

IRREVOCABLE LETTER OF CREDIT

Re: Guarantee of payment of special assessments for the construction of ~~sanitary~~  
~~sewer~~ southwest interceptor.

\_\_\_\_\_ is the owner of  
(Name of Developer or Builder)

West side of Hydraulic in an area south of the Kansas Turnpike.  
(Legal Description - Lots, Blocks, Addition)

It is requested that ~~sanitary sewer~~ Lateral 66, Main 1,  
Southwest Interceptor - Proj. No. 468 76 245 81165 000 000 001  
(Sanitary Sewer Name, Project Number)

be installed prior to development on the lots.

\_\_\_\_\_ shall pay all special  
assessments for sanitary sewer to be levied against the above-described property on  
which improvements have not been started for a period of two years or until 35% of  
the above-described property has improvements started.

In order to secure performance on the conditions stated above, the sum  
of \$ 77,350.00 \_\_\_\_\_ is being held in account by \_\_\_\_\_

\_\_\_\_\_  
(Name of Bank or Association)

The undersigned guarantor will make disbursements by sight drafts upon the above-  
mentioned account by notice from the City of Wichita that \_\_\_\_\_

\_\_\_\_\_  
(Developer or Builder)

is in default of his promise to pay the special assessments levied upon the above-  
described property and in the amount designated by the City as being in default.

Prior to the maturity of this Letter of Credit, the City of Wichita,  
Kansas has the option to draw against this Letter of Credit or request a new Irrevo-  
cable Letter of Credit be issued.

The guaranty sum shall be maintained until notice by the City of Wichita  
that 35% of improvements have been started and guaranty released.

\_\_\_\_\_  
Signature of Guarantor

**CAPITAL IMPROVEMENT  
PROJECT AUTHORIZATION  
CITY OF WICHITA**

FORM 000-047 REVISED 2/12/71

- USE  TO INITIATE PROJECT  TO REVISE PROJECT
- FOLLOW INSTRUCTIONS ON RIGHT.
1. PREPARE IN QUADRUPPLICATE
  2. SEND ORIGINAL & 3 COPIES TO BUDGET OFFICE.
  3. CITY MANAGER TO SIGN ALL 4 COPIES
  4. FILE ORIGINAL WITH INITIATION RESOLUTION IN CITY CLERK'S OFFICE
  5. RETURN 2ND COPY TO INITIATING DEPARTMENT
  6. SEND 3RD COPY TO CONTROLLER.
  7. SEND 4TH COPY TO BUDGET OFFICE

1. INITIATING DEPARTMENT <b>Engineering</b>		2. INITIATING DIVISION <b>Administration &amp; Planning</b>		3. DATE <b>10-23-81</b>		4. PROJECT DESCRIPTION & LOCATION <b>Sanitary Sewer Lateral to serve Pinewood Estates II Addition</b>			
5. CIP PROJECT NO. <b>S-5</b>		6. ACCOUNTING NO.		7. CIP PROJECT DATE (YEAR) <b>1981</b>		8. APPROVED BY CITY COMMISSION			
10. ESTIMATED STARTING DATE:		11. ESTIMATED COMPLETION DATE:		9. PROJECT REVISED					
As Required		As Required		12A. YES NO					
ITEM		GO		SA		OTHER		TOTAL	
RIGHT-OF-WAY									
PAYING, GRADING & CONSTRUCTION									
BRIDGE & CULVERTS									
DRAINAGE									
SANITARY SEWER				\$221,000				\$221,000	
SIDEWALK									
OTHER									
TOTALS				\$221,000				\$221,000	
TOTAL									
CIP AMOUNT BUDGETED									
TOTAL									
PRELIMINARY ESTIMATE									
13. RECOMMENDATION		Approve the petition and instruct the City Attorney to prepare the necessary resolution. (Hold for development.)							
14. DIVISION HEAD		15. DEPARTMENT HEAD		16. BUDGET OFFICER					
<i>[Signature]</i>		<i>[Signature]</i>		<i>[Signature]</i>					
				17. CITY MANAGER					
				<i>[Signature]</i>					
				DATE <i>10-29-81</i>					
				DATE <i>10-29-81</i>					
				Approved by Board of Commissioners this <u>3</u> NOV 3 1981 LATERAL 66, MAIN I, S.W.I.					
				100% petition; assessment on fractional basis, each lot to pay 1/76 of cost payable by district.					

