

S/D NO. 79-6 Name Spencer Gardens  
Date Application Rec'd. 1-15-79 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 1-25-79

DESCRIPTION

General Location Southwest corner of Pawnee and Oliver

Owner Joseph L. Guyot  
Surveyor/Engineer Professional Engineering Consultants, P. A. (Gary Wiley)  
Address 1440 E. English, Wichita, Ks. 67211 Phone 262-2691

- |   |   |
|---|---|
| 1. Gross Acreage of Plat <u>34.68</u>                                       | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:  | a. <u>        </u> R/W <u>        </u> ft.                                  |
| Residential <u>4</u>  | b. <u>        </u> R/W <u>        </u> ft.                                  |
| Commercial <u>1</u>   | c. <u>        </u> R/W <u>        </u> ft.                                  |
| Industrial <u>        </u>  | d. <u>        </u> R/W <u>        </u> ft.                                  |
| Other <u>        </u>   | e. <u>        </u> R/W <u>        </u> ft.                                  |
| Total Number of Lots <u>5</u>   | TOTAL <u>        </u> ft.   |
| 3. Minimum Lot Frontage <u>30</u> ft.                                       | 8. Sidewalk adjacent to all streets? <u>        </u> yes <u>        </u> no |
| 4. Minimum Lot Area <u>47,916</u> square ft.                                |   |
| 5. Existing Zoning <u>"AA" and "LC" and "A"</u>                             |   |
| 6. Proposed Zoning <u>"R-6" and "LC" (DP-93) (Z-1927)</u>                   |   |
| 9. Public Water Supply <u>yes</u> (Yes-No), Name <u>City of Wichita</u>     |   |
| 10. Public Sanitary Sewers <u>yes</u> (Yes-No), Name <u>City of Wichita</u> |   |
| 11. Health Department Approval (where applicable) <u>N/A</u> (Yes-No)       |   |
| 12. City of Wichita <u>x</u> : Three-Mile Area <u>        </u>              |   |

STAFF COMMENTS:

- A. Associated cases Z-1927, "AA" to "R-6" and Residential Community Unit Plan, DP-93, have been approved by the Board of City Commissioners subject to platting.
- B. Approximately the west 30 feet of Lot 5 on the preliminary plat is zoned "A" - Two Family Dwelling, and therefore, the applicant shall file an appropriate zone change request for "LC" Light Commercial zoning on said 30 feet. Approval of the plat shall be subject to the approval of the zone change.
- C. The associated C.U.P. indicates that a drainage plan for the entire development would be submitted at the time of platting. Since said plan has not been submitted with the preliminary plat, no final plat shall be submitted until an overall drainage plan has been approved by the Engineering Division of the Department of Public Works. A letter obtained from said Division approving the drainage plan shall be submitted with the final plat.
- D. In accordance with the provisions of the associated C.U.P., the applicant shall guarantee the construction of two major entrances on Pawnee and decel lanes along the south side of Pawnee.
- E. Ten feet of additional right-of-way for the decel lanes shall be indicated on the plat for the south half of Pawnee.
- F. The applicant shall guarantee the extension of sanitary sewer to serve subject plat.
- G. The applicant shall guarantee the extension of City water to serve the plat.
- H. The applicant shall guarantee all drainage improvements required on the plat.

- I. If the dwelling units proposed on Lots 1, 2, and 4 are to be individually owned, the applicant shall submit a Homeowner Association Agreement to be recorded with the plat, which shall contain provisions for the improvement and continued maintenance of the private common open areas, parking areas and community facilities.
- J. A notation shall appear on the face of the final plat stating that the building setbacks on Lots 1, 2 and 4 are governed by the associated Community Unit Plan, DP-93. Building setbacks on these lots then do not need to be shown on the final plat.
- K. It is recommended that lot 5 have only one access point to Oliver instead of 2 as proposed.
- L. When the associated C.U.P. was considered, much concern was expressed over location of the access drives along Pawnee because of traffic vision problems with the hill on Pawnee, just east of George Washington Boulevard. The first drive on Pawnee east of this intersection should be moved further east. This matter will be discussed at the Subdivision Committee meeting.
- 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. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-6 Name Spencer Gardens  
Date Application Rec'd. 1-15-79 Preliminary Approval 2-22-79  
Scheduled S/D Meeting 4-5-79


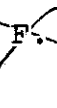
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| Residential                                       | <u>4</u>   | b. <u>        </u> R/W <u>        </u> ft.      |
| Commercial  | <u>1</u>   | c. <u>        </u> R/W <u>        </u> ft.      |
| Industrial  | <u>        </u>                                  | d. <u>        </u> R/W <u>        </u> ft.      |
| Other   | <u>        </u>                                  | e. <u>        </u> R/W <u>        </u> ft.      |
| Total Number of Lots                              | <u>5</u>   | TOTAL <u>        </u> ft.                       |
| 3. Minimum Lot Frontage                           | <u>30</u> ft.                                    | 8. Sidewalk adjacent to all                     |
| 4. Minimum Lot Area                               | <u>47,916 square</u> ft.                         | streets? <u>        </u> yes <u>        </u> no |
| 5. Existing Zoning                                | <u>"AA" and "LC" and "A"</u>                     |   |
| 6. Proposed Zoning                                | <u>"R-6" and "LC" (DP-93) Z-1927)</u>            |   |
| 9. Public Water Supply                            | <u>Yes (Yes-No);</u> Name <u>City of Wichita</u> |   |
| 10. Public Sanitary Sewers                        | <u>Yes (Yes-No);</u> Name <u>City of Wichita</u> |   |
| 11. Health Department Approval (where applicable) | <u>N/A</u> (Yes-No)                              |   |
| 12. City of Wichita                               | <u>X</u> : Three-Mile Area <u>        </u>       |   |

