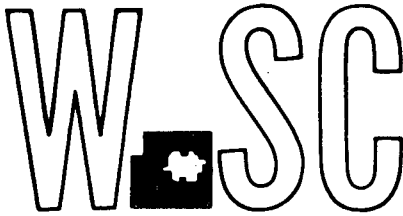
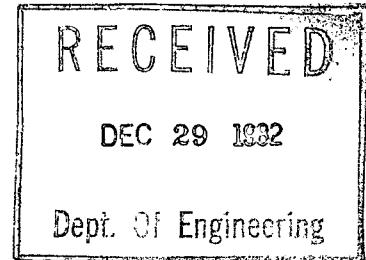


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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



December 23, 1982

Poe and Associates of Kansas, Inc.
1720 E. Morris
Wichita, Kansas 67211

Re: S/D 82-65 - Final plat of Moorings Second Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, December 23, 1982, 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 each lot being platted. The final plat tracing shall show all necessary sewer easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. Closure computations shall be submitted with the final plat tracing.
- D. Approval of this final plat shall be subject to approval of Z-2474 ("LC" to "AA") and amendment of the associated community unit plan (DP-78) to allow single family detached houses on this property.
- E. 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.

Poe and Associates of Kansas, Inc.

Page 2 - 12-23-82

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 13, 1983, at 1:30 p.m. If you have any questions concerning this matter, please call.

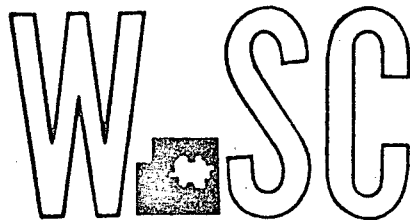
Sincerely,

Louise Olivarez
Senior Planner

LO:bh

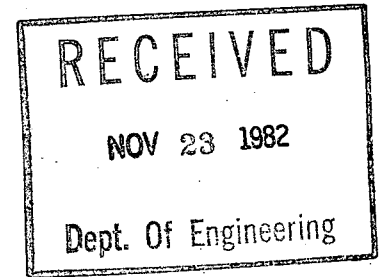
cc: Mr. C. Bill Bachman, President, MIBAC, Inc., 1901 W. 13th
67203
* Mike Lindebak, City Engineering

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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



November 23, 1982

Poe & Associates of Kansas, Inc.
Attention: Kenny Hill
P.O. Box 11185
Wichita, Kansas 67202

Re: S/D 82-65 - Final plat of Moorings Second Addition

Dear Mr. Hill:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Monday, November 22, 1982, the above-captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. Approval of this final plat is subject to approval of the associated zone change requesting "LC" to "AA" (Z-2474) and the associated Community Unit Plan amendment (DP-78).
- B. The street name "Milro" shall be corrected to read "Cobblestone" on the final plat tracing.
- C. A reference tie to a section corner or previous lot corner shall be added to the face of the plat. The quarter section in which this replat is located shall be added to the engineer's text.
- D. The City Engineer's representative asked that the wording regarding the minimum lot elevation be clarified on the final plat.
- E. The City Engineer's representative advised that extension of sanitary sewer may be required at the time of building permits if individual ownership of townhouses is planned.
- F. Building setbacks shall be deleted from the face of the final plat tracing and a sentence added to the plat's text specifying that setbacks are in accordance with the associated Community Unit Plan (DP-78).
- G. Closure computations shall be submitted with the final plat tracing.

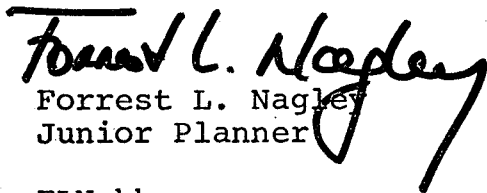
Poe & Associates of Kansas, Inc., Attention: Kenny Hill
11-23-82, Page 2

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

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 December 2, 1982, at 1:30 p.m.
If you have any questions concerning this matter, please
call.

