

MAXWELL'S C.U.P.

GENERAL

TOTAL GROSS AREA = 57.8 AC +
TOTAL NET AREA = 52.1 AC + (EXCLUSIVE OF PUBLIC STREET R/W AND DRAINAGE DEDICATION)
THIS DEVELOPMENT IS PROPOSED TO CONTAIN NET ACRES + OF LIGHT COMMERCIAL
ZONING AND NET ACRES + OF "R-6" ZONING.

GENERAL PROVISIONS

1. ACCESS CONTROL: ACCESS TO WEBB ROAD SHALL BE LIMITED TO 7 OPENINGS, TWO (2) FROM PARCEL ONE (1), THREE (3) TO PARCEL TWO (2), AND TWO (2) FROM PARCEL THREE (3). ONE (1) OPENING TO PARCEL TWO (2), AND ONE (1) OPENING TO PARCEL THREE (3) TO WEBB ROAD SHALL BE CONSTRUCTED TO MAJOR ENTRANCE STANDARDS.

CONSTRUCTION OF THE MAJOR ENTRANCES, TWO (2) TOTAL, AND A CONTINUOUS DECEL LANE ALONG THE EAST LINE OF PARCELS TWO (2) AND THREE (3) SHALL BE GUARANTEED AT THE TIME OF PLATTING.
2. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
3. DRAINAGE: AT THE TIME OF PLATTING, THE APPLICANT SHALL SUBMIT A DRAINAGE PLAN FOR THE ENTIRE DEVELOPMENT AND GUARANTEE DRAINAGE IMPROVEMENTS AS MAY BE REQUIRED.
4. MINIMUM BUILDING SETBACKS SHALL BE AS INDICATED ON THE PLAN. IN THE EVENT THAT PARCELS THREE (3), FOUR (4) OR FIVE (5) ARE DEVELOPED UNDER THE SAME OWNERSHIP, THE SETBACK BETWEEN PARCELS WILL NOT BE REQUIRED.
5. PARKING RATIO SHALL BE IN ACCORDANCE WITH SECTION 28.04.141 OF THE CODE OF THE CITY OF WICHITA OR AS INDICATED IN THE PARCEL DESCRIPTION.
6. ADVERTISING SIGNS SHALL BE IN ACCORDANCE WITH SECTION 28.04.139 OF THE CODE OF THE CITY OF WICHITA. NO BILLBOARD ADVERTISEMENT SHALL BE ALLOWED.
7. APPROPRIATE FIRE LANE EASEMENTS FOR ALL PARCELS WILL BE DEFINED PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S). SAID FIRE LANES SHALL BE HARD SURFACED, AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH, AND CONSTRUCTED WITH A 3½ INCH ASPHALT BASE WITH 1-1½ INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID FIRE LANE, ALTHOUGH IT MAY BE USED FOR PASSENGER LOADING AND UNLOADING.
8. INGRESS AND EGRESS TO PARCELS FOUR (4), FIVE (5), AND SIX (6) WILL BE PROVIDED VIA THE INGRESS/EGRESS EASEMENT AS SHOWN. THE ROADWAY IN SAID INGRESS/EGRESS EASEMENT SHALL BE HARD SURFACED, AND TWENTY-FOUR (24) FEET MINIMUM IN WIDTH, AND CONSTRUCTED WITH A 3½ INCH ASPHALT BASE WITH 1-1½ INCH ASPHALT SURFACE, OR THE EQUIVALENT THEREOF. NO PARKING SHALL BE ALLOWED IN SAID INGRESS/EGRESS EASEMENT.
9. AN AGREEMENT PROVIDING FOR THE MAINTENANCE OF THE ROADWAY AND INGRESS/EGRESS EASEMENT SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCELS THREE (3), FOUR (4), FIVE (5) AND SIX (6).
10. A HOMEOWNERS ASSOCIATION AGREEMENT PROVIDING FOR THE MAINTENANCE OF NONPUBLIC COMMON AREAS, PARKING AREAS, PRIVATE DRIVES, COMMUNITY FACILITIES, ETC., SHALL BE SUBMITTED WITH THE PLAT(S) FOR PARCEL SIX (6) IF IT IS PROPOSED THAT EACH DWELLING UNIT WILL BE INDIVIDUALLY OWNED.

11. SCREENING AND LANDSCAPING: SHOULD PARCEL ONE (1) DEVELOP AS FINANCIAL OR OFFICE A PLANTING STRIP, AS INDICATED IN PARCEL ONE (1) SHALL BE PROVIDED WITH TREES, GRASS AND LOW SHRUBBERY NOT LESS THAN TEN (10) FEET IN WIDTH AND SHALL BE OF SUCH A TYPE, AND MAINTAINED IN SUCH A MANNER, AS TO NOT CONSTITUTE A TRAFFIC HAZARD. FAILURE TO PROPERLY MAINTAIN THE PLANTING STRIP SHALL BE CONSIDERED A VIOLATION OF THE C.U.P. AFTER A JOINT DETERMINATION BY THE DIRECTOR OF PLANNING AND SUPERINTENDENT OF CENTRAL INSPECTION.

THE LANDSCAPE STRIP IN PARCEL ONE (1) SHALL BE REPLACED WITH A SOLID OF SEMI-SOLID WALL AT LEAST FIVE (5) FEET, BUT NOT MORE THAN EIGHT (8) FEET HIGH, CONSTRUCTED OF BRICK, STONE, MASONRY, ARCHITECTURAL TILE OR OTHER SIMILIAR MATERIAL, IF THE STORAGE AREA, SERVICE AREA OR REAR OF THE BUILDING(S) FACE DIRECTLY INTO THE RESIDENTIAL DISTRICT TO THE NORTH.

12. A LANDSCAPE PLAN PREPARED BY A LANDSCAPED ARCHITECT FOR THE PLANTING STRIP, INDICATING THE TYPE LOCATION AND SPECIFICATION OF PLANT MATERIAL AND METHOD OF PROVIDING WATER TO THE PLANT MATERIAL, SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S) FOR PARCEL ONE (1).

A FINANCIAL GUARANTEE FOR THE PLANT MATERIALS APPROVED IN THE LANDSCAPE PLAN SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT IF THE REQUIRED LANDSCAPING HAS NOT BEEN PLANTED.

