

EASEMENT

THIS EASEMENT made this 16th day of September, 1986, by and between Slawson Investment Corporation of the first part and the City of Wichita, of the second part.

WITNESSETH: that the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right of way and easement for the purpose of constructing, maintaining and repairing their UTILITY over, along and under a portion of :

A tract of land lying in the Northeast Quarter of Section 5, Township 27 South, Range 2 East, of the 6th P.M., more particularly described as a 20.00 foot strip of land located west of and adjacent to the West line of "Woodspring 3rd", an addition to Wichita, Sedgwick County, Kansas.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining and repairing their UTILITY.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

SLAWSON INVESTMENT CORPORATION

By: Larry A. Chambers
Larry A. Chambers, Vice President

STATE OF KANSAS

ss:

SEDGWICK COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid came Larry A. Chambers, Vice President, Slawson Investment Corporation, to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

Dated at Wichita, KS this 16th day of September, 1986.

Linda S. Graham
Notary Public Linda S. Graham

My Appointment Expires: 2-9-90



S/D No.: 86-23 Name: WOODSPRING THIRD ADDITION

Preliminary Approved: 2/13/86
Scheduled S/D Meeting: 5/8/86

DESCRIPTION

General Location: West of Webb Road, in an area south of 29th Street North.
Owner: Tallgrass Company, 8100 E. 22nd St. North, Bldg. 1900, Wichita, KS
67226
Surveyor/Engineer: Mid-Kansas Engineering Consultants, P.A.

1. Gross Acreage of Plat: 6.2 Acres
 2. Number of Lots:
 - Residential: 15
 - Office:
 - Commercial:
 - Industrial:
 - Total: 15
 3. Minimum Lot Area: 8,000 Sq. Ft.
 4. Existing Zoning: "AA" under CUP DP-96
 5. Proposed Zoning: "AA" under CUP DP-96
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STAFF COMMENTS:

NOTE: This property is subject to the provisions of Community Unit Plan (DP-96).
Single-family or duplexes may be constructed on the lots.

- 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 the paving of the proposed private interior streets to the public street standard.
- D. The applicant shall guarantee construction of the storm sewers required by this plat.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. 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.
- G. Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within this easement shall be reviewed by the City Forestry Division prior to installation.
- H. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 29-foot wide street pavement. 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.
- I. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structure constructed on subject property.

- J. The applicant shall provide proof, by letter from the pipeline company or by providing a copy of the pipeline easement agreement, that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement.
- K. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- L. The applicant shall submit a copy of the instrument which establishes the Co-Op Refinery easement, KANEB Pipeline Company easement and the Cities Service Gas Company easement on this property.
- M. Since this plat proposes the vacation of the 60-foot wide drainage easement existing on proposed Lots 2 and 3, Block 2 and Lots 7 and 8, Block 1, proper reference to K.S.A. 12-512(b) shall be made on the engineer's text on the final plat tracing.
- N. On the final plat tracing, the platting of three reserves labeled as Reserve "A" shall be omitted. Separate letters shall be assigned to the different reserves as was indicated on the approved preliminary plat. The preliminary plat correctly depicted the platting of the "15-foot private street, public drainage and utility easement" through the separate reserves. This shall also be depicted on the face of the final plat tracing.
- O. On the final plat tracing, the wording in the platlor's text regarding Reserve "A" (private streets) shall be amended to reference that the reserve is platted for "private streets" rather than "private drives."
- P. On the final plat tracing, the recording information for the 40-foot wide Co-Op Refinery easement shall be referenced.
- Q. On the final plat tracing, the applicant's agent shall be sure the correct recording information is referenced for the 50-foot K.G.& E. easement on this property. The recording information referenced on the final plat is different from the information referenced on the preliminary plat.
- R. On the final plat tracing, the centerline of adjacent Webb Road shall be labeled.
- S. On the final plat tracing, the recording information for the Cities Service Gas Company easement shall be referenced.
- T. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(C).
- U. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- V. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan.

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Surveyor/Engineer: Bill G. Yung Design

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STAFF COMMENTS:

- NOTE: This property is subject to the provisions of Community Unit Plan (DP-96). Single family or duplexes may be constructed on the lots.
- 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 the paving of the proposed private interior streets to the public street standard.
 - D. The applicant shall guarantee any drainage improvements required by the platting of this property.
 - E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - F. 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.
 - G. Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any planting within this easement shall be reviewed by the City Forestry Division prior to installation.
 - H. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 29-foot wide street pavement. 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.
 - I. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

- J. The applicant shall provide proof, by letter from the pipeline companies or by providing a copy of the pipeline easement agreements, that utilities and buildings may be located adjacent to the easements without restriction of an established setback from the easements.
- K. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- L. The applicant shall submit copies of the instruments which establish the Co-Op Refinery easement, KANEB Pipeline Company easement and the Cities Service Gas Company easement on this property.
- M. On the final plat, the perimeters of the reserves being platted shall be dimensioned with bearings and distances.
- N. Since this plat proposes the vacation of the 60-foot wide drainage easement, existing on proposed Lots 2 and 3, Block 2, and Lots 7 and 8, Block 1, proper reference to K.S.A. 12-512(b) shall be made on the engineer's text on the final plat.
- O. On the final plat, the private streets serving Lots 2 thru 6, Block 1, and Lots 1 thru 4, Block 2, shall be named Woodspring Court.
- P. 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.
- Q. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- R. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.
- S. The representative from the Traffic Engineer's Office should be prepared to comment on the acceptability of Reserve D within the private street.