


CITY OF WICHITA
CITY COUNCIL MEETING

November 24, 1992

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments in Arlington Place 2nd Addition (West of Maize, South of 13th) District V

INITIATED BY: Department of Public Works 

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The developer, Arlington Place, Inc., has submitted an agreement to respread special assessments in Arlington Place 2nd Addition (west of Maize, south of 13th).

Analysis: The purpose of the agreement is to respread special assessments on an equal share basis for each lot. Without the agreement the assessments will be spread on a square foot basis.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Law Department has approved the Agreement as to legal form.

Recommendation/Action: It is recommended the City Council approve the Agreement and authorize the Mayor to execute.

BM:cls

ARLINGTON PLACE 2ND ADDITION

OWNER/APPLICANT: Arlington Place, Inc., 1147 Coach House Ct.,
Wichita, KS 67235

SURVEYOR/ENGINEER: Bill G. Yung Design, 4912 E. 29th St. N.,
Suite 1, Wichita, KS 67220/Baughman Company,
315 Ellis, Wichita, KS 67211

LOCATION: In an area west of Maize Rd., south of 13th
St. North

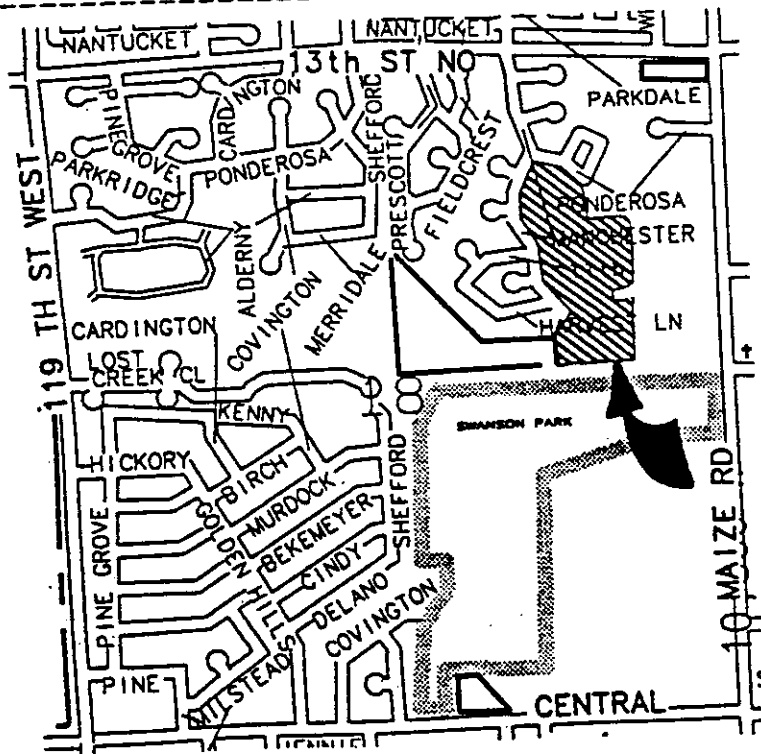
SITE SIZE: 27.3 Acres

NUMBER OF LOTS
Residential: 79
Office:
Commercial:
Industrial:
Total: 79

MINIMUM LOT AREA: 7,800 sq. ft.

CURRENT ZONING: "AA" One Family Dwelling (DP-152)

VICINITY MAP:



THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT


DATE: October 30, 1992

TO: Michael E. Lindebak, City Engineer

FROM: Douglas J. Moshier, Senior Attorney

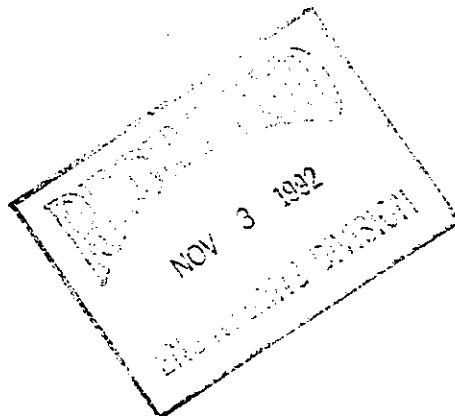
SUBJECT: Agreement for Respread
Assessments

The attached Agreement for respreading assessments in Arlington
Place 2nd Addition is approved as to form.


