

I N T E R O F F I C E M E M O R A N D U M

Date: 26-Nov-1991 08:00pm CST
From: Monty Robson
ROBSON_M
Dept: OCI
Tel No: (316) 268-4460

TO: See Below

Subject: Independent School-Use of Drainage Easement

Attached is a memo from Chris Breitenstein which outlines an option that you might want to propose to Willard Garvey as a potential solution to his use of the drainage easement. You should be aware however, that I showed Lawrence Wells and Willard a copy of this just prior to our meeting at the school on Nov. 20. Willard read it and just walked away without commenting so I couldn't tell what his reaction was--probably didn't like it.

Also, I saw Willard at church sunday, and he said he had gotten a note from you that said you were looking into what you could do about the situation (which he appreciated). Surprisingly, he then said what he thought he would do is just get a permit for putting the road in since the City had already allowed him to pave the drainage easement immediately west of the school buildings. I didn't know if he understood that that basically is the whole issue--that we don't feel that we can issue a permit for what he wants to do. I didn't get into a debate with him but simply dodged the statement by saying that a permit was not required for a road, only if it included parking stalls, since I didn't know how you were planning to respond to him. This couldn't have been new information for him because I am sure that has been explained before. He just said they would then make it a wide road connecting with the swim club parking lot. I guess he was trying to see if I would say that's ok--but I didn't respond. It was a strange conversation to say the least. Anyway, I thought you should know what was said if he says he talked to me about it.

Distribution:

TO: Chris Cherches	(CHERCHES)
CC: Paul Steinbrenner	(STEINBRENNER)
CC: Marvin Krout	(KROUT M)
CC: Steve Lackey	(LACKEY S)
CC: Mike Lindebak	(LINDEBAK M)
CC: Chris Breitenstein	(BREITENSTEI)

The current design section for an improved channel in Gypsum Creek adjacent to the Independence School requires all of the existing drainage easement and then some to have adequate maintenance access.

City staff would be willing to evaluate alternate designs for channel improvements in this area. If the school so chooses it can hire a Licensed Professional Engineer to evaluate other design sections in the area of the school. The Engineer would be required to conduct a hydraulic analysis of a proposed different section which would need to show that the proposed section could pass the 100 year flood with no increase in the base flood elevation. The hydraulic analysis should at a minimum start at Kellogg if not further downstream. If the School chose this option all costs including constructing the proposed alternate channel section would be the responsibility of the School. The channel improvements would need to be completed prior to the City giving up any of its rights in the drainage easement.

This is the same type of arrangement that was required of Frank Carney to construct an office building of West Branch of Gypsum just east of Rock Road.

LAWRENCE E. WELLS, ARCHITECT
254 LAURA, SUITE 205
WICHITA, KANSAS 67211

DATE: September 18, 1991

TO: Chris Brietenstien, Engineering
Bob Jennings, Flood Control
Loren Dienes, Central Inspection

SUBJECT: Paving in Drainage Easement at west and southwesterly Boundry of Bonnie Brea Third Addition.

This memorandum and the accompanying drawings contain a specific request from The Independent School to be allowed to pave a portion of the surface of the Drainage Easement along the west and southwesterly boundary of Bonnie Brae Third Addition. There is a drainage channel coming from the north in the dedicated Street Easement to the west and southwest of this property. No fills would be installed other than leveling except as requested by Flood Control. Specifications for the paving are (1) 4000# rock concrete with a 4" slump; (2) slab would be 6" thick over 2" gravel fill and reinforced with 6x6-6x6 reinforcing mesh installed 2" above the bottom of the slab; (3) there would be one (1) construction joint continually and longitudinally and one (1) construction joint each 150' along the length of the pour; each construction joint would have a #4 rebar, 4' long, installed at 2'-6" centers with one side greased or wrapped with felt for slipping. 2" deep saw cuts, caulked, would be installed 12 1/2' centers along the length of the slab; (4) slab would slope 6" from east to west towards channel; (5) west edge of concrete would follow west and southwesterly line of Drainage Easement, except at two areas of trees as noted on plans. The concrete slab is sufficiently strong to carry Flood Control maintenance equipment and should make their access easier. The Owner understands that Flood Control will be using the pavement for this purpose and agrees.