11/17/81

468 76 245 81165 000 000 001  
(West side of Hydraulic in an area  
south of the Kansas Turnpike)  
11/3/81

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 66, MAIN 1, SOUTHWEST INTERCEPTOR SEWER IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING LATERAL 66, MAIN 1, SOUTHWEST INTERCEPTOR SEWER IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 66, Main 1, Southwest Interceptor Sewer in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Two Hundred Twenty-One Thousand Dollars (\$221,000.00) payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro-rata rate of 1 1/2 percent per month from and after July 1, 1981.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

Lots 1 through 34 inclusive, Block A.

Lots 1 through 4 inclusive; Lots 7 through 14 inclusive,  
and Lots 17 through 24 inclusive, Block B.

Lots 1 through 4 inclusive, Lots 7 through 14 inclusive,  
and Lots 17 through 26 inclusive, Block C.

Pinewood Estates II.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis: Each lot shall pay 1/76 of the total cost payable by the improvement district. 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.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral as defined in City of Wichita Ordinance No. 36-660 and 37-000 under the criteria established for "hardship deferral".

SECTION 6. That all costs of the improvements of the sanitary sewer system shall be assessed to the improvement district as provided by Section 4 hereof.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. The advisability of the improvements setforth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

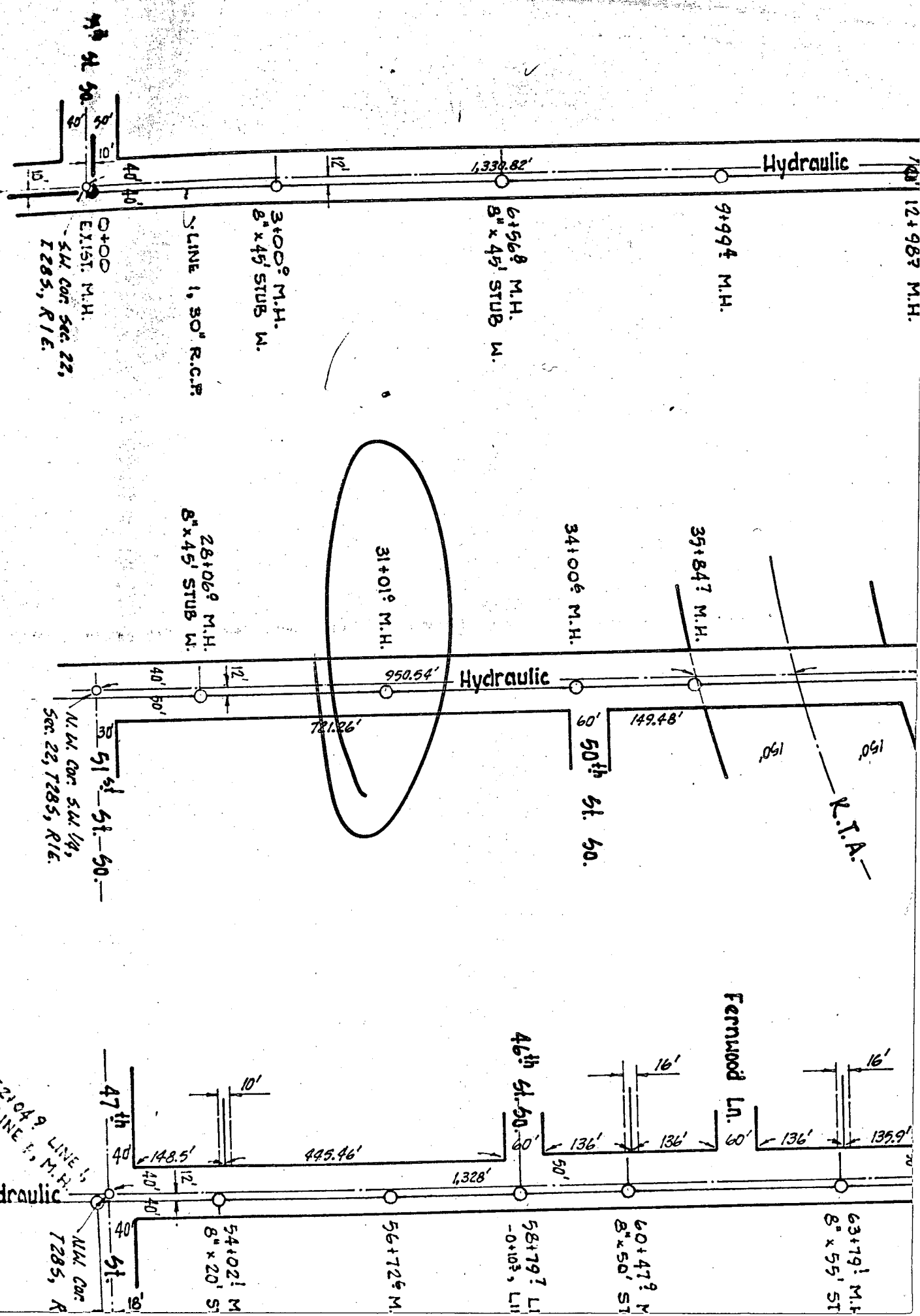
ADOPTED at Wichita, Kansas, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

