

January 7, 1988

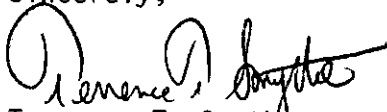
Mr. Carl Gibson
Engineering Department
455 North Main
City Hall
Wichita, KS 67202

Dear Carl:

As per our conversation earlier, I have enclosed two copies of the encroachment agreements signed by the property owner, Mr. Sam Henderson. I would appreciate it if after the approval by the City Council and all signatures are collected that you return a copy to me for my files. In turn, I will forward a copy to the property owner.

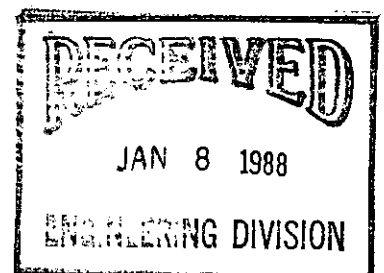
If you have a question, please call.

Sincerely,



Terrence T. Smythe
Manager of Residential
Land Development

TTS:lg
Enclosures



AGREEMENT

THIS AGREEMENT made this _____ day of _____,
19____, BY AND BETWEEN

THE CITY OF WICHITA, KANSAS, hereinafter called
"PARTY OF THE FIRST PART"
AND
SAMUEL R. HENDERSON, hereinafter called
"PARTY OF THE SECOND PART"

WITNESSETH:

WHEREAS, the public has been granted an easement for purposes of constructing and maintaining a sanitary sewer described as follows:

A 20.00 foot utility easement located on Lot 25, Block 1, Bluestem Village Second, an addition to Wichita, Sedgwick County, Kansas, and lying 10.00 feet on either side of a line described as follows:

Beginning at a point on the northerly line of said Lot 25, 23.08 feet S 70° 06' 30" E, from the Northwest corner of said Lot 25; thence S 19° 53' 30" W, 52.38 feet to a point on the Southerly line of said Lot 25 and 15.48 feet, S 70° 06' 30" E, from the Southwest corner of said Lot 25 for the point for the point of termination, and,

WHEREAS, the Party of the First Part has constructed and maintained a sanitary sewer in said easement; and

WHEREAS, Party of the Second Part has constructed improvements that are now in place over a portion of the above-described easement, as shown on attached Exhibit A.

NOW, THEREFORE, in consideration of the premises and the several mutual and reciprocal promises of the parties, it is agreed as follows:

- (1) The Party of the First Part hereby agrees to permit the Party of the Second Part to continue to occupy, with the existing improvements, the aforesaid public easement, and specifically waives any and all rights of action in law or equity against the Party of the Second Part, arising out of the Party of the Second Part's occupancy and encroachment over said easement.
- (2) The Party of the Second Part agrees to reimburse the Party of the First Part for any costs that result from inspection, maintenance and repair of the sanitary sewer that are over and above ordinary costs for inspecting, maintaining, and repairing sanitary sewers that is a direct result of Party of the Second Part's building and improvements being located over and upon the easement as shown in Exhibit A attached hereto. Party of the First Part may order the sewer to be replaced, in the same location or in a different location, at any time repairs of the sanitary sewer located under said improvements are determined to be impossible or impractical due to the sewer's condition or to the length of time required to make a repair to the sewer, as determined by Party of the First Part. Party of the Second Part shall reimburse Party of the First Part for any costs incurred for replacing said sewer that are over and above the costs that would have been incurred if Party of the Second Part's improvements had not been located over and upon said easements. Party of the Second Part agrees to make such reimbursement by a cash payment within thirty (30) days of receiving notice of such cost from the City, said cost to be billed after completion of the replacement of said sewer or after repairs to said sewer have been made.

Party of the Second Part agrees to accepting a special assessment for any reimbursement costs due herein that have not been paid by Party of the Second Part to Party of the First Part within said thirty (30) days time period.

The Party of the Second Part, at its option, may clear the easement to permit the Party of the First Part to repair the sewer or may pay the cost of tunneling under the improvement to repair the sewer.