PARCEL 1

PROPOSED USE - FINANCIAL, OFFICE AND/OR APARTMENTS OR TOWNHOUSES AND ASSOCIATED COMMUNITY FACILITIES.

NET AREA - 4.1 ACRES + OR 177,675 SQ. FT.

MAXIMUM BUILDING COVERAGE - 30% OR 53,302 SQ. FT.

FLOOR AREA RATIO - .50 FOR FINANCIAL OR OFFICE

MAXIMUM GROSS FLOOR AREA - 88,837 SQ. FT. FOR FINANCIAL OR OFFICE

MAXIMUM BUILDING HEIGHT - 55 FT. OFFICE OR FINANCIAL 120 FT FOR RESIDENTIAL DENSITY - 30 D.U.'S/NET ACRE OR 120 D.U.'S

PARKING RATIO (RESIDENTIAL) - 1.5/D.U. (2.0 D.U. IF OWNER OCCUPIED)

PARCEL 2

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.

NET AREA - 8.93 ACRES + OR 388,825 SQ. FT.

MAXIMUM BUILDING COVERAGE - 30% OR 116,647 SQ. FT.

FLOOR AREA RATIO - .50

MAXIMUM GROSS FLOOR AREA - 194,412 SQ. FT.

MAXIMUM BUILDING HEIGHT - 120 FEET OR AS PER ATTACHED EXHIBIT "A".

PARCEL 3

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.

NET AREA - 7.6 ACRES + OR 331,145 SQ. FT.

MAXIMUM BUILDING COVERAGE - 30% OR 99,343 SQ. FT.

FLOOR AREA RATIO - .50

MAXIMUM GROSS FLOOR AREA - 165,572 SQ. FT.

MAXIMUM BUILDING HEIGHT - 60 FEET OR AS PER ATTACHED EXHIBIT "A".

PARCEL 4

PROPOSED USE - HOTEL/MOTEL, SHOPPING CENTER, FINANCIAL, OFFICE, PERSONAL SERVICES, CONVENIENCE AND SERVICE ORIENTED RETAIL.

NET AREA - 11.64 ACRES + OR 507,195 SQ. FT.

MAXIMUM BUILDING COVERAGE - 30% OR 152,158 SQ. FT.

FLOOR AREA RATIO - .50

MAXIMUM GROSS FLOOR AREA - 253,597 SQ. FT.

MAXIMUM BUILDING HEIGHT - 120 FEET OR AS PER ATTACHED EXHIBIT "A".

PARCEL 5

PROPOSED USE - HOTEL/MOTEL, OFFICE AND/OR APARTMENTS, AND ASSOCIATED COMMUNITY FACILITIES.

NET AREA - 9.8 ACRES + OR 427,000 SQ. FT.

MAXIMUM BUILDING COVERAGE - 30% OR 128,100 SQ. FT.

FLOOR AREA RATIO - .50

MAXIMUM GROSS FLOOR AREA - 213,500 SQ. FT.

MAXIMUM BUILDING HEIGHT - 120 OR PER EXHIBIT "A".

DENSITY FOR APARTMENTS - 30 D.U.'S/NET ACRE OR 294 D.U.'S

PARKING RATIO - 1.5/D.U.

PARCEL 6

PROPOSED USE - APARTMENTS OR TOWNHOUSES AND ASSOCIATED COMMUNITY FACILITIES.

NET AREA - 10.0 ACRES +

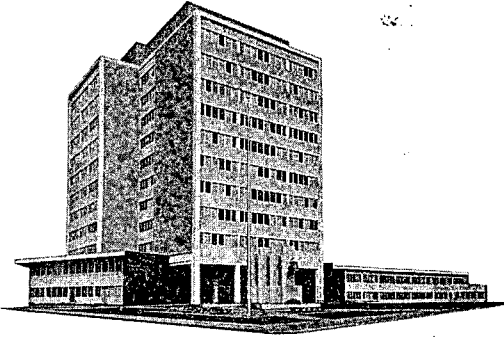
DENSITY - APARTMENTS = 7.2 D.U.'S/NET ACRE OR 72 D.U.'S

TOWNHOUSES = 2.7 D.U.'S/NET ACRE OR 26 D.U.'S

(NET LAND OUT OF THE FLOODWAY IS 2.7 ACRES +)

PARKING RATIO = 1.5/D.U. (2.0) IF OWNER OCCUPIED)

MAXIMUM BUILDING HEIGHT - 35 FEET



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK

DEPARTMENT OF PUBLIC WORKS

1250 S. SENECA
WICHITA, KANSAS 67213-4498

PHONE 268-7901

Claud S. Shelor, P.E.

Director of Public Works / County Engineer

TO: Chris Breitenstein, Drainage and Flood Control Engineer
FROM: Charles Marker Deputy Director of Public Works *by [signature]*
SUBJ: Drainage Plan - Maxwell Addition
DATE: July 7, 1982

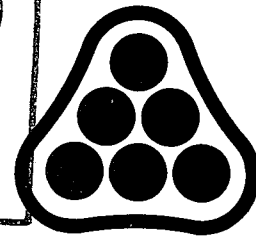
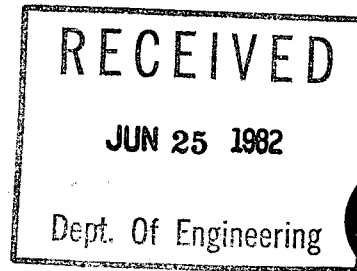
Analysis of the design study information furnished by PEC indicates that the study did not consider the effect of the open drainage system across PHI Addition on final building pad elevations on Lots 2, 3, 5, and 6. If the building pad elevations set for PHI are not to be transferred to Maxwell Addition, a water surface profile for the existing open drainageways across PHI should be furnished.

The blance of the study information is conservative and the pipe system designed from it will have no adverse effect on County roads or property.

CM/FD/sd

DIRECTORS

C. O. KNOP, P.E.
R. B. PEUGH, P.E.
C. J. FREUND, P.E.
W. H. KELTNER, P.E.
R. D. PLETCHER, P.E.
F. D. MIDDLETON, JR., P.E.
D. E. MALTBIE, P.E.
M. D. SCHOMAKER, P.E.