Douglas J. Moshier
Senior Attorney

DJM:cdh

Attachment



AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

ARLINGTON PLACE, INC. A KANSAS CORPORATION
Randy Dean, President

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Manchester south of 13th St. No. and West of Maize Road, within the City Limits of the City of Wichita;

and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been platted; and

WHEREAS, Parties of the Second Part desires that a reassessment be made;

WHEREAS, The party of the First Part and Parties of the Second Part are both desirous of accomplishing such a reassessment.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. A tract of Land lying in the Northeast Quarter Section 18, Township 27 South, Range 1 West of the 6th P.M. more particularly described as follows:

A tract of land lying in the Northeast Quarter, Section 18, Township 27 South, Range 1 West of the 6th P.M., more particularly described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence N 3° 44' 55" W, 563.00 feet; thence S 86° 15' 05" W, 195.00 feet to a point of beginning; thence S 86° 15' 05" W, 490.00 feet to a point on a curve to the left; thence along said curve 136.97 feet, said curve having a central angle of 36° 00' 00", a radius of 218.00 feet, and a long chord of 134.73 feet, bearing S 68° 15' 05" W, to a point on a curve to the right; thence along said curve 14.37 feet, said curve having a central angle of 3° 15' 08", a radius of 253.25 feet, and a long chord of 14.37 feet, bearing S 51° 52' 39" W, thence N 3° 44' 55" W, 169.75 feet; thence N 86° 15' 05" E, 600.00 feet; thence S 48° 44' 55" E, 42.43 feet; thence S 3° 44' 55" E, 90.00 feet to the point of beginning.

was part of the improvement district for the following City Projects

Lat. 221, Southwest Interceptor Sewer
Project No. 468-76-245-81577-000-000-001

2. The Parties agree to make a reassessment for said project in the following manner:

Lots 1 through 22, Block 1; Lots 1 through 29, Block 2; and Lots 1 through 28, Block 3, Arlington Place 2nd Addition shall pay 1/79 of the total cost apportioned to the property described above.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12(b) with respect to the reassessment herein described.

4. The Parties of the Second Part further waives their right to appeal the special assessments for the above mentioned project (including this described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

5. The Parties of the Second Part further agree that they will indemnify the party of the First Part against any and all costs, expenses, claims and judgements for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

IN WITNESS WHEREOF, The Parties hereto have executed this agreement the _____ day of _____, 19____.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Gary E. Rebenstorf
Director of Law

Attest:

City Clerk

ARLINGTON PLACE, INC.
A KANSAS CORPORATION

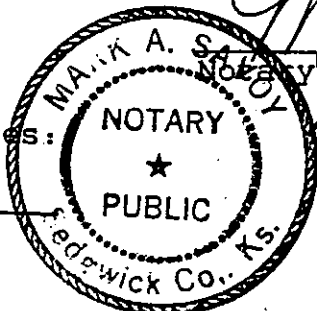
By Randy Dean
Randy Dean, President

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 21st day of October, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Randy Dean, President, Arlington Place, Inc, a Kansas Corporation, 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 WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

My Appointment Expires: _____
16 May 1996



Mark A. Sawyer
Notary Public
Mark A. Sawyer

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 13
October 3, 1991

STAFF REPORT
(Final Plat, Preliminary Plat Approved 8/8/91)

CASE NUMBER: S/D 91-36 - ARLINGTON PLACE 2ND ADDITION

OWNER/APPLICANT: Arlington Place, Inc., 1147 Coach House Ct.,
Wichita, KS 67235

SURVEYOR/ENGINEER: Bill G. Yung Design, 4912 E. 29th St. N.,
Suite 1, Wichita, KS 67220/Baughman Company,
315 Ellis, Wichita, KS 67211

LOCATION: In an area west of Maize Rd., south of 13th
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SITE SIZE: 27.3 Acres