- (3) The Party of the Second Part agrees to protect and indemnify adjacent property owners against any increased cost that may accrue to them, due to the necessity of laying sewer line of greater distance to avoid connecting under any improvements, or the increased costs which might be incurred because of the difficulty of connecting beneath any improvements that may be built on, over and across said easement.
- (4) The Party of the Second Part agrees to indemnify and hold harmless the Party of the First Part from any and all claims resulting from the leaking, cave-in or other failure of said sewer lying under the improvements as shown in Exhibit A as the Party of the Second Part occupies that portion of said easement. The Party of the Second Part's agreement to indemnify and hold harmless the Party of the First Part shall include any damage suffered to the property of the Party of the Second Part that results from the leaking, cave-in or other failure of said sewer laying under the improvements as shown in Exhibit A.
- (5) This agreement shall terminate upon the removal of the improvements located over the easement.
- (6) This agreement shall not become effective until the Party of the Second Part has caused to be recorded this original instrument with the Register of Deeds, Sedgwick County, Kansas, and has caused to be furnished to the Party of the First Part a duplicate recorded copy of this agreement. This agreement may be terminated by the Party of the First Part upon failure of the Party of the Second Part to comply with all of the terms of this agreement.
- (7) The provisions contained herein are to be construed as covenants running with the land and may be enforced against any titleholder of the within described premises, so long as the structures contemplated by this agreement are in existence.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names the day and year first above written.

THE CITY OF WICHITA, KANSAS

BY _____ Mayor
Party of the First Part

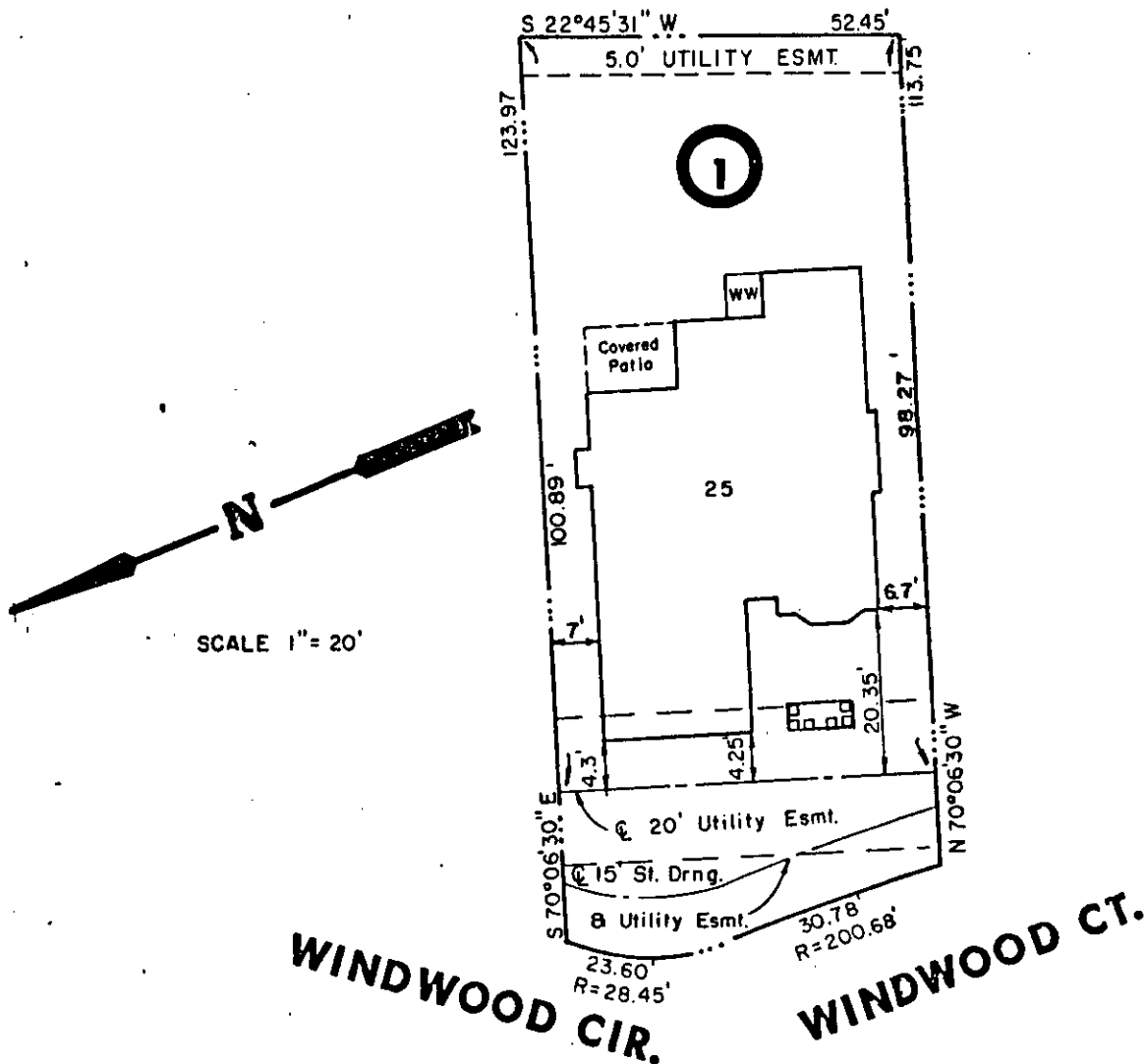
ATTEST:

City Clerk

Approved As To Form:

Thomas R. ...
Director of Law

Samuel R. Henderson
SAMUEL R. HENDERSON
Party of the Second Part



• 8015 WINDWOOD CIRCLE •

Lot 25, Block 1, Bluestem Village Second, an addition to Wichita, Sedgwick County, Kansas.