June 25, 1982

Chris Breitenstein, P.E.
Drainage Engineer
7th Floor - City Hall
455 N. Main
Wichita, Kansas 67202

PROFESSIONAL
ENGINEERING
CONSULTANTS
LAND DEVELOPMENT
DIVISION
PROFESSIONAL ASSOCIATION

RE: Maxwell Addition Drainage Plan
PEC File No. 36-78414-2-1014

Dear Chris:

Enclosed please find two copies of the Drainage Plan for the above-referenced project, along with one copy of supporting calculations.

This plan consists of four major systems: Northwest (Nodes 100-120), Northeast (Nodes 240-200), Southeast (Nodes 350-210), and Southwest (Nodes 420-400). The Northwest System intercepts the flow from the north across Douglas Avenue. This system carries the 100-year flow. The Northeast System intercepts flow from the east from 2 culverts under Webb Road and transports it west to the platted floodway in the PHI Addition. In addition, it carries flow from Areas 1E and 2E internal to the plat and also is designed for 100-year flow. The Southeast system intercepts flow from S.W.S. 106 to the south. It picks up additional flow from Area 4E; and discharges into the PHI Addition floodway. This system will operate on a design storm between 2 and 5 years. The balance of flow will be handled in overland sheetflow between buildings through drives, flumes, etc. The Southwest System serves Area 4W and will carry the 5 year flow to the proposed platted floodway. All other areas will be drained by drives, flumes, private storm sewers and/or other approved drainage devices. All drainage will be conveyed to the proposed platted floodway, with the exception of Lot 7, which will be conveyed directly to Gypsum Creek.

Reference is made to TR-55, "Urban Hydrology for Small Watersheds," by the SCS, which was used in the hydrologic analysis. Using these procedures, 100-year discharge hydrographs were generated for both pre- and post-developed conditions. The pre-developed condition peak discharge rate is 695 ft³/sec, with a runoff volume of 101 ac-ft, compared to a post-development peak discharge rate of 833 ft³/sec, with a runoff volume of 108 ac-ft. Thus, the proposed detention pond will detain 7 ac-ft at design high water elevation, with a peak discharge rate of 695 ft³/sec. The proposed static pool elevation is 140.0 (1327.4 MSL) and design high water elevation is 145.0 (1332.4 MSL). This pond will be constructed as an excavated pit pond. Regulation of the peak discharge rate will be accomplished by roadway culvert(s) under the proposed access road.

-continued-

LOCATED AT:
355 ELLIS
WICHITA, KANSAS 67211
(316) 263-1107

FORWARD ALL MAIL TO:
1440 EAST ENGLISH
WICHITA, KANSAS 67211
(316) 262-2691



Date 7/6/82 MWB Page 1 of 5

Project MAXWELL ADDITION

Item DRAINAGE PLAN ADDENDUM

1. OUTFALL FROM NE SYSTEM

$$Q_{100} = 59 \text{ cfs}$$

Assume a V-ditch with 4:1 side slopes, $n=0.035$, and longitudinal slope of 0.014 ft/ft.

$$\text{At depth} = 1.75 \text{ ft.}$$

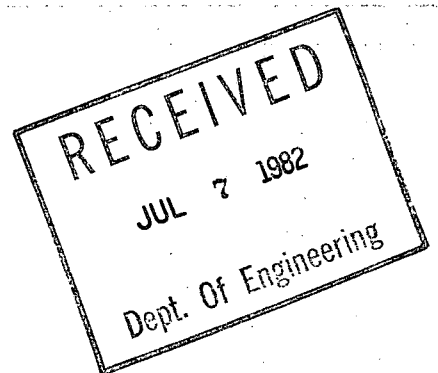
$$Q = \frac{1.49}{n} A R^{2/3} S^{1/2}$$

$$A = 12.25 \text{ ft}^2$$

$$R = 0.85 \text{ ft}$$

$$Q = 56 \text{ cfs}$$

$$V = 4.6 \text{ ft/sec}$$



Thus, a 1.75 ft deep V-ditch w/ slope = 1.4% will carry Q_{100} .

2. STREET CAPACITY FOR INGRESS/EGRESS ESMT.

Design section is 29' BK-BK with standard curb.

Longitudinal grade is 0.9% minimum.

Reference is made to Exhibit VI-2 & VI-3 DATED 11-4-81 from Ad Hoc Committee info.

From this table, for design section on 1.0% slope at curb deep ($d=7.625 \text{ in.}$),

$$Q = 27.4 \text{ cfs.}$$



Date 7/7/82 Page 2 of 5

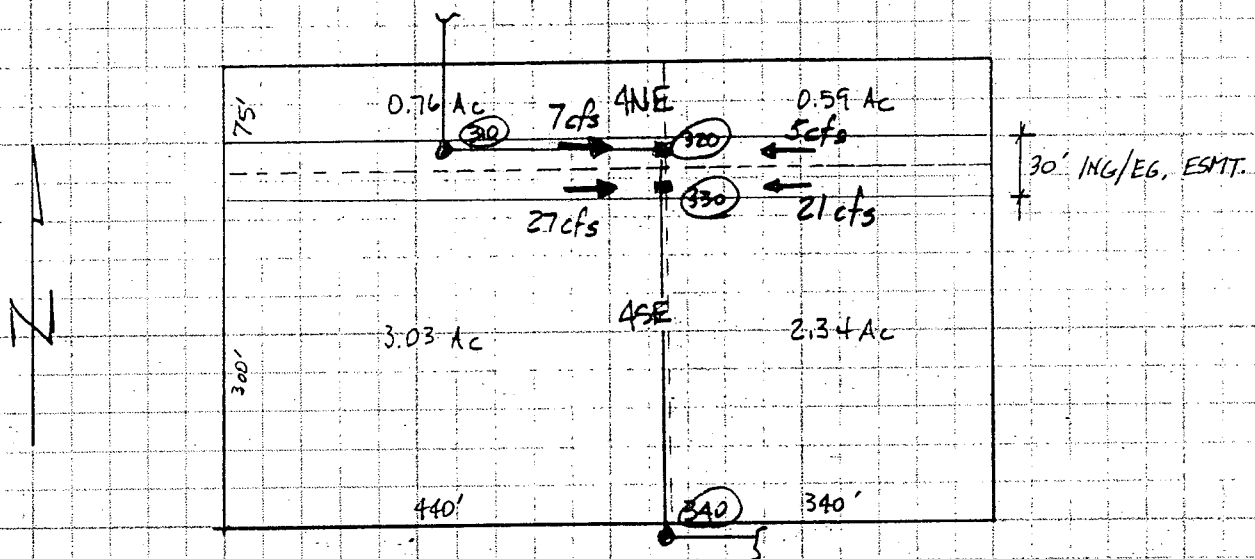
Project MAXWELL ADDITION

Item DRAINAGE PLAN ADDENDUM

We know that $Q = KV\sqrt{S}$, where $K = \frac{1.49}{n} AR^{2/3}$ and is constant for given design section. Thus

