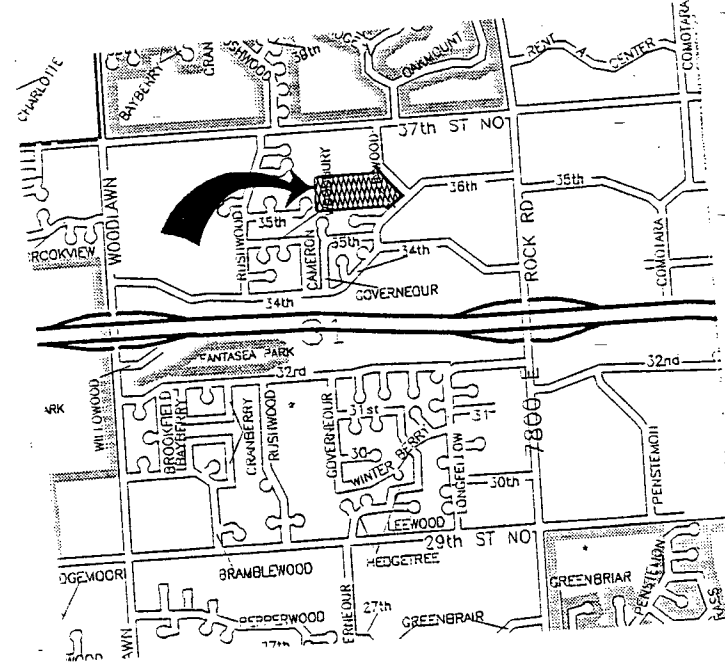


July 7, 1994

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 94-48 LEEWOOD VILLAGE AT NORTHROCK SECOND ADDITION
OWNER/APPLICANT: Leewood Homes, Inc., c/o Joe Lee, 6130 Legion, Wichita, KS 67204
SURVEYOR/ENGINEER: Mid-Kansas Engineering Consultants, Inc., c/o Greg Allison, Agent, 3500 N. Rock Road - #800, Wichita, KS 67226
LOCATION: South of 37th Street North and west of Rock Road
SITE SIZE: 10.41 Acres
NUMBER OF LOTS
Residential: 27
Office:
Commercial:
Industrial:
Total: 27
MINIMUM LOT AREA: 6,445 square feet
CURRENT ZONING: "AA"
PROPOSED ZONING: "AA"

VICINITY MAP:



STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and water to serve the lots being platted, as well as any required drainage improvements.
 - B. 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. City Engineering should be prepared to comment on the status of the applicant's drainage concept. 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. The applicant shall either form a lot owner's 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.
 - C. The applicant shall grant, install or guarantee the installation of utilities or facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. City Engineering needs to indicate if there are existing petitions or if new guarantees are needed for required improvements or facilities (e.g. roadways, including accel/decel lanes, right-of-way, paving, signalization, alley, curb and guttering and street drainage; water supply and fire hydrants; sanitary sewer systems; storm sewer systems; street signs, sidewalks etc.)
 - D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - E. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations) shall be met.
 - F. Traffic Engineering needs to indicate what traffic improvements, if any, (e.g. right of way, access control, paving width, intersection controls such as medials, signalization, right- or left-turn only lanes, etc.) need to be granted or guaranteed. Since the plat is indicating a 58-foot local residential street, the applicant will provide a covenant providing for 4 off-street parking spaces.
 - G. 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.
 - H. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
 - I. Platting text needs to reference the purposes and ownership of reserves, specifically Reserve A.
 - J. As with recent plats, staff is recommending that the Farmland Pipeline Industrial Easement be placed in a reserve.
-

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

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

August 5, 1994

Mid-Kansas Engineering Consultants, Inc.
c/o Greg Allison, Agent
3500 N. Rock Road - #800
Wichita, KS 67226

Re: S/D 94-48 LEEWOOD VILLAGE AT NORTHRICK SEND ADDITION (Final Plat)

Dear Mr. Allison:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, August 4, 1994, 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 any drainage improvements required by the platting of this property. These improvements may be included with the paving petition.
- D. The applicant shall guarantee the paving of the proposed interior streets.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. As requested by the applicant, drainage dedications may be indicated rather than Reserves on the final plat tracing.
- G. 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.
- H. As indicated by City Engineering, minimum building pad elevations will be required for the lots adjacent to the drainageway. Such elevations shall be indicated both in the plat's text and on the face of the final plat tracing. It shall also be indicated if the elevation(s)

are for the lowest opening or floor level. Both on-site and off-site benchmarks shall also be indicated.