Currently the paving is needed for and would be used for line up space for cars coming to pick up students at the School. Students attending a private school are not brought to nor picked up by school busses as in Public Schools. They are brought by parents and in car pools. So, there is a build-up or line up of cars extending out onto Douglas Avenue and westward. At times there is a small build up in the south lane of the north side of Douglas. Teachers act as traffic directors to keep traffic flowing as rapidly as possible. They also assist students to the cars in the pick up lanes. Pickup and delivery of students occurs twice a day each for pickups and delivery--4 times. Pictures with this memorandum show this build up. The new paving on the Drainage Easement just west of the last addition is being used as line up space, but is not sufficient as the photos show. The need for additional line up space will increase as the student population in the new addition increases. Currently there are only 23 students enrolled out of space designed for 120 students. The building is designed to house 240 students if the 2nd floor computer room were to be relocated to one of the futlure buildings and the space converted to class rooms.

You need to be aware that the Owners of the Independent School recently filed a variance request to allow line up space to be installed in the front building setback space. This request was opposed by the Planning Department and was rejected by the Area Citizen's Participation Organization. What is being requested is an alternate solution.

The large drawing indicates existing and possible future buildings for the Campus. A running track and a football/soccer field is also planned. Also on the large drawing the location where the picture was taken and direction of view is shown. Each photo is identified by a letter in a circle and an arrow shows the direction of the view. The smaller drawing shows the paving to the west of the latest building and the underground storm sewer drainage system as developed with assistance of the Engineering Department and Flood Control. The pictures also show existing conditions along the Drainage Channel. The pictures show that the existing channel will handle all the water the existing drainage tubes under Douglas Avenue will allow to pass through. The pictures show that the drainage channel adjacent to the area being requested to be paved is at the west side of the channel space-50', more or less, from the west edge of pavement area being requested. The pictures show trees on the east side of the flow channel which are a far greater deterrent to water flow than the paving requested.

It should be explained that there are two easements discussed in this memorandum. First, there is the original "Street Easement" which contains the drainage channel. This shows on the original Bonnie Brae Addition plat. Second, there is the "Drainage Easement" which is the 50' adjacent and easterly of the original street easement left intact by replatting. This occurred when a portion of the original Bonnie Brae plat was replatted into Bonnie Brae Third Addition. This replat vacated a portion of the original "Street Easement" and substituted a "Drainage Easement". Also, for your information, a CUP prepared by Professional Engineering Consultants in 1980-81 for the area now contained in Bonnie Brae Third Addition did not have a 50' drainage easement--only a 25' rear yard setback as lots backed up against the drainage channel. A look at C of W aerial photo 60 47, dated March 1986, shows the Flow Channel of the water as being to the westerly side of the "Street Easement" containing said channel as noted elsewhere in this memorandum.

Your attention is called to the big 30" Sanitary Sewer Submain shown on the drawing. This sewer is mostly located in the "Street Easement" portion of the plats and not in the "Drainage Easement" portion of Bonnie Brae Third Addition. This is especially so for most of the distance of the requested paving. This sewer submain is shown on the drawing.

In summarization, the basic request is for permission to be granted The Independent School to pave on the Drainage Easement as shown on the plans. Your affirmative support and cooperation to this end is requested.

Should there be questions or additional information needed, please let me know. Also, if you have corrections and/or suggestions we will be happy to receive them. Final construction plans will be coordinated through appropriate channels.