I Allen D. Lowry, being a duly registered land surveyor in Kansas, do hereby certify that I have been in responsible charge of the survey for the above described property, and that there are no encroachments to or from said property. Except the garage encroaches 5.7' into the 20.00 utility easement.

Allen D. Lowry
 Allen D. Lowry
 RLS #755

Jan. 12, 1987
 Date



MID-LEVELS ENGINEERING CONSULTANTS PA
 3500 NORTH POCK ROAD
 BUILDING 1000
 WICHITA, KANSAS 67208 682-4561

B-1

EASEMENT

THIS EASEMENT made this 4th day of February, 1986, by and between Slawson Investment Corporation of the first part and the City of Wichita, of the second part.

WITNESSETH: that the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right of way and easement for the purpose of constructing, maintaining and repairing their DRAINAGE over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

A strip of land lying within the southwest quarter of Section 5, Township 27 south, Range 2 east of the 6th P.M., described as follows:

The east 20.00 feet of the west 77.00 feet of said southwest quarter from the south line of Bluestem Village Second, an addition to Wichita, Sedgwick County, Kansas, to a point 65.00 feet south thereof.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining and repairing their DRAINAGE.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

SLAWSON INVESTMENT CORPORATION

By: Larry A. Chambers
Larry A. Chambers, Vice President

STATE OF KANSAS

ss:

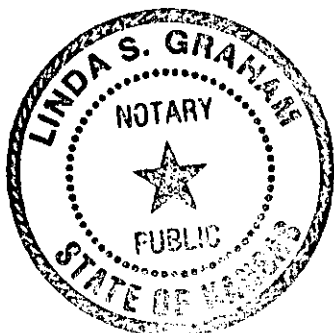
SEDGWICK COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid came Larry A. Chambers, Vice President, Slawson Investment Corporation to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

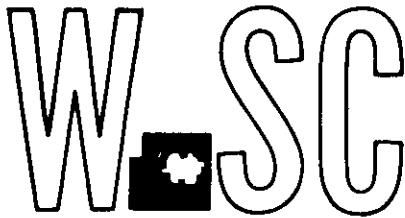
Dated at Wichita this 4th day of February, 1986.

Linda S. Graham
Notary Public Linda S. Graham

My Appointment Expires: 2-9-90



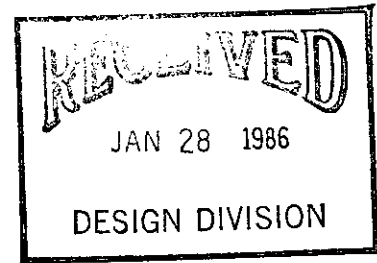
WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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

January 24, 1986



Mid-Kansas Engineering Consultants, P.A.
3500 N. Rock Road, #800
Wichita, KS 67226

Re: S/D 85-69 - Final Plat of Bluestem Village
Second Addition.

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on January 23, 1986, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of January 17, 1986.

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:

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor.
3. Certification that all real estate taxes for 1985 and all prior years have been paid.

Please call if you have any questions.

Very truly yours,

Barbara R. Bonanni
Junior Planner

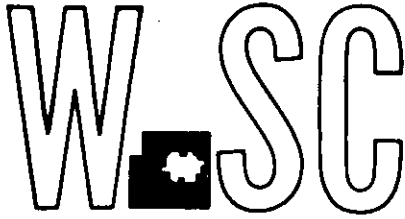
BRB:mlh

cc: Tallgrass Company, 8100 E. 22nd Street North, Bldg. 1900, Wichita,
KS 67226

Bill G. Yung Design, 8225 E. 35th Street North, Wichita, KS 67226
Mike Lindebak, City Engineer

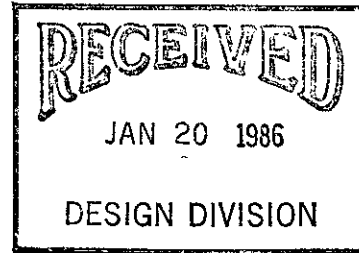
C
O
P
Y

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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



January 17, 1986

Mid-Kansas Engineering Consultants, P.A.
3500 N. Rock Road, #800
Wichita, KS 67226

Re: S/D 85-69 - Final Plat of Bluestem Village Second Addition.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, January 16, 1986, the above-captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City Water to serve the lots being platted.
- C. The applicant shall guarantee construction of the storm sewers required by this plat.
- D. The applicant shall guarantee the paving of the narrow public streets to the 29-foot public street standard. The narrow public street serving Lots 25 thru 29 shall be guaranteed to the 25-foot paving standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The applicant shall submit a covenant which provides for 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.