- I. The final plat tracing shall indicate the recording information for the Farmland Pipeline Ind. Easement shown on this plat. A copy of this easement shall also be submitted for the plat file.

Such recording information shall also be shown for the 30-foot sanitary sewer easement located over a northern portion of this plat.
- J. On the final plat tracing, a distance shall be indicated from this site's northwest corner to the tiepoint (N.W. Cor., N.W. 1/4)
- K. 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.
- L. 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.
- M. 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.
- N. As indicated by the City's Fire Department representative, the length of this site's cul-de-sac, for safety purposes, should require that no parking be established at least in the area of the site's entrance from Ironwood and adjacent to the drainage dedication or immediately across the street from this area.
- O. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- P. Recording of the plat within 30 days after approval by the City Council.

If this plat requires the guaranteeing of improvements a list of the five methods which have been adopted as being acceptable is available through the Planning Department. Also, certificates which are required if petitions are submitted and forms for the bond and irrevocable Letter of Credit are also 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, August 11, 1994 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,



Don Losew
Senior Planner

DL:rh

Enclosure: Marked Copy of plat

cc: Leewood Homes, Inc., c/o Joe Lee, 6130 Legion, Wichita, KS 67204
Mike Lindebak, City Engineer

Agenda Item No. _____

City Of Wichita
City Council Meeting
October 4, 1994

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments in Leewood Village at
Northrock 2nd Addition (East of Rock, South of 37th) (District I)

INITIATED BY: Department of Public Works *[Signature]*

AGENDA ACTION: Consent

Recommendation: Approve the Agreement.