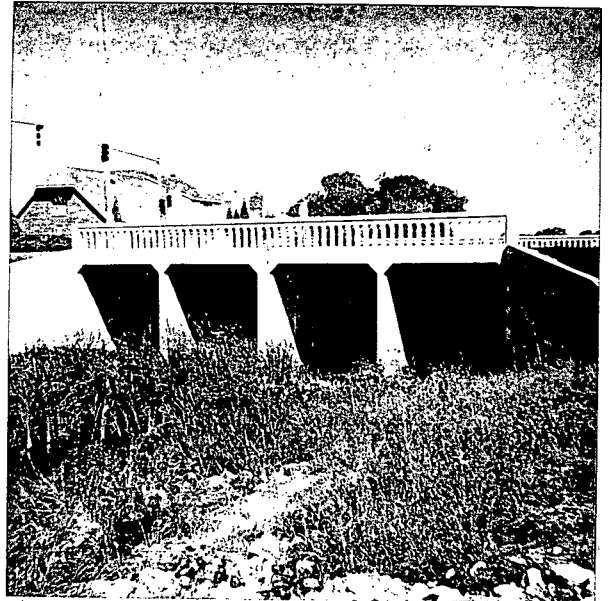
The Independent School

By Lawrence E. Wells
Lawrence E. Wells, Architect



(A)

From Douglas Avenue Bridge looking South showing Drainage Flow Channel.



(B)

Looking Northward at the Douglas Avenue bridge showing tubes for letting water into Drainage Channel.



(C)

Looking North at new pavement west of new building showing new pavement in Drainage Easement.



(D)

Looking southward at trees in Drainage Easement as shown on drawing.



(E)

Looking northwesterly at trees in Drainage Easement as shown on Drawing. Opposite view of trees shown in Picture D.



(F)

Looking southeasterly at trees in Drainage easement as shown on Drawings.



(G)

Looking southwesterly showing Flow Channel to west side of Street Easement. Abundance of trees on West Bank of Flow Channel.



(H)

Looking southeasterly showing distance from area of paving request to Flow Channel.



I.

Looking northwesterly at trees in Drainage Easement as shown on drawings. Opposite view of trees shown in Picture F.



J.

Looking northward at Bank Damage caused by flow from Swim Club parking lot. Requested paving would correct this as shown on drawing.



K.

Looking westerly at additional trees between requested paving and Flow Channel.



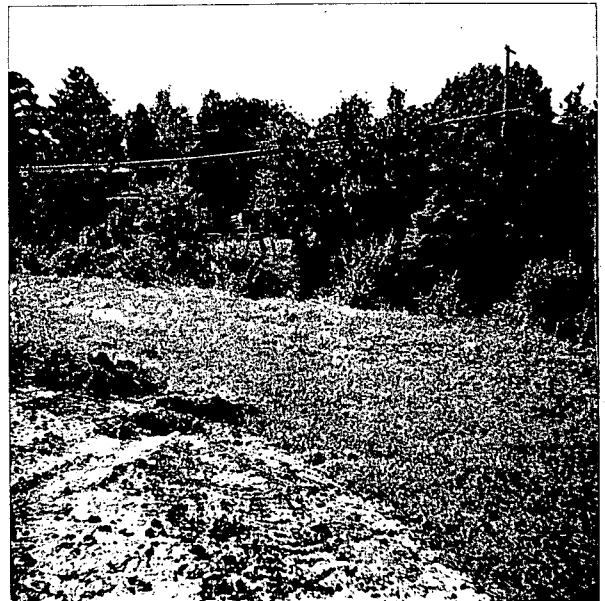
L.

Looking southeasterly at Flow Channel as it leaves requested paving area.



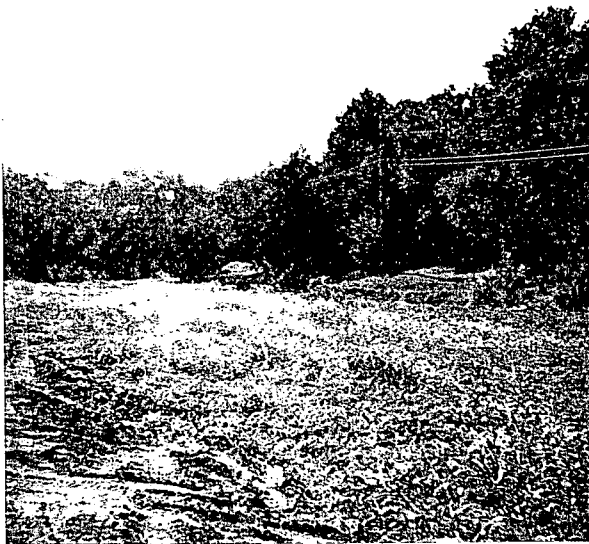
M.