C
O
P
Y

Mid-Kansas Engineering Consultants, P.A.

Re: S/D 85-69 - Final Plat of Bluestem Village Second Addition.

January 17, 1986

Page 2

- G. 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.
- H. 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 structure constructed on subject property.
- I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within the easement shall be reviewed by the City Forestry Division prior to installation.
- J. On the final plat tracing, the "15-foot street, drainage and utility easement" shall be shown through those reserves which are being platted adjacent to the public streets.
- K. The final plat tracing shall reference, in the plattor's text, the dedication of the street to and for the use of the public.
- L. On the final plat tracing, proper reference shall be made in the plattor's text to the granting of the emergency access easement.
- M. On the final plat tracing, the street easement being granted shall be mentioned in the plattor's text. The following wording is suggested, "Easements for street, drainage, and construction and maintenance of public utilities, as indicated on the accompanying plat, are hereby granted."
- N. On the final plat tracing, the wall easement on Lot 29 shall be labeled.
- O. On the final plat tracing, the recording information for the 5-foot wide K.G.& E. easement along Rock Road shall be referenced.
- P. On the final plat tracing, Windwood Way, adjacent to Lots 25 thru 29, shall be labeled Windwood Court. The "Way" suffix is reserved for denoting private streets.

Mid-Kansas Engineering Consultants, P.A.

Re: S/D 85-69 - Final Plat of Bluestem Village Second Addition.

January 17, 1986

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- Q. Since building setbacks are being platted as a part of this plat, the south-easterly line of the utility easement, on the front of Lots 12 thru 22, shall also be labeled as a building setback line.
- R. Since this replat leaves out a small portion of Lot 1, Block 1, Silverleaf Addition, to the east of the east line of this replat, it is required that the applicant vacate, by separate instrument, this remaining portion of a platted lot. A revised vacation petition shall be submitted for this vacation case (V-1359) which references the new name and signature of the new owner of this property. This case will be forwarded to the City Commission after the Bluestem Village Second plat has been approved by the City Commission.
- S. Item 13 of the General Provisions of DP-96 states that the development of a parcel with a land use not illustrated on the Community Unit Plan requires the submission of a site plan for approval by the Director of Planning. The present C.U.P. depicts development of this parcel with townhouses. Since the applicant now proposes patio homes on this property, a revised site plan shall be approved by the Director of Planning prior to the submission of the plat for scheduling before the Board of City Commissioners.
- T. The applicant shall obtain the off-site drainage easements required by the drainage plan for this property.
- U. The final plat tracing shall indicate sufficient right-of-way for the Windwood/Rock Road intersection. This modified intersection alignment shall be approved by City Engineering prior to submitting this plat for scheduling before the City Commission.
- V. On the final plat tracing, the 2-foot wide wall easement shall not be included within the perimeter of a utility easement on Lots 5, 6, 7 and 8.
- W. On the final plat tracing, the utility easement, adjacent to the east line of the wall easement on Lot 29, shall be labeled as a "drainage easement."
- X. On the final plat tracing, the street, drainage and utility easement on the front of Lots 23 and 24 shall be increased in size so it touches the northerly line of the existing 20-foot wide utility easement on the subject lots.
- Y. On the final plat tracing, additional drainage easement shall be provided on Lot 15 as per the requirements of the drainage plan for this property.

Mid-Kansas Engineering Consultants, P.A.

Re: S/D 85-69 - Final Plat of Bluestem Village Second Addition.