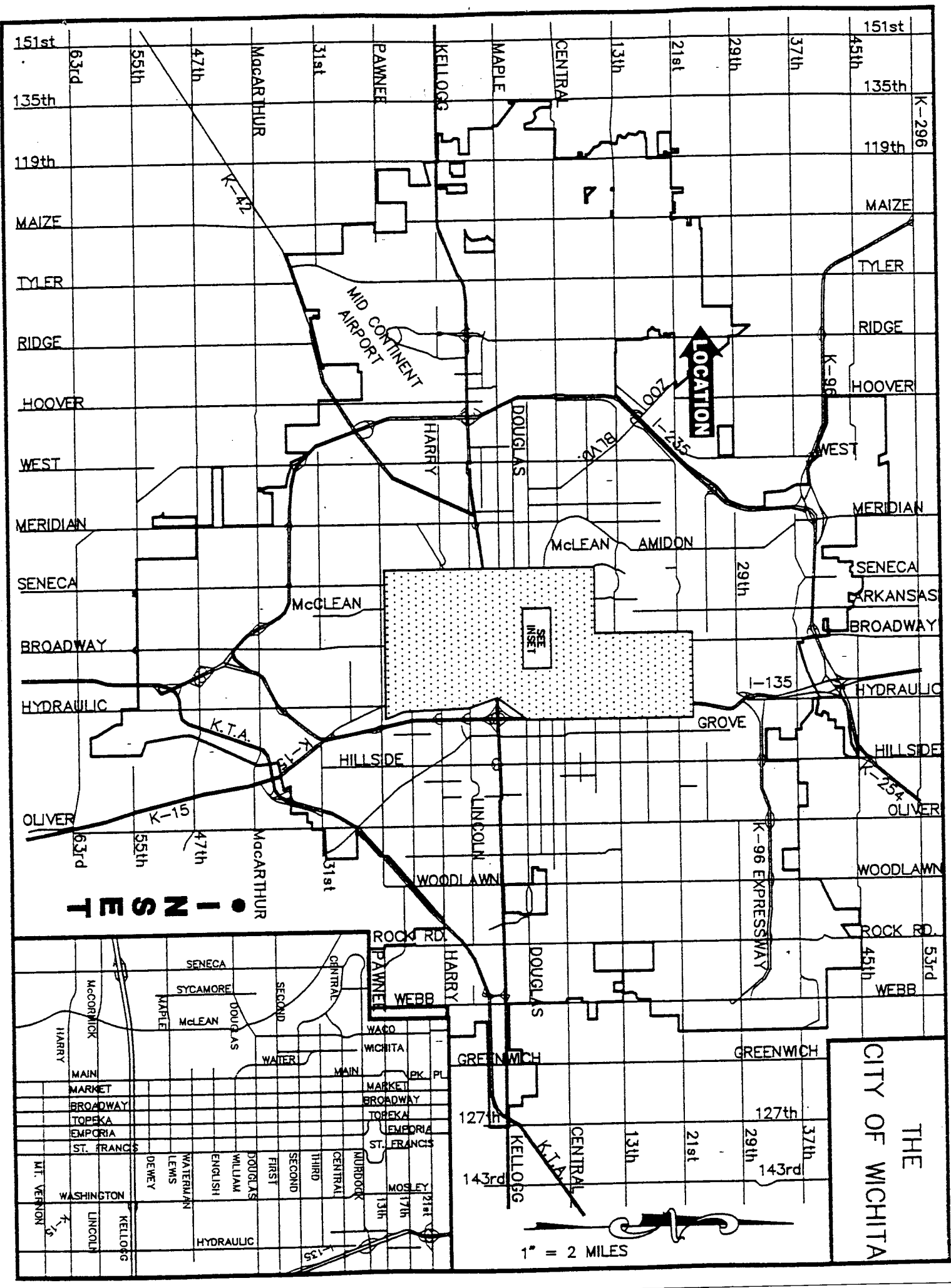
Background: The developer, Leewood Homes, Inc., has platted a new addition called Leewood Village at Northrock 2nd Addition and has submitted an Agreement to respread special assessments in the Addition.

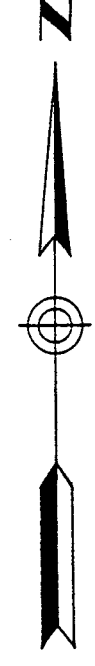
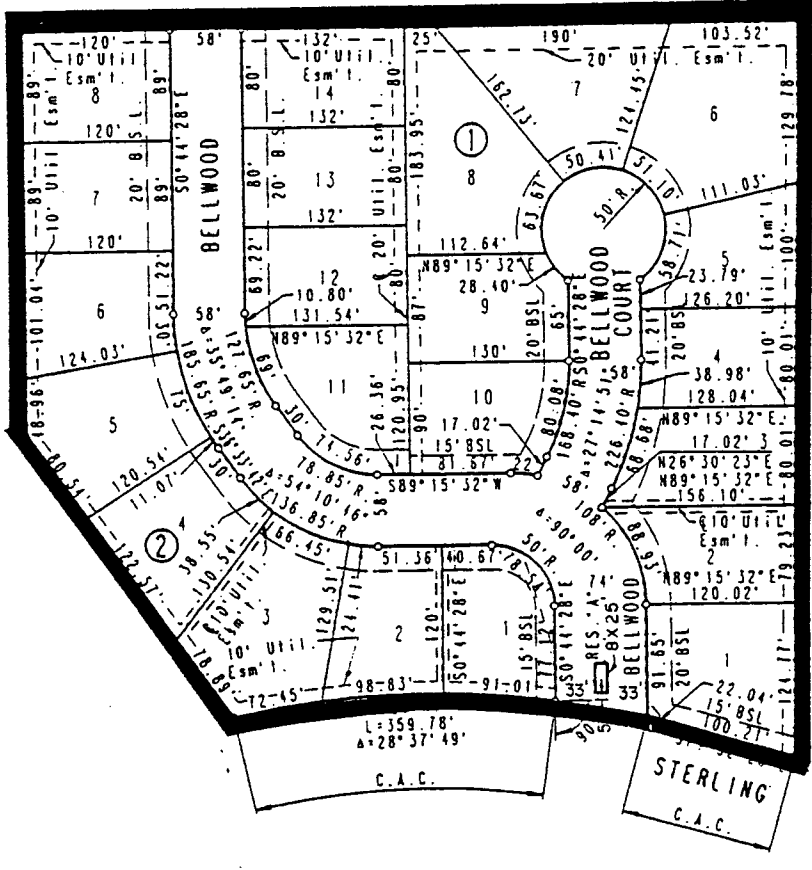
Analysis: The land that is now platted as Leewood Village at Northrock 2nd Addition was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread Special Assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will save the City time in recalculating special assessments for each newly platted lot and will equalize the assessments for each lot, making it easier for the developer to market the lots.