STAFF COMMENTS:

- A. Approval of the plat is subject to the approval of the associated zone case Z-2123, "A" to "LC" involving the west portion of Lot 5.
-  B. The final plat shall not be forwarded to the Planning Commission for consideration until the submitted drainage plan has been approved by the City Engineer's office. A letter obtained from said office giving such approval shall be submitted to the Planning Department.
- C. In accordance with the provisions of the associated C.U.P., the applicant shall guarantee the construction of two major entrances on Pawnee and decel lanes along the south side of Pawnee.
- D. The applicant shall submit four revised copies of the C.U.P. upon which the 30 foot easement for the war industries sewer has been indicated and upon which a statement has been added which says that the additional right-of-way will be dedicated for the decel lanes at the major entrances on Pawnee Avenue prior to issuance of any building permits.
- E. The applicant shall gurantee the extension of sanitary sewer to serve subject plat.
-  F. The applicant shall guarantee the extension of City water to serve the plat.
- G. The applicant shall guarantee all drainage improvements required on the plat.
- H. If the dwelling units proposed on Lots 1, 2, and 4, are to be individually owned, the applicant shall submit a Homeowner Association Agreement to be recorded with the plat, which shall contain provisions for the improvement and continued maintenance of the private common open areas, parking areas, and community facilities.

- I. A notation shall appear on the face of the final plat stating that the building setbacks on Lots 1, 2, and 4 are governed by the associated Community Unit Plan, DP-93. Building setbacks on these lots then do not need to be shown on the final plat.
- J. Recording of the final plat within 30 days after approval by the Board of City Commissioners.

Easement for Drainage of Surface Water

This indenture made this 21st day of MAY, 1979, between Ruth J. Love, Joseph L. Guyot, Lila L. Guyot, Chester A. Hupp, Olive M. Hupp, Edward E. Wilson, Mabel N. Wilson, Robert L. Wilson, Margaret L. Wilson, James E. Taylor, Mable L. Taylor, Parties of the First Part, hereinafter referred to as the "Grantors", and the owner(s) of the property their successors and assigns, as Part of the Second Part, hereinafter referred to as the "Grantee".

Grantors are the owner of the following described real property, to-wit:

All of Lots Two (2), and Four (4), Spencer Gardens Addition  
to Wichita, Sedgwick County, Kansas.

and, Grantee is the owner of Lot Three (3), Spencer Gardens Addition to Wichita, Sedgwick County, Kansas, and,

Grantee is desirous of obtaining an easement from Grantor for the purpose of draining surface water from Grantees property over and across, in its natural course, the property owned by Grantors.

Now therefore, in consideration of the sum of \$1.00 and other good and valuable considerations, the receipt and sufficiency of which is acknowledged by Grantors, the Grantors, hereby grants to Grantee, their heirs and assigns, full and free right and authority to drain surface water from Lot Three (3), Spencer Gardens Addition, owned by Grantee, over and across, in its natural course, Lots Two (2) and Four (4) Spencer Gardens Addition, property owned by the Grantors.

Grantee covenants with Grantor and its successors and assigns that nothing herein contained shall prevent Grantor from constructing and making improvements and repairs on Grantor's property at Grantor's sole cost and expense even though such construction and/or repairs may temporarily interfere with the drainage of said surface water and Grantee for themselves, their heirs and assigns, further covenant that Grantor shall not be liable in damages to Grantee or their heirs and assigns for temporary interference with the drainage of said surface water.

This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors or assigns but may be terminated at any time by mutual recordable instrument executed by the parties who are at the time of termination, the owners of the afore described real property.

Executed this 21st day of MAY, 1979.

Ruth J. Love  
Ruth J. Love

Mabel N. Wilson  
Mabel N. Wilson

Joseph L. Guyot  
Joseph L. Guyot

Robert L. Wilson  
Robert L. Wilson

Lila L. Guyot  
Lila L. Guyot

Margaret L. Wilson  
Margaret L. Wilson

Chester A. Hupp  
Chester A. Hupp

James E. Taylor  
James E. Taylor

Olive M. Hupp  
Olive M. Hupp

Mabel L. Taylor  
Mabel L. Taylor

Edward E. Wilson  
Edward E. Wilson

PARTIES OF THE FIRST PART

PARTIES OF THE SECOND PART

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, That on this 21st day of MAY, 1979 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Ruth J. Love, Mabel N. Wilson, Joseph L. Guyot, Robert L. Wilson, Lila L. Buyot, Margaret L. Wilson, Chester A. Hupp, James E. Taylor, Olive M. Hupp, Mabel E. Taylor, and Edward E. Wilson, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same.

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

Vicki Messmer  
Notary Public

Appointment  
My Commission Expires:

Sept. 29, 1982