Looking southwesterly indicating movement of Flow Channel to west side of Street Easement. View if just south of trees shown in pictures D & E.



N.

View southerly showing distance from west edge of requested paving to Flow Channel. Disturbed earth indicates location of west edge of requested paving.



O.

View looking southward showing space between west edge of requested paving and Flow Channel. Disturbed earth indicates location of west edge of requested paving.



P.

View looking southeasterly showing space between west edge of requested paving and Flow Channel. Disturbed earth indicates location of west edge of requested paving.



Q.

Looking south at new paving in Drainage Easement west of New Building beginning to be utilized for car line-up to pick up students.



R.

View showing further build up of cars in line up. Approximately same location as picture Q.



S.

View showing continuation of build up of cars in line up. View from across Douglas in same location as pictures Q & R.



T

View looking west showing line up of cars along Douglas Avenue.



U

Additional view looking west showing line up of cars increasing along Douglas Avenue.



V

View looking west of student pick up lanes in front of buildings. These lanes are fed by line ups shown in pictures Q, R, S, T & U.

THE CITY OF WICHITA

OFFICE OF The Maintenance Engineer DATE April 26, 1991

TO Larry D. Henry, P.E., Maintenance Engineer

FROM Bob Jennings, Flood Control/Landfill Supervisor

SUBJECT Recommendations for
Garvey Independent School Expansion

After reviewing the attached plans and taking the attached pictures on site, the following is a positive solution to the planned expansion of the independent school.

A. Require that all drainage (roof top and parking lot) be collected in one drop inlet then conveyed through a storm sewer to the main branch of Gyp Creek. Included in this, there should be a proper outlet flume with headwall. A minimum of 10 square feet of rip rap should be placed even with the channel flow line, preventing channel erosion at the outlet.

B. Require a minimum of 15 feet ingress, egress between the shoulder of the slope and any plantings, fence, parking lot or any other substance that would prevent access south of Douglas on the east side of Gyp Creek for all maintenance activities.

I would not recommend approval unless the above items are included in the construction plans prior to any construction with plans furnished for review and approval.

Bob Jennings

Bob Jennings
Flood Control/Landfill Supervisor

bd/BJ

Lackey -

*Give our comments
to Loren of CID.*

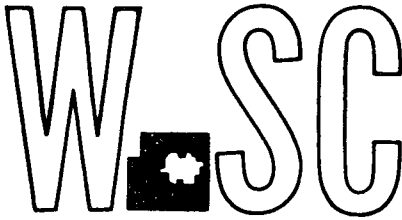
Wichy 5/1/91

*We need to get this drainage
collected and outfall properly into the
channel before we approve add'l expansion
of property. Can you help?*

APR 30 1991

ZH

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

April 3, 1981

Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Ks. 67211

Re: S/D 81-20 - Final plat of the Bonnie Braes *Third Addition*

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on April 2, 1981, the above-captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. Minimum building pads which are satisfactory with the Department of Engineering shall be indicated on the face of the final plat tracing. Appropriate reference shall be made in the plat's text.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As was noted at the time of preliminary plat review, "Complete Access Control" to Douglas Avenue is being dedicated where an existing driveway approach is located. A provision of the associated Bonnie Braes Residential Community Unit Plan (DP-107) provides for the closing of this opening when "the existing single family dwellings are removed or the eastern third of the site is developed with townhouses." With this C.U.P. provision in mind, a guarantee for the closing of the driveway approach is not required as part of platting.
- E. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be used to minimize noise pollution within any habitable buildings built on subject property.
- F. If it is proposed that each dwelling unit will be individually owned, a homeowners' association agreement providing for the ownership and maintenance of the nonpublic common areas (community

RECEIVED

APR 7 1981

Dept. Of Engineering

4-3-81

Page 2

facilities, private drives, parking areas, etc.), shall be submitted to the Planning Department for recording with the final plat.

