8, Block 8 and Lot 19, Block 2 would only have a 30-foot width for building.

P. The present print on the final plat, particularly the dimensions, bearings, size of easements and setbacks, etc. on the face of the plat, are too small for microfilming and are of a size not accepted by the Register of deeds for recording a document. The

final plat tracing shall therefore use a larger print and preferably a more appropriate scale. The detail of this plat may require the tracing to be done on at least 2 sheets.

Q. Except when located on a corner, lot frontages at street right-of-way should meet the minimum standard. For this cluster development a 48-foot frontage should be maintained unless physical constraints can be identified. In particular, Lot 7, Block 1 and Lots 4 and 5, Block 4 should be able to conform to the 48-foot minimum frontage by the shifting of lot lines of adjacent lots.

R. On Lot 15, Block 3, the maintenance easement and zero foot sideyard setback should be continued along this lot's west line in order to allow Lot 14 to use the zero lot line option in the buildable area of this lot. If lot 13 of this Block is also intended to be used for a zero lot line home, a maintenance easement and sideyard setback should be shown along the southwest line of Lot 14.

S. For Lot 4, Block 5 a zero lot line could be allowed if a 5-foot maintenance easement is shown along Lot 5, within the utility easement. However, no roof overhang should be allowed where an overlapping utility easement is also present. Consequently, the plattor's text would need to be amended to indicate that the roof overhang would not be allowed if the 5-foot maintenance easement was also located in a utility easement.

T. On the final plat tracing, where utilities are crossing the Reserves, such as along the north line of Reserve B, the south line of Reserve A, and the two entrances to Reserve C, utility easements shall also be clearly indicated as crossing these Reserves.

U. Easements were requested by the Utilities between: Lots 2 and 3, Block 4, Lots 19 and 20, Block 4 and Lots 4 and 5, Block 6. These easements shall be indicated on the final plat tracing.

V. On the final plat tracing an insert of an enlarged area of lots shall be provided to better indicate the platting of the 5-foot maintenance easement, 10-foot sideyard setback and in certain cases the overlapping utility easements.

W. On the final plat tracing the word "Acting" shall be deleted from the MAPC signature block.

X. The applicant is advised that the buildability of Lot 10, Block 3 is questionable. A 10-foot easement and a 10-feet sideyard setback will leave a buildable width of 28-feet for this lot.

Y. Unless a maintenance easement and sideyard setback are platted on Lot 5, Block 7, this Lot could only be developed for a conventional or non-zero lot line home