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 that the City Council approve the Agreement and authorize the Mayor to execute.





Improvement District Boundary

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT


DATE: August 31, 1994

TO: Michael E. Lindebak, P.E., City Engineer

FROM: Douglas J. Moshier, Senior Assistant City Attorney

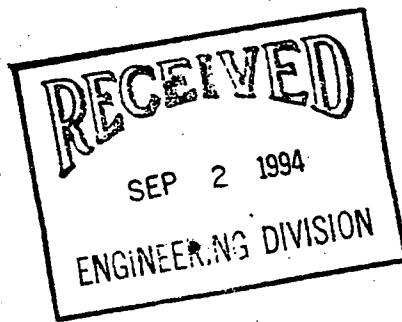
SUBJECT: Agreement for Respread Assessments

The attached Agreement for respreading assessments in Sterling Farms 4th 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

KESSLER ENTERPRISES, A TRUST
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Sterling Farms, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of the improvement district; and

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

WHEREAS, Party of the Second Part desires that a reassessment be made to reflect the changes in platting; and

WHEREAS, the Party of the First Part and Party 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. An Unplatted Tract, D-753-1AUP

was part of the improvement district for the following City project(s):

Paving - Project No. 472-82337
Lateral 109 Westlink Sewer - Project No. 468-82321
SWD No. 100 - Project No. 468-82322
Water Distribution System - Project No. 448-88718

Said property was replatted as Lot 1 thru 14, Block 1; and Lots 1 thru 8, Block 2, Sterling Farms 4th Addition

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

The proportionate share of the assessment for project numbers 472-82337, 468-82321, 468-82322, and 448-88718 shall be pro-rated on an equal fraction basis (1/22 each) to the lots described in Section 1.

3. The Party of the Second Part is the owner of the property described in section one above and said Party 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 Party of the Second Part further waives his right to appeal the special assessments for the above mentioned projects (including this described reassessment) and agrees that no suit to set aside said assessment shall be brought by him nor shall he in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in constructing this project and levying the special assessments therefore.

5. The Party of the Second Part further agrees that he will indemnify the Party of the First Part against any and all costs, expenses, claims and judgments 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.

6. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the _____
of _____, 1994

THE CITY OF WICHITA, KANSAS

Approved as to form:

Gary E. Robinson
Director of Law

BY _____
Elma Broadfoot, Mayor
Party of the First Part

Attest:

City Clerk

KESSLER ENTERPRISES, A TRUST

BY: Lucille Meyer
Lucille Meyer, Trustee

BY: William J. Walsh, Jr.
William J. Walsh, Jr. Trustee
Party of the Second Part

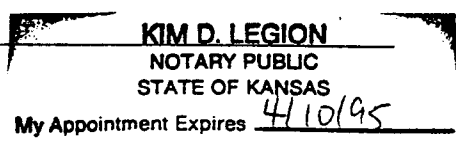
STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 15th day of August
1994, before me, that undersigned, a Notary Public in and for the County and State aforesaid, came
Lucille Meyer and William Jr. Walsh, Jr., Co-Trustees of Kessler Enterprises, A Trust, 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.