(SEAL)



Sub. 1, S.W. Interceptor - SHEET 1 of 4  
 Utility Contractors, Inc.  
 Docketed June 1, 1970 from 268-Y  
 Project No. C28-82

**CAPITAL IMPROVEMENT  
PROJECT AUTHORIZATION  
CITY OF WICHITA**

- USE  TO INITIATE PROJECT  TO REVISE PROJECT
- FOLLOW INSTRUCTIONS ON RIGHT.
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  7. SEND 4TH COPY TO BUDGET OFFICE

FORM 000-047 REVISED 2/12/71

1. INITIATING DEPARTMENT	2. INITIATING DIVISION	3. DATE	4. PROJECT DESCRIPTION & LOCATION	
	ENR A + P		Sanitary sewer lateral to serve Pinewood Estates II Addition	
5. CIP PROJECT NO. S-5	6. ACCOUNTING NO.	7. CIP PROJECT DATE (YEAR) 1981		
10. ESTIMATED STARTING DATE:	11. ESTIMATED COMPLETION DATE:			
A R	A R			
12. PROJECT COST ESTIMATE				
ITEM	GO	SA	OTHER	TOTAL
RIGHT-OF-WAY				
PAVING, GRADING & CONSTRUCTION				
BRIDGE & CULVERTS				
DRAINAGE				
SANITARY SEWER		\$221,000		\$221,000
SIDEWALK				
OTHER				
TOTALS		\$221,000		\$221,000
TOTAL CIP AMOUNT BUDGETED				
TOTAL PRELIMINARY ESTIMATE				
13. RECOMMENDATION				
Approve the petition and instruct the City Attorney to prepare the necessary resolution (held for development)				
14. DIVISION HEAD	15. DEPARTMENT HEAD			
16. BUDGET OFFICER				
17. CITY MANAGER				
DATE				
DATE				

REMARKS: 100% petition. Assessment on fractional basis, each lot to pay 1/26 of cost payable by district.

9. PROJECT REVISED

PLATTING REQ.	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
LOT SPLIT	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
PETITION	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
ORDERED BY CITY COMMISSION	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO

PETITION - SANITARY SEWER LATERAL

To the Board of Commissioners  
Wichita, Kansas

Dear Commissioners:

1. We, the undersigned owners of record as below designated, of lots, parcels, and tracts of real property lying within the area described generally as follows:

Lots 1 through 34 inclusive, Block A

Lots 1 through 4 inclusive; Lots 7 through 14 inclusive, and Lots 17 through 24 inclusive, Block B

Lots 1 through 4 inclusive; Lots 7 through 14 inclusive; and Lots 17 through 26 inclusive, Block C

Pinewood Estates II.

do hereby petition, pursuant to the provisions of K.S.A. 1974 Supp. 12-6a01 et seq., as follows:

- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being \$ 221,000.00 payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro-rata rate of 1½% per month from and after July 1, 1981.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100% of the total actual cost of the improvement.
- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Each lot shall each pay 1/76 of the total cost payable by the improvement district

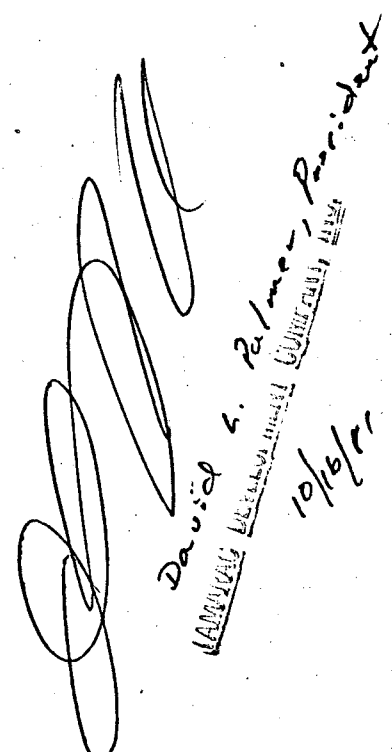
Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvement may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>PINEWOOD ESTATES II:</u>		
<u>Block A</u>		
Lot 1	 David S. Palmer, President WARDEN COMMUNITY UNIT #111	10/16/81
Lot 2		
Lot 3		
Lot 4		
Lot 5		
Lot 6		
Lot 7		
Lot 8		
Lot 9		
Lot 10		
Lot 11		
Lot 12		
Lot 13		
Lot 14		