- G. The applicant shall contact the Gas Service Company in order to locate an existing gas main on this property. An easement shall be shown on the final plat tracing which covers this main.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 9, 1981, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,


Forrest L. Nagley
Junior Planner

FLN:bh

cc: Jean K. Garvey, 8427 E. Douglas, 67207
X Mike Lindebak, City Engineering



MEMO

TO: Mike Lindebak

Program Development Engineer

Department of Engineering

ATTN:

PROJECT NO. 36-80234-576

PROJECT: Bonnie Brae 3rd

Addition

DATE: March 27, 1981

COPIES TO:

Chris Breitenstein

Louise Olivarez

Kristen Hart

Paul Johnston

FROM: Dick Linn

REFERENCE: Minimum pad elevations & drainage
'easement' dedication.

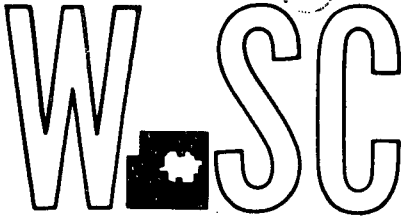
PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

The minimum pad elevations for the above-referenced plat are recommended to be set at 1.0' above the Design Water Surface (Q 100) established by the FIA Flood profiles. Due to the size of the one lot plat and variance in DWS elevation, the minimum pad elevations will be shown at specific points on the plat and intervening pad elevations will be determined by straight line interpolation.

Concern was expressed with respect to the method of dedication for drainage purposes along the west branch of Gypsum Creek. The plat proposes to vacate 60' of the existing street right-of-way of Loch Lomond and re-dedicate the westerly 50' as a drainage easement. The 50' easement combined with the existing 110' Loch Lomond Dedication provides adequate Floodway for the FIA Flood Hazard design storm (Q 100) using the existing channel cross section. The City Legal Department has stated on previous occasions that Drainage 'Dedications' and Drainage 'Easements' are the same for all intents and purposes. The area of concern (on both sides of the issue) is the control of the easement use and maintenance responsibility. The owner desires to grant the 'right-of-way' for drainage as an 'easement' to insure some measure of control and desires to continue to maintain this area. The owners use of the area is restricted and if additional control is desired with respect to prohibition of fencing, landscaping, etc., a covenant can be filed of record (possibly incorporated within the open space maintenance covenant) or language can be incorporated into the plat text.

Attached is a print of the proposed Final Plat with suggested text language. Also shown are the proposed minimum pad elevations.

WICHITA—SEDGWICK COUNTY

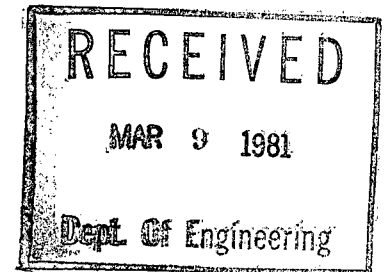


METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 6, 1981

Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Ks. 67211



Re: S/D 81-20 - Preliminary plat - the Bonnie Braes

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission March 5, 1981, the above-captioned plat was considered. The action of the Committee was to approve the preliminary plat and authorize preparation of the final plat subject to the following:

- A. Since there are already recorded plats by the names of Bonnie Brae Addition and Bonnie Brae Second Addition, another name shall be chosen for the final plat of this property.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be used to minimize noise pollution within any habitable buildings built on subject property.
- E. If it is proposed that each dwelling unit will be individually owned, a homeowners' association agreement providing for the ownership and maintenance of the nonpublic common areas (community facilities, private drives, parking areas, etc.) shall be submitted to the Planning Department for recording with the final plat.
- F. 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.
- G. 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.

PEC, P.A.

3-6-81

Page 2

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

Sincerely,

LO

Louise Olivarez
Senior Planner

LO:bh

cc: Jean K. Garvey, 8427 E. Douglas, 67207
✓ Mike Lindebak, City Engineering

S/D NO. 81-20 Name The Bonnie Braes
Date Application Rec'd. 2-20-81 Preliminary Approval _____
Scheduled S/D Meeting 3-5-81

DESCRIPTION

General Location South side of Douglas in an area east of Tara Lane as extended from the north.