Sincerely,


Forrest L. Nagley
Junior Planner

FLN:bh

cc: C. Bill Bach, Pres., MIBAC, Inc., 1901 W. 13th, 67203
Mike Lindebak, City Engineering

S/D No. 82-65 Name Moorings Second Addition
Date Application Rec'd. 11-9-82 Preliminary Approval _____
Scheduled S/D Meeting 11-22-82

DESCRIPTION

General Location West side of Cobblestone between Milro Circle and Timbercreek Circle

Owner C. Bill Bachman, President, MIBAC, Inc.
Surveyor/Engineer Poe and Associates of Kansas, Inc., (Atten: Kenny Hill)
Address P.O. Box 11185, Wichita Zip Code 67202 Phone 262-1497

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>0.95 ac.</u> | 7. Lineal Feet of New Street |
| 2. Number of Lots : | a. <u>0</u> R/W <u>0</u> ft. |
| Residential <u>1</u> | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL <u>0</u> ft. |
| 3. Minimum Lot Frontage <u>90 ft.</u> | 8. Sidewalk adjacent to all streets <u>yes</u> <u>X</u> no |
| 4. Minimum Lot Area <u>0.95</u> | |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>AA</u> | |
| 9. Is public water available <u>X</u> Yes _____ No, Name <u>City of Wichita</u> | |
| 10. Is sanitary sewer available <u>X</u> Yes _____ No, Name <u>City of Wichita</u> | |
| 11. Has Health Dept. approval been obtained (where applicable) <u>Yes</u> <u>No</u> | |
| 12. City of Wichita <u>X</u> 3-Mile Area _____ Outside of 3-Mile Area _____ | |

STAFF COMMENTS:

Note: The applicant has filed an associated zone case requesting "LC" to "AA" (Z-2474) and an amendment to the associated Community Unit Plan (DP-78) providing for construction of townhouses on this property. These related cases will be considered by the Planning Commission on 12-16-82.

- A. It should be noted that this replat proposes the elimination of the 35-foot building setback which exists adjacent to all sides of this property. A setback of 25-feet from adjacent streets is proposed. As the applicant has filed an associated zone case and C.U.P. amendment providing for residential development, approval of this replat should be subject to approval of the associated cases.
- B. The street name "Milro" shall be corrected to read "Cobblestone" on the final plat tracing.
- C. A reference tie to a section corner or previous lot corner shall be added to the face of the plat. The quarter section in which this replat is located shall be added to the engineer's text.
- D. Closure computations shall be submitted with the final plat tracing.
- E. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5 of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

Revised final plat
SUBDIVISION REPORT

04
SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 82-65 Name Moorings Second Addition
Date Application Rec'd. 11-9-82 Preliminary Approval 11-22-82
Scheduled S/D Meeting 12-23-82

DESCRIPTION

General Location West side of Cobblestone between Milro and
Timbercreek Circle

Owner C. Bill Bachman, President, MIBAC, Inc.
Surveyor/Engineer Poe and Associates of Kansas, Inc., (Attention: Kenny Hill)
Address P.O. Box 11185, Wichita, Ks. Zip Code 67202 Phone 262-1497

- | | |
|--|--------------------------------|
| 1. Gross Acreage of Plat <u>0.95 ac.</u> | 7. Lineal Feet of New Street |
| 2. Number of Lots : | a. <u>0</u> R/W <u>0</u> ft. |
| Residential <u>3</u> | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>3</u> | TOTAL <u>0</u> ft. |
| 3. Minimum Lot Frontage <u>90 ft.</u> | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>.4+ acres</u> | streets <u>yes</u> X <u>no</u> |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>AA</u> | |
| 9. Is public water available <u>x</u> Yes _____ No, Name <u>City of Wichita</u> | |
| 10. Is sanitary sewer available <u>x</u> Yes _____ No, Name <u>City of Wichita</u> | |
| 11. Has Health Dept. approval been obtained (where applicable) _____ Yes _____ No | |
| 12. City of Wichita <u>x</u> 3-Mile Area _____ Outside of 3-Mile Area _____ | |

STAFF COMMENTS:

NOTE: On November 22, 1982, a one-lot final plat was approved for this property. Since that time, the applicant's development plans have changed and now he wishes to plat 3 separate lots.