- Lot 15
- Lot 16
- Lot 17
- Lot 18
- Lot 19
- Lot 20
- Lot 21
- Lot 22
- Lot 23
- Lot 24
- Lot 25
- Lot 26
- Lot 27
- Lot 28
- Lot 29
- Lot 30
- Lot 31
- Lot 32
- Lot 33
- Lot 34

*[Handwritten Signature]*  
 David S. Palmer, President  
 LAMARCO DEVELOPMENT COMPANY, INC.  
 10/16/01

BLOCK B

- Lot 1
- Lot 2
- Lot 3
- Lot 4
- Lot 7
- Lot 8
- Lot 9
- Lot 10
- Lot 11
- Lot 12
- Lot 13
- Lot 14
- Lot 17
- Lot 18
- Lot 19
- Lot 20
- Lot 21
- Lot 22
- Lot 23
- Lot 24

*[Handwritten Signature]*  
 David S. Palmer, President  
 LAMARCO DEVELOPMENT COMPANY, INC.  
 10/16/01

BLOCK C

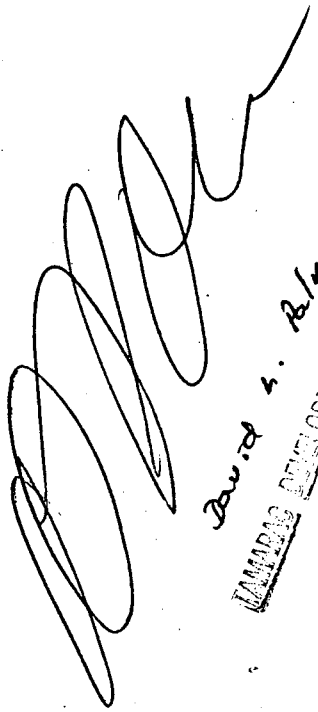
- Lot 1
- Lot 2
- Lot 3
- Lot 4

LEGAL DESCRIPTION

SIGNATURE

DATE

- Lot 7
- Lot 8
- Lot 9
- Lot 10
- Lot 11
- Lot 12
- Lot 13
- Lot 14
- Lot 17
- Lot 18
- Lot 19
- Lot 20
- Lot 21
- Lot 22
- Lot 23
- Lot 24
- Lot 25
- Lot 26



David S. Blumer, President  
LAMBDA DEVELOPMENT COMPANY, INC.  
10/16/01

AN ABTRACTOR'S CERTIFICATE OF OWNERSHIP MUST ACCOMPANY THIS PETITION

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Steven R. Eising / Steven R. Eising  
Name

6136 E. 9<sup>th</sup>, Wichita, KS 67208  
Address

316-681-1602  
Telephone No.

Sworn to and subscribed before me this 21st day of October  
19 81.

Dale C. Rea  
City Clerk

O W N E R S H I P   L I S T

Tract

Property Owner

That part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of 21-28-1E lying south of the south r/o/w line of the Kansas Turnpike, exc. the south 5 acres thereof (being platted as part of Pinewood Estates II Addition)

Tamarac Development Co. Inc.  
6136 E. 9th St., 67208

The south 5 acres of the east  $\frac{1}{2}$  of the NE $\frac{1}{4}$  of 21-28-1E exc. the east 290 ft. thereof (being platted as part of Pinewood Estates II Addition)

"

Tract beg. at the SE corner of the west  $\frac{1}{2}$  of the NE $\frac{1}{4}$  of 21-28-1E; then N 0° E 652.11 ft. to a pt. on the southerly r/o/w line of the Kansas Turnpike, being a pt. on a circular curve having a radius of 1759.86 ft., and whose radius pt. bears S 25°22'14" E from said pt. on curve; then west-southwesterly on said curve to the left, through a central angle of 20°27'59" a distance of 628.63 ft.; then S 13°35'55" E a distance of 300.16 ft. to a pt. on the south line of the west  $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; then east on said south line bearing N 89°30'22" E a distance of 437.85 ft. to pt. of beg. (being platted as part of Pinewood Estates II Addition)

"