January 17, 1986

Page 4

- Z. On the final plat tracing, the heavy solid line across the Windwood Circle/Rock Road intersection shall be removed. This type of notation is used to denote the platting of a reserve for private street purposes.
- AA. As requested by K.G. & E., the final plat tracing shall indicate a 10-foot utility easement adjacent to the south line of Lot 13.
- BB. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(C).
- CC. 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, January 23, 1986 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,


Forrest L. Nagley
Senior Planner

FLN:mlh

Enclosure

cc: Tallgrass Company, 8100 E. 22nd Street North, Bldg. 1900, Wichita,
KS 67226
• Bill G. Yung Design, 8225 E. 35th Street North, Wichita, KS 67226
✓ Mike Lindebak, City Engineer

25.26' 25.00'

N89°05'57"E 206.10' N89°05'57"E 117.08'

RESERVE "A"

KG & E ESMT (Film 584, Page 449)

SECTION LINE

OXFORD

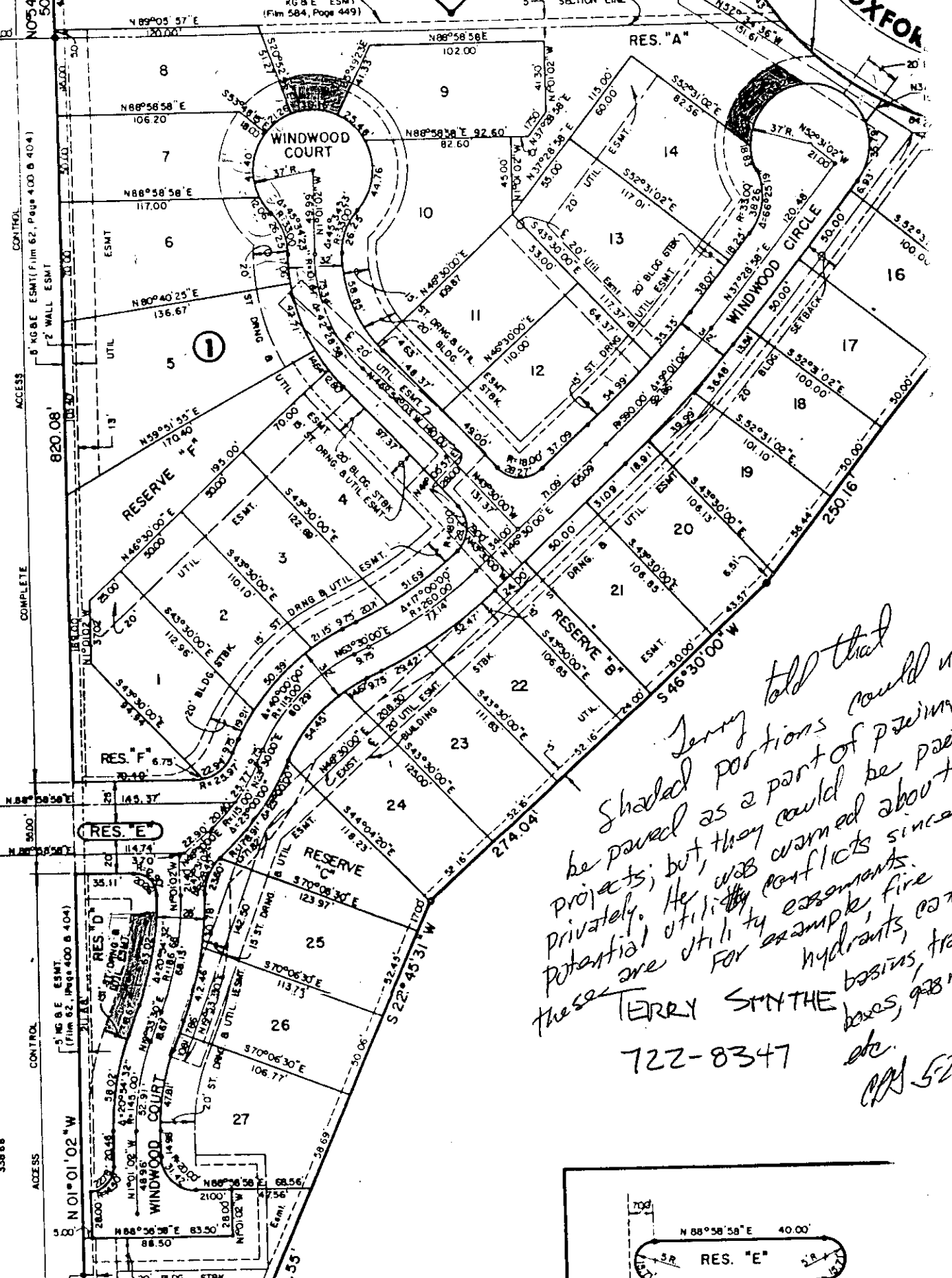
WINDWOOD COURT

RES. "A"

WINDWOOD CIRCLE

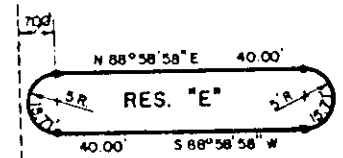
ROAD

ROAD

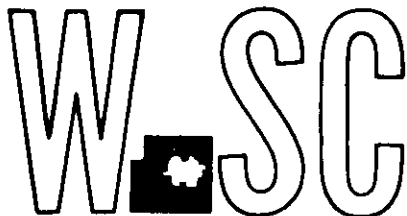


Jerry told that shaded portions could not be paved as a part of paving projects; but, they could be paved privately. He was warned about potential utility conflicts since these are utility easements. For example, fire hydrants, overhead bases, transformers, gas meters, etc.