$$Q_2 = KV\sqrt{S_2} = \frac{Q_1}{\sqrt{S_1}} \sqrt{S_2} = \frac{27.4}{\sqrt{0.01}} \sqrt{0.009} = 26 \text{ cfs.}$$

Each gutter can convey 26 cfs, for a combined street total of 52 cfs.
(See also Fig. 1 for nomograph solution)

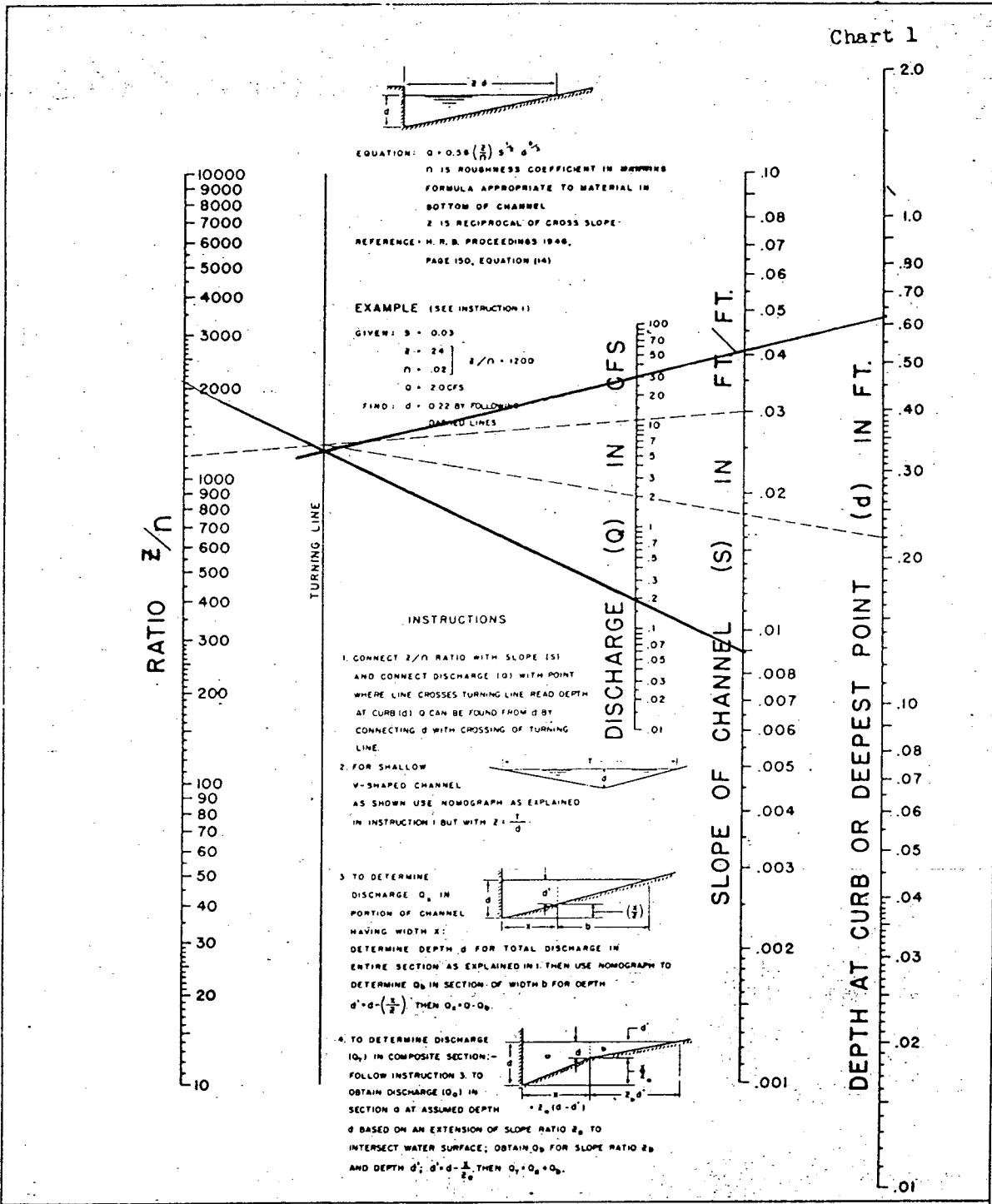


From page 28/16 in previously submitted calc's, $q_{p,100} = 8.98 \text{ A.}$
Thus Q 's can be calculated and are shown above. Gutter capacity is sufficient except in the SW quadrant, where 1 cfs will spill over the crown into the opposite gutter.

3/5

FIG. 1
STREET CAPACITY
0.9% SLOPE
291 FT BK-TD-BK

Appendix C - CAPACITY OF GUTTERS AND GRATE INLET



BUREAU OF PUBLIC ROADS
REV. JAN. 1968

NOMOGRAPH FOR FLOW
IN TRIANGULAR CHANNELS



Date 7/6/82 MUB Page 4 of 5

Project MAXWELL ADDITION

Item DRAINAGE PLAN ADDENDUM

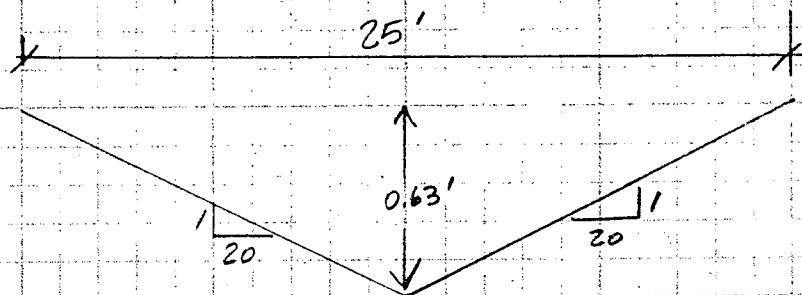
3. Q_{100} THRU ESMT BETWEEN LOTS 3 & 5.