We hereby certify the foregoing to be a true and correct list of the property owners of

That part of the South Half of the Northeast Quarter of Section 21, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, more accurately described as follows: Beginning at a point on the east line of said Northeast Quarter bearing N 00°00'00" E at a distance of 166.00 feet north from the southeast corner of the Northeast Quarter of Section 21, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas; thence northerly bearing N 00°00'00" E along the east line of said Northeast Quarter a distance of 784.76 feet to the south Right of Way line of the Kansas Turnpike; thence southwesterly along said Right of Way line being a 7°30'00" spiral curve to the right having a radius of 1759.86 feet through a central angle of 2°33'52" an arc distance of 340.21 feet; thence southwesterly along said Right of Way line along a tangent to said spiral curve bearing S 79°55'40" W a distance of 297.69 feet; thence along said Right of Way line being a 7°30'00" spiral curve to the left having a radius of 1759.86 feet through a central angle of 7°30'00" an arc distance of 480.35 feet; thence southwesterly along said Right of Way line being a circular curve to the left having a radius of 1759.86 feet through a central angle of 7°47'53" an arc distance of 239.53 feet to the intersection of the east line of the West Half of the Northeast Quarter of said Section 21, and the south Right of Way line of the Kansas Turnpike; thence southwesterly along said Right of Way line being a circular curve to the left having a radius of 1759.86 feet through a central angle of 20°27'59" an arc distance of 628.63 feet; thence southeasterly bearing S 13°35'55" E a distance of 300.16 feet to a point on the south line of the Northeast Quarter of said Section 21; thence easterly on said south line bearing N 89°30'22" E a distance of 437.85 feet to the southeast corner of the West Half of the Northeast Quarter of said Section 21; thence continuing easterly on the south line of the Northeast Quarter of said Section 21 on a bearing of N 89°30'22" E a distance of 1028.12 feet; thence northerly bearing N 00°00'00" E a distance of 166.00 feet; thence easterly on a bearing of N 89°30'22" E a distance of 290.00 feet to the point of beginning, being platted as Pinewood Estates II Addition to Wichita, Sedgwick County, Kansas. Included in this description are proposed lots

- 1 through 34 inclusive, Block A
- 1 through 4 inclusive; 7 through 14 inclusive;  
and 17 through 24 inclusive, Block B
- 1 through 4 inclusive; 7 through 14 inclusive;  
and 17 through 26 inclusive, Block C

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 21st day of October, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

*Mary Gable*  
Vice-President

Order No. 303877  
GE

SDP  
VRAH

JP  
5/29/01

Dave Flory  
1406 Westfield Court  
67212

(316)-722-8656

6/15/01

PETITION - SANITARY SEWER LATERAL

To the Board of Commissioners  
Wichita, Kansas

Dear Commissioners:

1. We, the undersigned owners of record as below designated, of lots, parcels, and tracts of real property lying within the area described generally as follows:

- 34 Lots 1 through 34, inclusive Block A ✓
  - 4 Lots 1, through 4, inclusive
  - 8 Lots 7, through 14, inclusive
  - 8 Lots 17, through 24, inclusive Block B ✓
  - 4 Lots 1 through 4, inclusive ✓
  - 8 Lots 7 through 14, inclusive ✓
  - 10 Lots 17 through 26, inclusive Block C ✓
  - 76
- Pinewood Estates II

do hereby petition, pursuant to the provisions of K.S.A. 1974 Supp. 12-6a01 et seq., as follows:

- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being \$ 221,000 payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro-rata rate of 1½% per month from and after July 1, 1901
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100% of the total actual cost of the improvement.
- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis.  
Each Lot "same as sheet 1" shall each pay 1/76 of the  
total cost payable by the improvement district.

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.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvement may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
Same as sheet 1		

Petition Estimate for constructing sanitary sewer  
to serve most of Pinewood Estates II

✓  
4921.08 LF. 8" pipe @ \$25 = 123,027.

20 MH. @ \$3,000 = 60,000.

1 hookup to structural T-MH = 1,000.  
@ 1,000

\$184,027

+ 20% 36,805.40

\$220,832.40

USE \$221,000

20 manholes  
+  
\$1,000  
for hookup

O.T  
C  
222.+  
222.+  
222.+  
222.+  
221.91+  
259.+  
383.+  
56.+  
349.+  
315.+  
349.+  
307.+  
50.+  
349.+  
205.+  
349.+  
210.+  
61.+  
349.+  
220.17+  
4921.08T

structural  
1/76

221,000  
76

\$2907.89 / lot