TERRY SMYTHE
722-8347
CNS 5-28-86



WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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

December 6, 1985

Bill G. Yung Design
8225 E. 35th Street North
Wichita, KS 67226

Re: S/D 85-69 - Preliminary Plat of Bluestem Colony Addition.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, December 5, 1985, 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 guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City Water to serve the lots being platted.
- C. The applicant shall guarantee construction of the storm sewers required by this plat.
- D. The applicant shall guarantee the paving of the proposed private streets within Reserve "C" to the 29-foot public street standard. The private street proposed to serve Lots 25 thru 29 shall be guaranteed to the 25-foot (back-of-curb to back-of-curb) public street paving standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit within this plat. 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.

C
O
P
Y

Bill G. Yung Design

Re: S/D 85-69 - Preliminary Plat of Bluestem Colony Addition.

December 6, 1985

Page 2

- G. 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.
- H. 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.
- I. Since this replat leaves out a small portion of Lot 1, Block 1, Silverleaf Addition, to the east of the east line of this replat, it is required that the applicant vacate, by separate instrument, this remaining portion of a platted lot. A revised vacation petition shall be submitted for this vacation case (V-1359) which references the new name and signature of the new owner of this property. This case will be forwarded to the City Commission after the Bluestem Colony plat has been approved by the City Commission.
- J. Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within this easement shall be reviewed by the City Forestry Division prior to installation.
- K. Item 13 of the General Provisions of DP-96 states that the development of a parcel with a land use not illustrated on the Community Unit Plan requires the submission of a site plan for approval by the Director of Planning. The present C.U.P. depicts development of this parcel with townhouses. Since the applicant now proposes patio homes on this property, a revised site plan shall be approved by the Director of Planning prior to the submission of the plat for scheduling before the Board of City Commissioners.
- L. In order to provide a 5-foot landscape strip between the front or side of each home, and the "15-foot public drainage, utility and private street easement," the final plat shall indicate a 20-foot building setback from Reserve "G" at the following locations:
 - 1. South line of Lot 27.
 - 2. Northeasterly line of Lot 4.
 - 3. Southeasterly line of Lot 12.
- M. On the final plat, the utility easement being centered on the lot line common to Lot 13 and Lots 11 and 12 shall be labeled and dimensioned.

Bill G. Yung Design

Re: S/D 85-69 - Preliminary Plat of Bluestem Colony Addition.

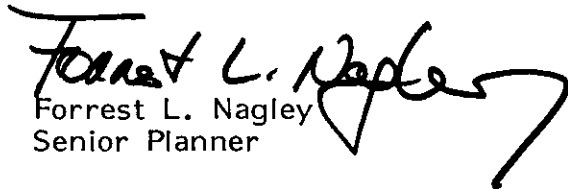
December 6, 1985

Page 3

- N. On the final plat, the two-foot wide wall easement, proposed adjacent to the east line of the K.G. & E. easement along Rock Road, shall be labeled and referenced in the plat's text.
- O. Since building setbacks are to be platted as part of this plat, the final plat shall not reference that building setbacks are per the associated Community Unit Plan (DP-96).
- P. In order to ensure that the 25-foot wide private street, proposed to serve Lots 25 thru 29, is placed entirely within the perimeter of Reserve "G", the final plat shall expand the size of Reserve "G", adjacent to the subject lots, to 28 feet in width. This will allow a 1½-foot margin for error on each side of the private street pavement.
- Q. Since the ownership of Tallgrass Company has recently changed, proof shall be submitted from a title company as to which persons may execute documents on behalf of this company.
- R. The applicant shall obtain the off-site drainage easements required by the drainage plan for this property.
- S. Prior to, or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- T. 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.
- U. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

The enclosed "marked" copy of the plat is for your information and files. If you should have any questions, please call.