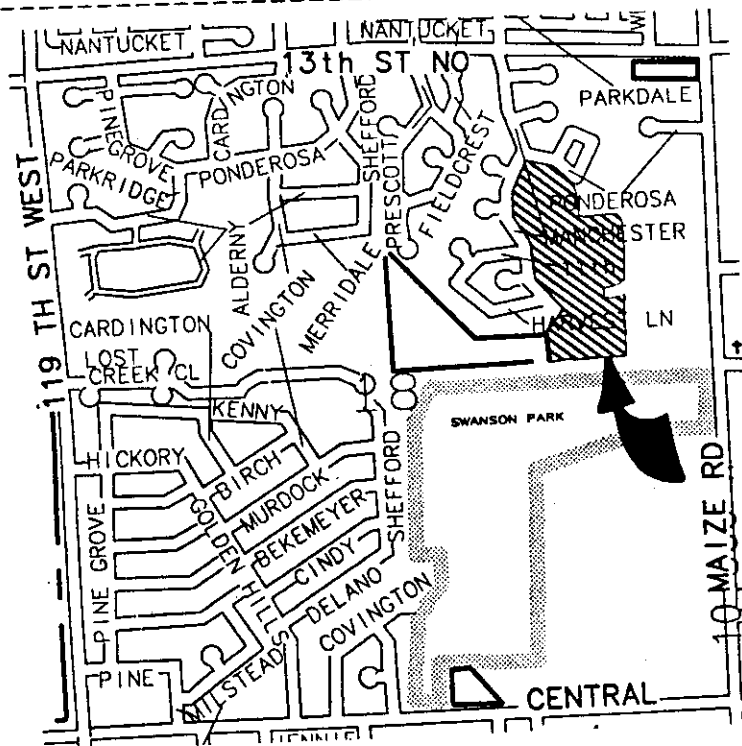
NUMBER OF LOTS

Residential:	79
Office:	
Commercial:	
Industrial:	
Total:	79

MINIMUM LOT AREA: 7,800 sq. ft.

CURRENT ZONING: "AA" One Family Dwelling (DP-152)

VICINITY MAP:



NOTE: This site is within the Huntington Place Residential Community Unit Plan (CUP), DP-152. A platting time extension was approved for the CUP, which requires platting to be completed by September 18, 1991. Conventional single family development is planned for what corresponds to Parcel 4 and 5, and a portion of Parcel 7 of the CUP. The number of lots being platted (79) is well within the number of units allowed for by the CUP (approximately 87).

STAFF COMMENTS:

- A. The applicant is reminded that the platting of this site (recording of the plat) was to be completed by September 18, 1991. An extension will be required if a final tracing is not submitted shortly.
- 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.
- G. Upon the recording of this plat, Manchester/Harvest Lane shall become a designated residential collector street.
- H. As required by the sidewalk ordinance, sidewalks need to be guaranteed along both sides of a collector street. However, based on past requirements for plats on either side of this site, it is recommended that the applicant submit an alternate sidewalk plan indicating sidewalk along the west and south sides of Manchester and Harvest Lane, with the sidewalk that would normally be on the opposite sides of these streets used in some other manner through the development, such as in Reserve A.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- J. Provisions shall be made for ownership and maintenance of the proposed reserve. 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 reserve will be deeded to the association and who is to own and maintain the reserve prior to the association taking over those responsibilities.

- K. Since the reserve is being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserve shall grant, to the City, the authority to maintain the drainage reserve 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. 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.
- M. As indicated by the drainage concept for this site an off-site drainage easement is required. The applicant shall obtain this easement by separate instrument. Prior to or at the time of submitting the final plat tracing, the applicant shall submit this easement to City Engineering for approval and subsequently to Planning for recording.
- N. The title binder for this site indicates numerous easements created by separate instrument. The applicant shall submit a copy of the plat showing the location of these easements and copies of the instruments. This is needed to verify if these easements are being recreated by this plat or if being vacated, that the vacation is acceptable.
- O. 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.
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- R. Recording of the plat within 30 days after approval by the City Council.
- S. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to indicate if the 15 foot storm sewer easements on Lots 10 and 11 and Lots 20 and 21, Block 2 are adequate. ?

NOTE: This site is within the Huntington Place Residential Community Unit Plan (CUP), DP-152. A platting time extension was approved for the CUP, which requires platting to be completed by September 18, 1991. Conventional single family development is planned for what corresponds to Parcel 4 and 5, and a portion of Parcel 7 of the CUP. The number of lots being platted (79) is well within the number of units allowed for by the CUP (approximately 87).

STAFF COMMENTS:

- A. The applicant is reminded that the platting of this site (recording of the plat) should be completed by September 18, 1991.
- 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.
- G. Upon the recording of this plat, Manchester/Harvest Lane shall become a designated residential collector street.
- H. As required by the sidewalk ordinance, sidewalks need to be guaranteed along both sides of a collector street. However, based on past requirements for plats on either side of this site, it is recommended that the applicant submit an alternate sidewalk plan indicating sidewalk along the west and south sides of Manchester and Harvest Lane, with the sidewalk that would normally be on the opposite sides of these streets used in some other manner through the development, such as in Reserve A.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- J. 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.

- K. 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. 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.
- M. The building setbacks on the north side of Lots 1 and 2, Block 3 shall be clearly indicated as 25 foot setbacks.
- N. It is recommended that on the final plat that additional public access easements be provided to the Reserve located along the east side of the plat. Specifically, an access easement could be included between Lots 20 and 21, Block 2 or in the area of the Drainage easement and along the west property lines of Lots 28 and 29, Block 2 or what would be adjacent to a 10 foot public access easement platted on the adjacent addition.
- O. On the final plat, dashed lines shall be used where the plat's boundary crosses Harvest Lane at the east and west ends. Solid lines are used to indicate private streets.
- P. 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.
- Q. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- R. 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.
- S. 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.
- T. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Engineering also needs to indicate if the platting of minimum building pad elevations are required for this site.