Owner Jean K. Garvey
Surveyor/Engineer Professional Engineering Consultants, P.A. (Gary Wiley)
Address 355 Ellis, Wichita, Ks. 67211 Phone 263-1107

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>21.8</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>0-New</u> ft. |
| 3. Minimum Lot Frontage <u>1342.7</u> ft. | 8. Sidewalk adjacent to all streets? <u> </u> yes <u>X</u> no |
| 4. Minimum Lot Area <u>20.2</u> acres | |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>AA (DP-107)</u> | |
| 9. Public Water Supply <u>Yes(Yes-No)</u> , 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>N/A</u> (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u> </u> | |

STAFF COMMENTS:

Note: This property is subject to the conditions of the Bonnie Braes Residential Community Unit Plan (DP-107).

- A. The representative from the Department of Engineering should be prepared to comment on the status of the applicant's drainage concept plan.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As can be noted on the preliminary plat, "Complete Access Control" to Douglas Avenue is being dedicated across from Longford Lane to the north. An existing driveway approach to Douglas exists within this area. A provision of the associated C.U.P. provides for the closing of this opening when "the existing single family dwellings are removed or the eastern third of the site is developed with townhouses." With this C.U.P. provision in mind, a guarantee for the closing of the driveway approach is not required as part of platting.
- E. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be used to minimize noise pollution within any habitable buildings built on subject property.
- F. If it is proposed that each dwelling unit will be individually owned, a homeowners' association agreement providing for the ownership and maintenance of the nonpublic common areas (community facilities, private drives, parking areas, etc.) shall be submitted to the Planning Department for recording with the final plat.
- G. 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.
- H. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 81-20 Name Bonnie Brae Third Addition
Date Application Rec'd. 2-20-81 Preliminary Approval 3-5-81
Scheduled S/D Meeting 4-2-81

DESCRIPTION

General Location South side of Douglas in an area east of Tara Lane as, extended from the north
Owner Jean K. Garvey
Surveyor/Engineer Professional Engineering Consultants, P.A. (Gary Wiley)
Address 355 Ellis, Wichita, Ks. 67211 Phone 263-1107

1. Gross Acreage of Plat 21.8
2. Number of Lots:
Residential 1
Commercial _____
Industrial _____
Other _____
Total Number of Lots 1
3. Minimum Lot Frontage 1342.7 ft.
4. Minimum Lot Area 21.5 ft.
5. Existing Zoning AA
6. Proposed Zoning AA (DP-107)

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-New 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) N/A (Yes-No)
12. City of Wichita X: Three-Mile Area _____

STAFF COMMENTS:

NOTE: A preliminary plat for this property was approved on March 5, 1981, with the name of The Bonnie Braes. In order to avoid plat name duplication, Bonnie Brae Third has been chosen as the name for this final plat.

- A. The representative from the City Engineer's Office should be prepared to comment on the status of the applicant's final drainage plan and state if any drainage improvements or minimum pad elevations are required. It should be noted that what was shown on the preliminary plat as drainage right-of-way is now shown as a drainage easement and the floodway is no longer shown on the plat. Engineering and Flood Control will be asked to comment on this.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As was noted at the time of preliminary plat review, "Complete Access Control" to Douglas Avenue is being dedicated where an existing driveway approach is located. A provision of the associated Bonnie Braes Residential Community Unit Plan (DP-107) provides for the closing of this opening when "the existing single family dwellings are removed or the eastern third of the site is developed with townhouses." With this C.U.P. provision in mind, a guarantee for the closing of the driveway approach is not required as part of platting.
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- F. If it is proposed that each dwelling unit will be individually owned, a homeowners' association agreement providing for the ownership and maintenance of the nonpublic common areas (community

facilities, private drives, parking areas, etc.), shall be submitted to the Planning Department for recording with the final plat.

- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.