Sincerely,


Forrest L. Nagley
Senior Planner

FLN:mlh

Enclosure

cc: Tallgrass Company, 8100 E. 22nd St. North, Bldg. 1900, Wichita, KS
67226

✓ Mike Lindebak, City Engineer

Pre-Sub 12-5-85

1. G. Ronald Tyler. Building setback vacation. No water problem.
2. Davis Moore Oldsmobile Inc. Vacation of Courtleigh street R/W. Existing 8" Water main in Courtleigh, existing fire hydrant on corner of Kellogg Drive and Courtleigh. Need to retain water esmt.
3. United Distributors, Inc. Alley R/W vacation. No water problem.
4. Dr. Tom Balan. Vacation of Utility Easement. No water problem.
5. Diamond Head of Wichita. Vacation of complete access control. No water problem.
6. Tower Lakes Estates Addition. Item b, wells. Nearest City water at 21st N & 119th West.
7. Mulberry East Third. Preliminary Plat. Item C, water to be extended. Nearest water at 37th St. N. and Rock Road.
8. Bluestem Colony Addition. Preliminary Addition. Item B, water to be extended. Existing 12" AC Water main in Rock Road. Possible to loop the system through emergency access easement of Windwood Circle. No water problem.
- ~~9. Deutsches Eck Addition. Final Plat~~
9. Larkfield Place Addition. Preliminary Plat. Water main in 29th and Gouverneur to be extended as necessary to serve the property. No water problem.

Cor. 13

Sub-Division Jan. 16, 85

1. Donald H. Groves. Platted Access Control Vacation. No water problem.
2. IFR Inc. Vacation of Complete Access Control. No water problem.
3. MAPD. Vacation Alley R/W. No water problem.
4. Bluestem Village Second Addition. Final Plat. Item B., mains to be extended. No water problem. Pipe sizing to be reviewed before plans completed.
5. Eastminister Addition. Item B., mains to be extended, no water problem.
6. Air Products Addition. Prelim. Plat. Item A, wells, no water problem.
7. Vulcan - North Addition. Prelim. Plat. Item A, wells, no water problem.
8. Dept. of Transportation 1st Addition. Final Plat. Area now served, no water problem.
9. Gospel Addition. Final Plat. No water problem, area now served.
10. Davis Moore 4th Addition. Final Plat. No water problem, area now served.
11. Maurice & Allie Caster. Street E/W Dedication. 45th St. N. No water problem.
12. O. L. C. Properties. Granting Utility Esmt. No water problem.
13. Other matters.

S/D No.: 85-69 Name: BLUESTEM COLONY ADDITION

Preliminary Approved:
Scheduled S/D Meeting: 12/5/85

DESCRIPTION

General Location: On the east side of Rock Road, south of Oxford Drive.
Owner: Tallgrass Company, 8100 E. 22nd Street North, Bldg. 1900,
Wichita, KS 67226
Surveyor/Engineer: Bill G. Yung Design

1. Gross Acreage of Plat: 6.57 Acres ±
 2. Number of Lots:
 - Residential: 29
 - Office:
 - Commercial:
 - Industrial:
 - Total: 29
 3. Minimum Lot Area: 5,000 Sq. Ft.
 4. Existing Zoning: "AA" under C.U.P.
 5. Proposed Zoning: "AA" under C.U.P.
-

STAFF COMMENTS:

NOTE: This property is subject to the provisions of the Tallgrass Community Unit Plan (DP-96). The owners' newest idea for development of this property is for patio homes.

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City Water to serve the lots being platted.
- C. The applicant shall guarantee construction of the storm sewers required by this plat.
- D. The applicant shall guarantee the paving of the proposed private streets within Reserve "G" to the 29-foot public street standard. The private street proposed to serve Lots 25 thru 29 shall be guaranteed to the 25-foot (back-of-curb to back-of-curb) public street paving standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit within this plat. 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.
- G. 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.
- H. 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.
- I. Since this replat leaves out a small portion of Lot 1, Block 1, Silverleaf Addition, to the east of the east line of this replat, it is required that the applicant vacate, by separate instrument, this remaining portion of a platted lot. A revised vacation petition shall be submitted for this vacation case (V-1359) which references the new name and signature of the new owner of this property.

VISION REPORT
-69 - BLUESTEM COLONY ADDITION

Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within this easement shall be reviewed by the City Forestry Division prior to installation.