$$Q_{100} = 59 \text{ cfs} + 76 \text{ cfs} = 135 \text{ cfs}$$

$$\text{Pipe capacity } Q_5 = 81 \text{ cfs}$$

$$Q_{100} - Q_5 = 54 \text{ cfs}$$

Use shallow V-shaped channel through parking lot.



$$n = 0.015$$
$$s = 0.015 \text{ FT/FT}$$

Using nomograph for solution (see Fig. 2)

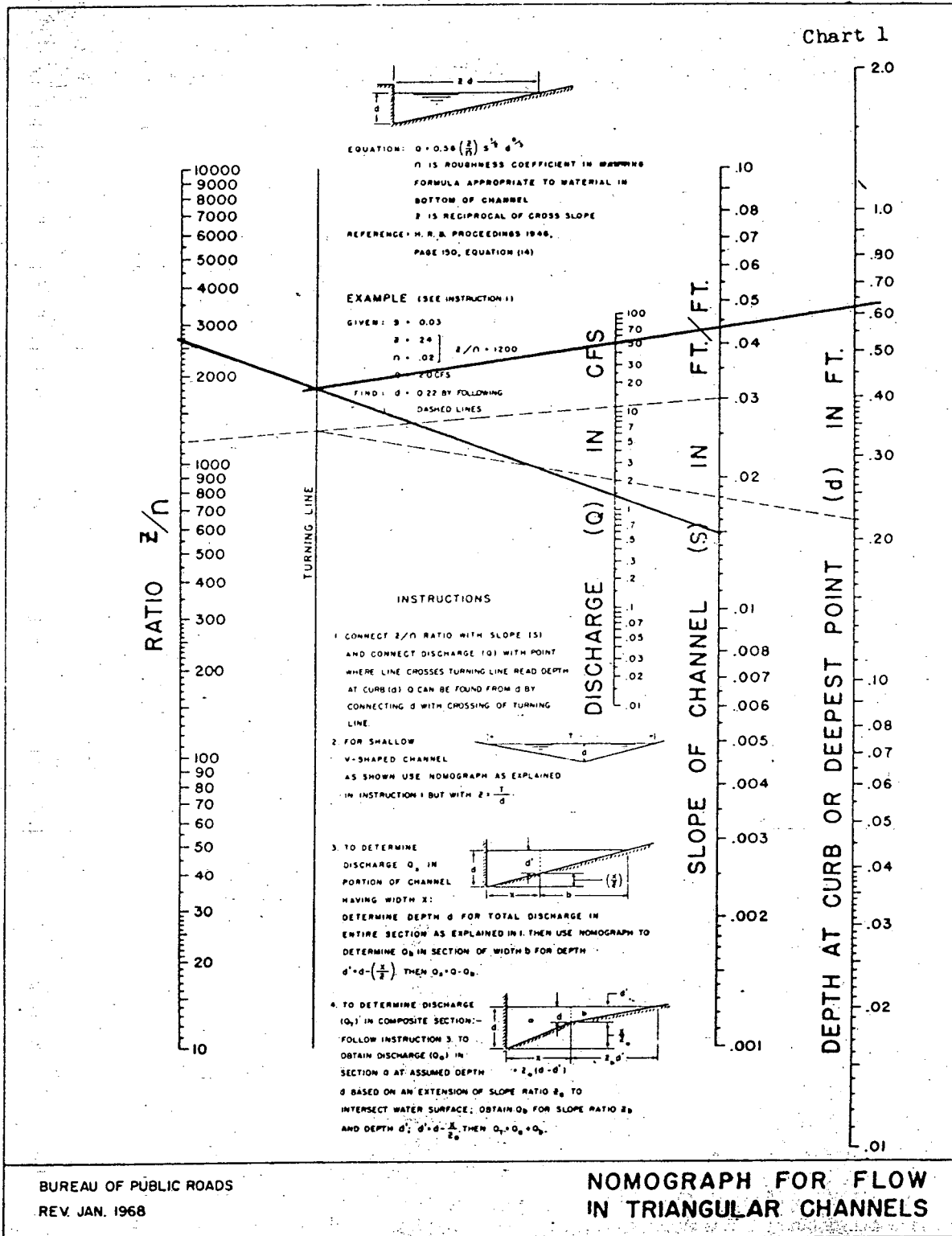
$$Z = \frac{T}{d} = \frac{25}{0.625} = 40 \quad \frac{Z}{n} = \frac{40}{0.015} = 2667$$

From nomograph, capacity is 52 cfs \approx 54 cfs.

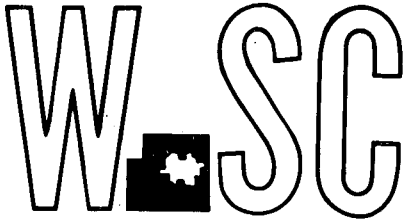
Therefore, we propose a total drainage easement of 25', requiring an additional 15' of easement.

Appendix C - CAPACITY OF GUTTERS AND GRATE INLET

Fig. 2 5/5
 V-shaped channel
 $d = 0.63'$ $T = 25'$
 $n = 0.015$ $S = 1.5\%$



WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

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

August 20, 1982

Professional Engineering Consultants, P.A.
Gary Wiley
1440 E. English
Wichita, Kansas 67211

Re: S/D 82-45 - Final plat of Maxwell 2nd Addition

Dear Mr. Wiley:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, August 19, 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 all road improvements specified in the Traffic Study approved at the time the associated C.U.P. was reviewed. These improvements include a permanent decel lane along the west side of Webb Road, construction of two major entrances on Webb Road, channelization and signalization.
- B. The applicant shall guarantee installation or construction of all drainage improvements specified on the approved drainage plan. Petitions may be submitted for the storm sewers and certain improvements within the floodway. A letter of credit or bond may be submitted for the other drainage improvements OR a covenant may be submitted for recording which states that no building permits can be obtained until these improvements are made. The wording in this covenant shall be approved by Engineering and Planning staffs.
- C. A covenant shall be submitted for recording which specifies the maintenance responsibilities for the drainage improvements within the floodway.
- D. The covenant providing for access and utility easements through Lot 5 shall be submitted to the Planning Department for review and approval prior to being recorded.
- E. The 10-foot drainage (storm sewer) easement on the west side of Lot 1 should end about 10 feet north of the south lot line.