Kim D. Legion
Notary Public

My Appointment Expires:



August 4, 1994

STAFF REPORT

(Final Plat, Preliminary Plat Approved 7/7/94)

CASE NUMBER: S/D 94-48 LEEWOOD VILLAGE AT NORTHROCK SECOND ADDITION

OWNER/APPLICANT: Leewood Homes, Inc., c/o Joe Lee, 6130 Legion, Wichita, KS 67204

SURVEYOR/ENGINEER: Mid-Kansas Engineering Consultants, Inc., c/o Greg Allison, Agent, 3500 N. Rock Road - #800, Wichita, KS 67226

LOCATION: South of 37th Street North and west of Rock Road

SITE SIZE: 10.41 Acres

NUMBER OF LOTS

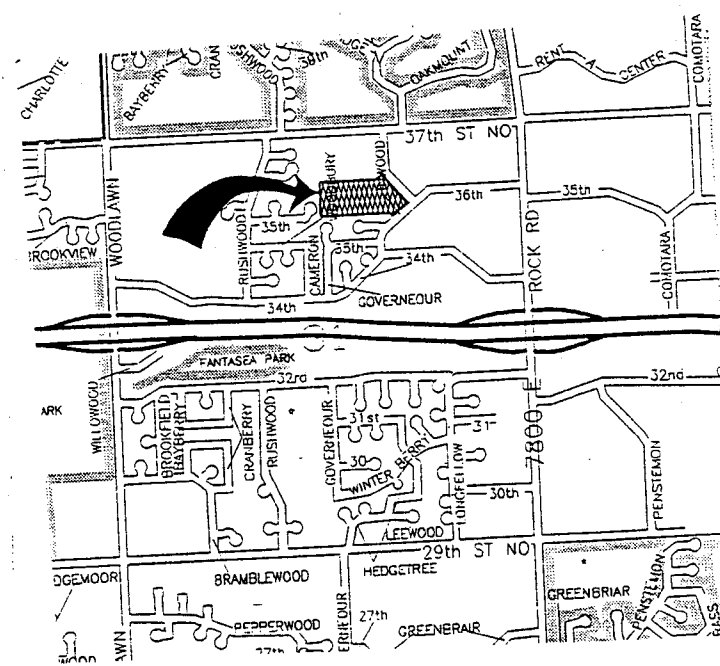
Residential:	27
Office:	
Commercial:	
Industrial:	
Total:	<u>27</u>

MINIMUM LOT AREA: 6,445 square feet

CURRENT ZONING: "AA"

PROPOSED ZONING: "AA"

VICINITY MAP:



NOTE: Since the preliminary plat was heard, the applicant has indicated they would like the Committee to reconsider placing the northern drainage way in a reserve (see Items G and H).

STAFF COMMENTS:

- 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 any drainage improvements required by the platting of this property.
- D. The applicant shall guarantee the paving of the proposed interior streets.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The final plat shall state in the plattor's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.
- 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. 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.
- I. 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.
- J. As indicated by City Engineering, minimum building pad elevations will be required for the lots adjacent to the drainageway. Such elevations shall be indicated both in the plattor's text and on the face of the final plat tracing. It shall also be indicated if the elevation(s) are for the lowest opening or floor level. Both on-site and off-site benchmarks shall also be indicated.
- K. The final plat tracing shall indicate the recording information for the Farmland Pipeline Ind. Easement shown on this plat. A copy of this easement shall also be submitted for the plat file.

Such recording information shall also be shown for the 30-foot sanitary sewer easement located over a northern portion of this plat.

- L. On the final plat tracing, a distance shall be indicated from this site's northwest corner to the tiepoint (N.W. Cor., N.W. 1/4)
 - M. 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.
 - N. 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.
 - O. 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.
 - P. As indicated by the City's Fire Department representative, the length of this site's cul-de-sac, for safety purposes, should require that no parking be established at least in the area of the site's entrance from Ironwood and adjacent to Reserve A.
 - 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 representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan. City Engineering also needs to indicate what minimum building pad elevations are required.
-