- A. The applicant shall guarantee the extension of sanitary sewer to serve each lot being platted.
- B. A requirement of the first final plat of this property was clarification of the wording regarding the minimum lot elevation. The City Engineering representative should be prepared to comment on the proposed wording change.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. Closure computations shall be submitted with the final plat tracing.
- E. Approval of this final plat shall be subject to approval of Z-2474 ("LC" to "AA") and amendment of the associated community unit plan (DP-78) to allow duplexes or townhouses on this property.
- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

APR 17 1981

APR 15 1981

OFFICE OF

LAW DEPARTMENT

DATE

April 10, 1981

METROPOLITAN PLANNING

ROUTE _____

Dept. Of Engineering

TO Paul B. Graves, Chief Engineer

FROM Thomas R. Powell, Senior Assistant City Attorney

SUBJECT Sewage Pumping Station and Force Main Serving the Moorings

It is my understanding that sometime in 1977 the City acquired public easements for purposes of constructing, operating, maintaining and repairing sewer pipes and a sewer system. The easement was acquired for purposes of serving a development called the Moorings, that is located in the City of Wichita. The owner of the Moorings development, Mibac, Inc., entered into a private contract with a contractor to construct the force main and pump station in the public easement. Apparently, there was very little written communication between City officials and Mibac, Inc. company representatives as to the construction of the force main and pump station in public right-of-way. In any event, there was no official action taken by the governing body in relation to the construction of the force main and pumping station by a private entity. However, there is a letter signed by Dean Sellers, Assistant City Engineer, dated August 29, 1977, and addressed to Mibac, Inc., wherein it is mentioned that the force main and pumping station are to be built in public right-of-way, that it will be privately owned, and publicly maintained.

It is my further understanding that the force main and pumping station are not being operated at full capacity at present, but will be operated at full capacity when the area owned by Mibac, Inc., which the force main and pumping station were designed to serve, is fully developed. It is also my understanding that requests to hook up to the line have been received from developers who are attempting to develop land that abuts or is near the force main line that was constructed by Mibac, Inc.

The question presented is whether or not the force main and pumping station, which are located on public property, were privately constructed, and are being publicly maintained is a public or private sewer and, if it is a public sewer, does the City have a right to allow hook-ups to the line to occur that are outside the area the force main and pumping station were designed to serve.

In relation to the first question posed, in spite of the Assistant City Engineer's letter to Mibac, Inc., the force main and pumping station is a public facility. In acquiring a right to an easement, the City does not acquire all rights to the land lying within the easement. When the City acquires an easement such

as was acquired in the case at hand, the City's right to use the easement is limited to a public use and the City has no right to grant a private individual a right to use the easement for private purposes. In the case at hand, the force main and pumping station that were constructed are located in a public easement and is being publicly maintained. Therefore, the sewer facility, once it was constructed and installed, became a public facility.

The next question is whether or not the City can allow hook-ups of the sewer to land that is outside the area the force main line and pumping station were designed to serve. In this regard, the force main line and pumping station that is in place was paid for 100% by the owners of land that the system was designed to serve. Therefore, in essence, the land owned by Mibac, Inc. has paid a full assessment to the City for sewer service. Thus, unless the City is in a position to provide sewer service to Mibac, Inc. from another source, at no cost, the City cannot allow the force main line and pumping station to be used by others if it would result in a situation where all of the land owned by Mibac, Inc., once it is developed, could not use the sewer system. The use of the force main and pumping station by hooking up additional land would be permissible as long as the ability of Mibac, Inc. to use the sewer system is not affected.

Thomas R. Powell

Thomas R. Powell
Senior Assistant City Attorney

TRP:cdh

cc: John Dekker, Director of Law