Gary Wiley, P.E.C., P.A.
Page 2 - August 20, 1982

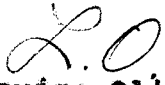
- F. The applicant shall guarantee the extension of City water to serve all lots not already served.
- G. The applicant shall guarantee the extension of sanitary sewer to serve all lots not already served.
- H. If improvements are guaranteed by petition, a certificate confirming the petitions shall be submitted for recording.
- I. The standard avigational easement and associated restrictive covenant shall be submitted for recording.
- J. Closure computations shall be submitted with the final plat tracing.
- K. 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, August 26, 1982, at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,


Louise Olivarez
Senior Planner

LO:bh

cc: Phil Ruffin, (Attention: Gary Snyder), P.O. Box 17087, 67217
X Mike Lindebak, City Engineering

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 82-45 Name Maxwell 2nd Addition
Date Application Rec'd. 8-6-82 Preliminary Approval 5-27-82
Scheduled S/D Meeting 8-19-82

DESCRIPTION

General Location Maxwell 2nd Addition

Owner Phil Ruffin (Attention: Gary Snyder)
Surveyor/Engineer Professional Engineering Consultants, P.A., Gary Wiley
Address 1440 E. English, Wichita, Ks. Zip Code 67211 Phone 263-1107

- | | | | |
|--|---|-------------------------------------|----------------------|
| 1. Gross Acreage of Plat | <u>49.2</u> | 7. Lineal Feet of New Street | |
| 2. Number of Lots : | | a. _____ R/W _____ ft. | |
| Residential | <u>1</u> | b. _____ R/W _____ ft. | |
| Commercial | <u>4</u> | c. _____ R/W _____ ft. | |
| Industrial | | d. _____ R/W _____ ft. | |
| Other | <u>Office 1</u> | e. _____ R/W _____ ft. | |
| Total Number of Lots | <u>6</u> | TOTAL <u>-0-</u> New _____ ft. | |
| 3. Minimum Lot Frontage | <u>384 ft.</u> | 8. Sidewalk adjacent to all streets | <u>yes</u> <u>no</u> |
| 4. Minimum Lot Area | <u>4.53 acres</u> | | |
| 5. Existing Zoning | <u>"AA"</u> | | |
| 6. Proposed Zoning | <u>"AA-BB-LC" DP-115</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> <u>3-Mile Area</u> _____ <u>Outside of 3-Mile Area</u> | | |

STAFF COMMENTS:

Note: The preliminary plat of this property was reviewed on May 27, 1982, under the name of Maxwell (First) Addition. Lots 1, 2, 3 and 4 are approved for "LC" zoning; Lot 5 is approved for "BB" zoning; Lot 6 is to remain "AA".

- A. The applicant shall guarantee all road improvements specified in the Traffic Study approved at the time the associated C.U.P. was reviewed. These improvements include a permanent decel lane along the west side of Webb Road, construction of two major entrances on Webb Road, channelization and signalization.
- B. The applicant shall guarantee all drainage improvements required to adequately drain this property. This includes a detention pond within the floodway and storm sewers. Approval will need to be obtained from the owner of P.H.I. Addition for the channelization being proposed through that property. The applicant's agent shall be prepared to comment on the maintenance responsibilities for the pond. A covenant specifying these responsibilities may be required.
- C. The applicant shall guarantee the extension of City water to serve all lots not already served.
- D. The applicant shall guarantee the extension of sanitary sewer to serve all lots not already served.
- E. If improvements are guaranteed by petition, a certificate confirming the petitions shall be submitted for recording.
- F. The standard avigational easement and associated restrictive covenant shall be submitted for recording.
- G. Closure computations shall be submitted with the final plat tracing.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

5-9

COVENANT

Chris Standish

Covenant affecting certain lots in Maxwell Addition, and Maxwell Second Addition to Wichita, Sedgwick County, Kansas.

THIS DECLARATION, made this _____ day of May, 1983, by HUGH SICKNER MAXWELL and JACQUELYN FAY MAXWELL, both single persons, hereinafter called "Grantors."

WITNESSETH:

WHEREAS, Grantors are the owners of all certain real property described as follows:

Lot 1, Block 1, Maxwell Addition to Wichita, Sedgwick County, Kansas and 6 additional tracts of land being platted as Lots 1 through 6, Block 1, Maxwell Second Addition to Wichita, Sedgwick County, Kansas (hereinafter referred to as Lots 1 through 6, Block 1, Maxwell Second Addition)

and;

WHEREAS, one of the requirements in connection with the platting of Maxwell Second Addition is a covenant assuring that the retention-detention pond and outfall structure which is to be constructed upon portions of Lots 5 and 6, Block 1, Maxwell Second Addition, will be continuously maintained in the future at no cost to the public or the City of Wichita;

NOW, THEREFORE, Grantors hereby declare that all of the above described property shall be and the same is hereby subjected to the following covenants, to-wit:

1. The retention-detention pond and outfall structure to be constructed on portions of Lots 5 and 6, Block 1, Maxwell Second Addition in accordance with the plans on file with the Engineering Department of the City of Wichita, shall be maintained in good condition and repair by the owners of Lot 1, Block 1, Maxwell Addition to the City of Wichita, and Lots 1 through 6, Block 1, Maxwell Second Addition to the City of Wichita, all in Sedgwick County, Kansas. Such maintenance shall be the sole responsibility of such owners without expense to any public or governmental body or agency. The cost and expense of such maintenance shall be borne by the then owners of the various lots described above on a pro rata basis based upon net square footage. Each lot shall bear a portion of this cost equal to the ratio of its net square footage to the total net square footage of all lots described above. For the purposes of this paragraph, the square footage shall be exclusive of areas platted as floodways in Maxwell Second Addition, and the square footage and percentage allocation of cost shall be deemed to be as follows:

Maxwell Addition

Lot 1 - 358,400 net square feet	18% of total cost
---------------------------------	-------------------

Maxwell Second Addition

Lot 1 - 198,148 net square feet	10% of total cost
Lot 2 - 459,036 net square feet	24% of total cost
Lot 3 - 197,216 net square feet	10% of total cost
Lot 4 - 284,988 net square feet	14% of total cost
Lot 5 - 382,770 net square feet	19% of total cost
Lot 6 - 105,238 net square feet	5% of total cost

2. Maintenance or repair of improvements described above may be initiated by the then owner of any of the above described lots. Before commencing or engaging any third parties to commence to perform any maintenance, repair, or other work on the drainage improvements described herein, the party desiring to have such work performed shall give the record owners of all other lots thirty (30) days notice in writing of the proposed work to be performed, an estimate of the total costs thereof, and a statement setting forth the proposed percentage allocation of costs among owners of said lots. If no written objection is made within said thirty (30) day period by an owner receiving such notice, then that owner shall be obligated to reimburse the party giving the thirty (30) day notice in the amount of the owner's pro rata share of the actual costs of work performed as outlined in said notice, not to exceed an amount equal to the owner's share of the estimated costs set out in the notice. If an objection is made and received within said thirty (30) day period, the owner making such objection shall not be responsible for any portion of the cost of the proposed work unless and until the owners of at least two-thirds (2/3) of the net square footage of developed lots have consented, or failed to timely object, to the performance of the proposed work, in which case the work shall be performed and all owners of all lots shall bear their pro rata share of the costs as set out above. The written notice required by this paragraph shall not be necessary in the event of an emergency requiring immediate action, or if the estimated costs of proposed maintenance or repair does not exceed the sum of \$500.00, in which case the owners of the properties described herein shall bear their proportionate share of all reasonable work performed as set out above. The present and future owners of Lots 5 and 6 hereby dedicate, grant, bargain, sell and convey unto the present and future owners of the other lots described above, their heirs, successors, and assigns, an easement and right-of-way in, over, and upon said Lots 5 and 6, for reasonable access, ingress and egress, in, on, over and across said Lots 5 and 6 for the purposes of performing maintenance or repair work upon the drainage improvements described herein pursuant to the terms and provisions hereof.

3. In the event the landowners referred to herein shall fail to adequately and properly maintain the drainage improvements referred to herein, the City of Wichita shall have the right to notify such landowners of the action required in order to accomplish a reasonable standard of maintenance necessary to be performed in order to comply with these covenants. Such notice shall be sufficient if the same is in written form and placed in the United States mail, postage prepaid, addressed to such owners at their addresses as appearing on the tax records, and such owners will have thirty (30) days from the date of the notice or notices postmarked to perform the maintenance required by said notice. If said owners shall fail to comply with the requirements of said notice within said thirty (30) day period, the City of Wichita shall then have the right to perform the necessary maintenance or repair work and to assess the cost thereof against the then owners of the real estate described above in proportion to the net square footage owned by said owners as set out above.

4. These covenants are for the benefit of the property described above and the City of Wichita and shall run with the land and shall inure to the benefit of and pass with said property, and shall apply to and bind the present owners of said property, their heirs, successors, and assigns. Anything herein to the contrary notwithstanding, the undersigned shall not be personally liable for the performance of the provisions set forth in this Easement, but instead the covenants, terms and provisions hereof are made for the purpose of binding only the interests of the undersigned and their successors in interest in and to the real estate described herein.

EXECUTED the day and year first above written.

Hugh Sickner Maxwell

Jacquelyn Fay Maxwell

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of May, 1983, personally appeared HUGH SICKNER MAXWELL, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notary Public

My Appointment Expires:

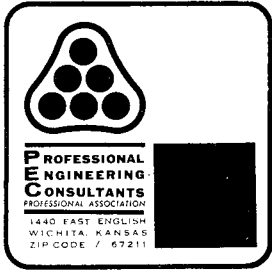
STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of May, 1983, personally appeared JACQUELYN FAY MAXWELL, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notary Public

My Appointment Expires:



MEMO

TO: Mr. Chris Breitenstein, P.E.
Drainage Engineer
City of Wichita- City Hall
455 N. Main
Wichita, KS 67202

PROJECT NO. 36-78414-6-1014
PROJECT: Maxwell 2nd Addition

COPIES TO:

ATTN:

DATE: March 1, 1983

Louise Olivarez - Planning Dept.

FROM: Charles S. Brown, P.E.

Phil Dietrich - Sedgwick County

REFERENCE: Revised Drainage Plan

File

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

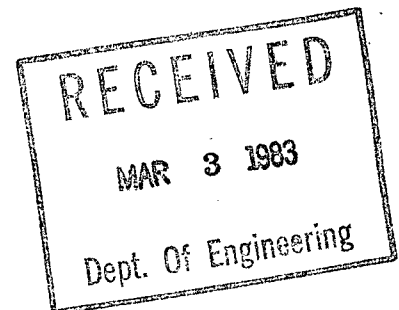
Transmitted herewith is one print of the Revised Drainage Plan for Maxwell 2nd Addition to the City of Wichita.

The proposed drainage improvements associated with the Webb Road Reconstruction project have been moved to the east side of the road in order to avoid utility conflicts and also to more easily intercept runoff from Beech.

It appears that the proposed grades of Webb Road and its storm drainage system will require the addition of a private storm sewer within Lot 2.

Both the revised Webb Road storm sewer location and the added private storm sewer in Lot 2 are shown on the enclosed Revised Drainage Plan.

CSB/bea



a four-lane

That there be constructed pavement on Webb Road from the south line of Lot 1, Block 1, Maxwell Addition to the south line of Douglas Avenue.

That said pavement between aforesaid limits be constructed of an asphaltic concrete base and an asphaltic concrete wearing surface, composed of stone, sand, mineral filler, and asphalt.

That an acceleration and deceleration lane be constructed on the west side of above said pavement to serve Lot 1, Block 1, Maxwell Addition and Lot 1, 2, 3, 4 and 5 Block 1, Maxwell 2nd Addition

That medians, left turn lanes, channelization, major entrances and driveways be constructed as necessary.

That above said improvements be constructed according to plans and specifications furnished by the City Engineer.

Note: to be continued when Lindebak gives information

Preliminary plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 82-24 Name Maxwell Addition
Date Application Rec'd. 4-30-82 Preliminary Approval
Scheduled S/D Meeting 5-27-82

DESCRIPTION

General Location West of Webb Road in an area south of Douglas.

Owner Phil Ruffin (Attention: Gary Snyder)
Surveyor/Engineer Professional Engineering Consultants
Address 1440 E. English, Wichita, KS. Zip Code 67211 Phone 268-1111

- | | | | |
|--|---|--|-------------------------------|
| 1. Gross Acreage of Plat | <u>57.8</u> | 7. Lineal Feet of New Street | |
| 2. Number of Lots : | | a. <u> </u> R/W <u> </u> ft. | |
| Residential | <u>1</u> | b. <u> </u> R/W <u> </u> ft. | |
| Commercial | <u>4</u> | c. <u> </u> R/W <u> </u> ft. | |
| Industrial | <u> </u> | d. <u> </u> R/W <u> </u> ft. | |
| Other | <u>2 - office</u> | e. <u> </u> R/W <u> </u> ft. | |
| Total Number of Lots | <u>7</u> | TOTAL <u>-0-</u> New <u> </u> ft. | |
| 3. Minimum Lot Frontage | <u>280 ft.</u> | 8. Sidewalk adjacent to all streets | <u>yes</u> <u>X</u> <u>no</u> |
| 4. Minimum Lot Area | <u>4.1 acres</u> | | |
| 5. Existing Zoning | <u>"AA"</u> | | |
| 6. Proposed Zoning | <u>"AA", "BB" and "LC" (Z-2388) (DP-116)</u> | | |
| 9. Is public water available | <u>X</u> Yes <u> </u> No, Name <u>City of Wichita</u> | | |
| 10. Is sanitary sewer available | <u>X</u> Yes <u> </u> No, Name <u>City of Wichita</u> | | |
| 11. Has Health Dept. approval been obtained (where applicable) | <u> </u> Yes <u> </u> No | | |
| 12. City of Wichita | <u>X</u> <u>3-Mile Area</u> <u> </u> <u>Outside of 3-Mile Area</u> | | |

STAFF COMMENTS:

- Note: Associated cases include Z-2388 "AA" to "AA", "BB" and "LC" and DP-116, "Maxwell's Community Unit Plan." Lots 1, 2, 3, and 5 are proposed for "LC"; Lots 4 and 6 are proposed "BB"; and Lot 7 is to remain "AA". The various access control as requested by adjacent neighborhoods and made conditions of C.U.P. approved by the City Commission, have been agreed to by the applicant and are shown on the preliminary plat.
- A. One of the major items discussed at the C.U.P. hearings was the Webb Road improvements which would be required to handle a development of this magnitude. The current proposal is for Webb to be improved (4 lane, curb and gutter) from Central to Kellogg as a joint City-County project. The decel lane plus the necessary channlization and signalization adjacent to this plat are to be paid for by the developer. Guarantees for these improvements, as well as for the two major entrances on Webb Road, shall be submitted prior to the final plat being forwarded to the City Commission for review.
- B. A 30-foot ingress-egress easement is proposed as the only access for Lots 5, 6, and 7. This easement may also be used by Lots 3 and 4. An access and maintenance agreement providing for all five of these lots to use and maintain this easement shall be submitted for recording. The agreement shall also provide for the initial construction of the access road to any one of the lots prior to development of that lot. All costs of the access road, including the bridge over the floodway, will be at the developers' expense.
- C. The drainage concept which has been submitted for this property provides for the difference between the pre-development and post-development 100-year storm water discharge to be detained in detention ponds on the site. Final drainage plans shall be submitted with the final plat. Any drainage improvements required by the approved drainage plan shall be guaranteed by the applicant.

(Over)

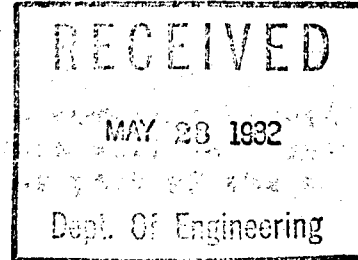
WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

May 27, 1982



Mr. Gary Wiley
Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Re: S/D 82-24 - Preliminary plat of Maxwell Addition

Dear Mr. Wiley:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 27, 1982, 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. One of the major items discussed at the C.U.P. hearings was the Webb Road improvements which would be required to handle a development of this magnitude. The current proposal is for Webb to be improved (4 lane, curb and gutter) from Central to Kellogg as a joint City-County project. The decel lane plus the necessary channelization and signalization adjacent to this plat are to be paid for by the developer. Guarantees for these improvements as well as for those portions of the major entrances within the public right-of-way for Webb Road shall be submitted prior to the final plat being forwarded to the City Commission for review.
- B. A 30-foot ingress-egress easement is proposed as the only access for Lots 4, 5, 6, and 7. This easement may also be used by Lot 3. An access and maintenance agreement shall be submitted for recording. The agreement shall also provide for the initial construction of the access road to any one of Lots 4, 5, 6, or 7 prior to development of that lot. All costs of the access road, including the bridge over the floodway, will be at the developers' expense.
- C. The drainage concept which has been submitted for this property provides for the difference between the pre-development and post-development 100-year storm discharge to be retained in retention ponds on the site. Minimum building pads will be determined when the final drainage plan is submitted. The final drainage plan shall be submitted to City Engineering prior to or at the time of submitting a final plat. Any drainage improvements required by the approved drainage plan

Gary Wiley - Page 2
May 27, 1982

shall be guaranteed by the applicant. A covenant providing for the maintenance of the retention ponds will be required. The final plat shall show the floodway as part of the proposed lots.

- D. The applicant shall guarantee the extension of City water to serve all lots.
- E. The applicant shall guarantee extension of sanitary sewer to serve all lots.
- F. If improvements are guaranteed by petition, a certificate confirming the petitions shall be submitted for recording.
- G. The standard avigational easement and associated restrictive covenant shall be submitted for this property.
- H. 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.
- I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations.

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

If you should have any questions concerning this matter, please call.

Sincerely,

Forrest L. Nagley
Forrest L. Nagley
Junior Planner

FLN:bh

cc: Phil Ruffin (Attention: Gary Snyder) - P.O. Box 17087, 67217
Mike Lindebak, City Engineering