- K. Item 13 of the General Provisions of DP-96 states that the development of a parcel with a land use not illustrated on the Community Unit Plan requires the submission of a site plan for approval by the Director of Planning. The present C.U.P. depicts development of this parcel with townhouses. Since the applicant now proposes patio homes on this property, a revised site plan shall be approved by the Director of Planning prior to the submission of the plat for scheduling before the Board of City Commissioners.
- L. In order to provide a 5-foot landscape strip between the front or side of each home, and the "15-foot public drainage, utility and private street easement," the final plat shall indicate a 20-foot building setback from Reserve "G" at the following locations:
 - 1. South line of Lot 27.
 - 2. Northeasterly line of Lot 4.
 - 3. Southeasterly line of Lot 12.
- M. On the final plat, the utility easement being centered on the lot line common to Lot 13 and Lots 11 and 12 shall be labeled and dimensioned.
- N. On the final plat, the two-foot wide wall easement, proposed adjacent to the east line of the K.G. & E. easement along Rock Road, shall be labeled and referenced in the plat's text.
- O. Since building setbacks are to be platted as part of this plat, the final plat shall not reference that building setbacks are per the associated Community Unit Plan (DP-96).
- P. In order to ensure that the 25-foot wide private street, proposed to serve Lots 25 thru 29, is placed entirely within the perimeter of Reserve "G", the final plat shall expand the size of Reserve "G", adjacent to the subject lots, to 28 feet in width. This will allow a 1½-foot margin for error on each side of the private street pavement.
- Q. Since the ownership of Tallgrass Company has recently changed, proof shall be submitted from a title company as to which persons may execute documents on behalf of this company.
- R. 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.
- S. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- T. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.

S/D No.: 85-69 Name: BLUESTEM VILLAGE SECOND ADDITION

Revised Preliminary Approved: 12/5/85
Scheduled S/D Meeting: 1/16/86

DESCRIPTION

General Location: East side of Rock Road, south of Oxford Drive.
Owner: Tallgrass Company, 8100 E. 22nd St. N., Bldg. 1900, Wichita, KS 67226
Surveyor/Engineer: Mid-Kansas Engineering Consultants, P.A.

1. Gross Acreage of Plat: 6.57 Acres ±
 2. Number of Lots:
 - Residential: 29
 - Office:
 - Commercial:
 - Industrial:
 - Total: 29
 3. Minimum Lot Area: 5,000 sq. ft.
 4. Existing Zoning: "AA" under CUP (DP-96)
 5. Proposed Zoning: "AA" under CUP (DP-96)
-

STAFF COMMENTS:

NOTE: This plat was formerly named "Bluestem Colony."

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City Water to serve the lots being platted.
- C. The applicant shall guarantee construction of the storm sewers required by this plat.
- D. The applicant shall guarantee the paving of the narrow public streets to the 29-foot public street standard. The narrow public street serving Lots 25 thru 29 shall be guaranteed to the 25-foot paving standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The applicant shall submit a covenant which provides for 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.
- G. 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.
- H. 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 structure constructed on subject property.
- I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within the easement shall be reviewed by the City Forestry Division prior to installation.
- J. On the final plat tracing, the "15-foot street, drainage and utility easement" shall be shown through those reserves which are being platted adjacent to the public streets.

- K. The final plat tracing shall reference, in the plat's text, the dedication of the street to and for the use of the public.
- L. On the final plat tracing, proper reference shall be made in the plat's text to the granting of the emergency access easement.
- M. On the final plat tracing, the street easement being granted shall be mentioned in the plat's text. The following wording is suggested, "Easements for street, drainage, and construction and maintenance of public utilities, as indicated on the accompanying plat, are hereby granted."
- N. On the final plat tracing, the wall easement on Lot 29 shall be labeled.
- O. On the final plat tracing, the recording information for the 5-foot wide K.G. & E. easement along Rock Road shall be referenced.
- P. On the final plat tracing, Windwood Way, adjacent to Lots 25 thru 29, shall be labeled Windwood Court. The "Way" suffix is reserved for denoting private streets.
- Q. Since building setbacks are being platted as a part of this plat, the south-easterly line of the utility easement, on the front of Lots 12 thru 22, shall also be labeled as a building setback line.
- R. Since this replat leaves out a small portion of Lot 1, Block 1, Silverleaf Addition, to the east of the east line of this replat, it is required that the applicant vacate, by separate instrument, this remaining portion of a platted lot. A revised vacation petition shall be submitted for this vacation case (V-1359) which references the new name and signature of the new owner of this property. This case will be forwarded to the City Commission after the Bluestem Village Second plat has been approved by the City Commission.
- S. Item 13 of the General Provisions of DP-96 states that the development of a parcel with a land use not illustrated on the Community Unit Plan requires the submission of a site plan for approval by the Director of Planning. The present C.U.P. depicts development of this parcel with townhouses. Since the applicant now proposes patio homes on this property, a revised site plan shall be approved by the Director of Planning prior to the submission of the plat for scheduling before the Board of City Commissioners.
- T. The applicant shall obtain the off-site drainage easements required by the drainage plan for this property.
- U. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(C).
- V. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- W. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan.