

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

95
112
113

AGENDA ITEM NO. 3

August 24, 1995

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 95-55 TURTLE RUN 3RD ADDITION

OWNER/APPLICANT: Devoe Treadwell, 10628 E. Pawnee, Wichita, KS 67207

SURVEYOR/ENGINEER: Poe and Associates, 434 N. Oliver - Suite 110, Wichita, KS 67208

LOCATION: South of Pawnee and west of Webb Road

SITE SIZE: 15.8 Acres

NUMBER OF LOTS

Residential:	52
Office:	
Commercial:	
Industrial:	
Total:	<u>52</u>

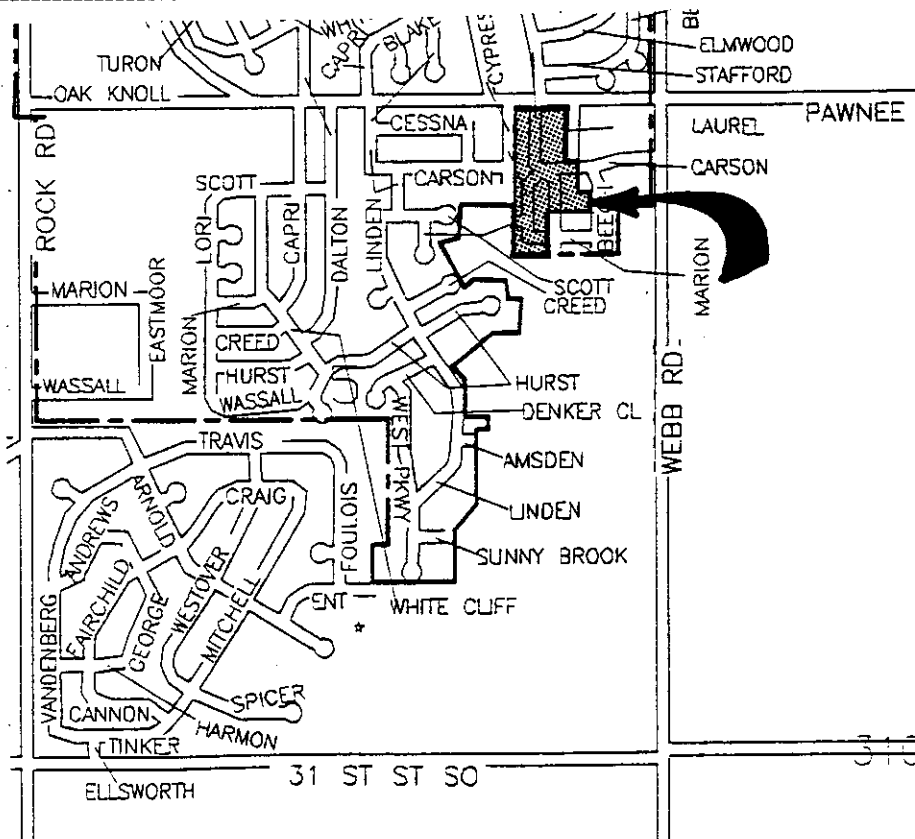
MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: "AA"

PROPOSED ZONING: "AA"

VICINITY MAP:

2426 to
2529 Cooper
Green leaf to
105' W



3101

NOTE: This plat will essentially represent the final replatting of an addition known as the Cottage Gardens Addition. That addition was platted under the cluster development provisions of the zoning ordinance and Subdivision Regulations. These provisions allowed for smaller lot sizes, reduced frontages, reduced setbacks, etc. provided that permanent open space areas were platted which essentially offset the reduced lot requirements. As with the previous two (2) Turtle Run plats, this plat is now proposing conventional size residential lots. That is, fewer and larger lots are now being platted. Since the street alignment has not been altered, nor have the areas originally shown for open space (Reserves), this plat was allowed to come in directly as a final (not as a final form only plat).

STAFF COMMENTS:

- A. As determined appropriate by City Engineering, the applicant shall resubmit petitions, provide square footage information and/or enact any necessary agreements for the provision of public improvements. These improvements include the provisions of municipal water, sanitary sewer, drainage/storm sewer and paving (including sidewalk along Carson.) **Engineering** needs to also indicate any other requirements concerning the guarantees for this site, such as if any projects are to be abandoned and if there are any related costs.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. 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. This covenant shall also provide for the maintenance of the "parking strip" area, located between this plat's north line and the driving surface of Pawnee, by this homeowners' association.

It is also expected that the Reserves in this Addition have or will be made accessible to and maintained by those properties previously replatted from the original Cottage Gardens Addition.

- D. 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.
- E. 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.
- F. The final plat shall indicate the recording information for the 25-foot pipeline easement on this property.
- G. 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. It is the applicant's responsibility to determine any setback requirements from the pipeline by researching the text of the pipeline easement agreement.

- H. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- I. On the final plat tracing, the plattor's text shall note that the dedication of access controls is to the City of Wichita rather than the "appropriate governing body. This site is within Wichita.
- J. On the final plat tracing, the termination of Carson Street at the east line of the plat, shall be shown with dashed lines rather than a solid line.
- K. On the final plat, the reference to replatting under KSA 12-512(b) should be placed under the surveyor's text rather than with the plattor's text.
- L. 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.
- 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. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- 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 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- Q. Recording of the plat within 30 days after approval by the City Council.
- R. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- S. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.
- T. The applicant and their agent are reminded that any final plat requires submittal of the platting binder along with the plat. This plat will be subject to review of such a platting binder and any relevant conditions found during such a review.

Agenda Item No. _____

City of Wichita
City Council Meeting
June 25, 1996

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments in Turtle Run 3rd Addition
(South of Pawnee, East of Webb) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent



Recommendation: Approve the Agreement.

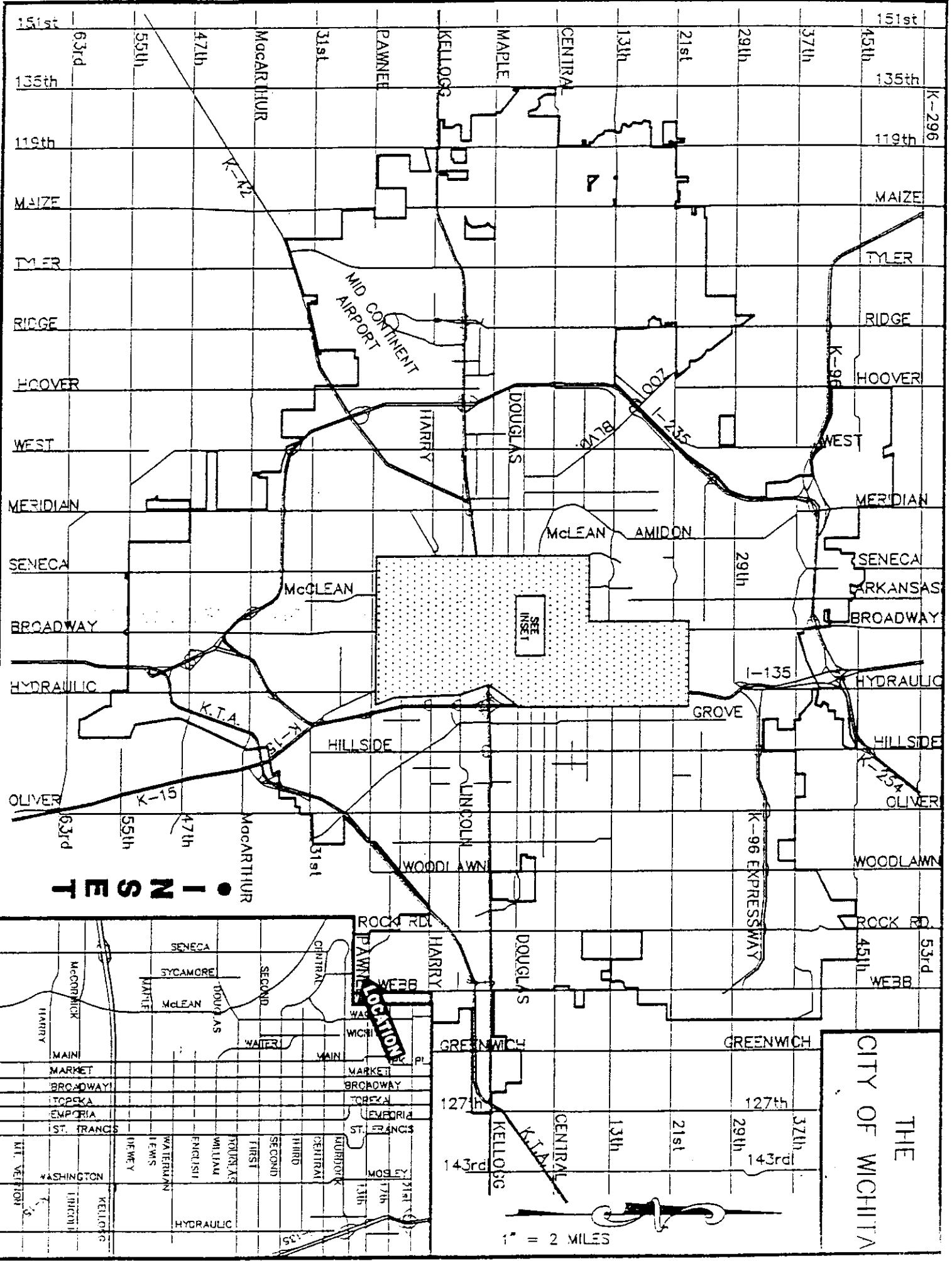
Background: The developer, Pawnee Development, Inc. platted an addition called Turtle Run 3rd Addition, and has submitted an Agreement to respread special assessments in the addition.

Analysis: The land 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 Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council 1) Approve the Agreement and 2) Authorize the Mayor to execute.



THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE: May 14, 1996

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 Turtle Run 3rd Addition is approved as to form.



Douglas J. Moshier
Senior Assistant City Attorney

DJM:cdh

Attachment

RECEIVED
MAY 15 1996
CITY - ENGINEERING

AGREEMENT

BY AND BETWEEN

THE CITY OF WICHITA, KANSAS,
Party of the First Part

and

Pawnee Development Inc.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Pawnee and Webb Road, 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. Lot 1, Block 1, Lot 13 and 14, Block 2 and Lot 5 and 11, Block 5 all in Cottage Gardens Addition which were part of the improvement district for the following City project(s):

Lateral 111 and 121, War Industries Sewer
Project Number: 468-82122 and 468-82330
Index Code: 741140 and 741926

and also;

Lots 1 through 18, Block 1, Lots 1 through 14, Block 2, Lots 1 through 20, Block
4, Lots 5 through 11, Block 5 and Lots 1 through 10, Block 7, all in Cottage Gardens

Addition which were part of the improvement district for the following City project(s):

Water Supply Line
Project Number: 448-88525
Index Code: 731281

and also;

Lot 14, Block 2, Cottage Gardens Addition, which was part of the
improvement district for the following City project(s):

Water Distribution System
Project Number: 448-88526
Index Code: 731299

and also;

Lot 14, Block 2, Cottage Gardens Addition, which was part of the
improvement district for the following City project(s):

Street Improvements
Project Number: 472-82104
Index Code: 761437

Said above described property was replatted as Lots and Blocks in Turtle Run 3rd Addition.

2. The parties agree to make a reassessment for said project in the following manner:

The total assessment for Lateral 111 and 121, War Industries Sewer to serve the
lots originally platted in Cottage Gardens Addition and described above, shall be assessed on

an equal share basis to each of the following lots:

TURTLE RUN 3RD ADDITION

Lot 1, Block 1, Lot 10 and 11, Block 4 and Lot 1 and 5, Block 5

The total assessment for the Water Supply Line to serve those lots originally platted in Cottage Gardens Addition and described above, shall be assessed on an equal share basis to each of the following lots:

TURTLE RUN 3RD ADDITION

Lots 1 through 14, Block 1, Lots 1 through 7, Block 2, Lots 1 through 15, Block 3, Lots 1 through 11, Block 4 and Lots 1 through 5, Block 5

The total assessment for the Water Distribution system Extensions to serve the lot originally platted in Cottage Gardens Addition and described above, shall be assessed to the following lot:

TURTLE RUN 3RD ADDITION

Lot 11, Block 4

The total assessment for Street Improvements to serve the lot originally platted in Cottage Gardens Addition and described above, shall be assessed to the following lot:

TURTLE RUN 3RD ADDITION

Lot 11, Block 4

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 assessment 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 therefor.

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.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the 11th of March, 1996.

THE CITY OF WICHITA, KANSAS

Approved as to form:

BY _____

Gary E. Reber
Director of Law

Mayor
Party of the First Party

Attest:

City Clerk

PAWNEE DEVELOPMENT, INC.

DeVoe Treadwell

Party of the Second Part
DeVoe Treadwell
President

✓x

AFFIDAVIT

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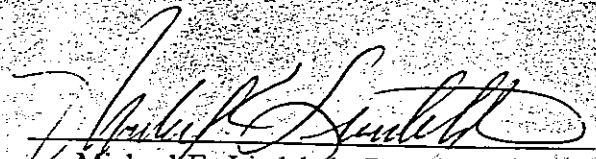
20-02-04-32

STATE OF KANSAS, COUNTY OF SEDGWICK: ss

Michael E. Lindebak, P.E., City Engineer for the City of Wichita, Kansas, being first duly sworn, on oath states:

The street named Cypress should be changed to Greenleaf on the recorded plat of Turtle Run Third Addition to Wichita, Sedgwick County Kansas.

FURTHER AFFIANT SAITH NOT.


Michael E. Lindebak, P.E.

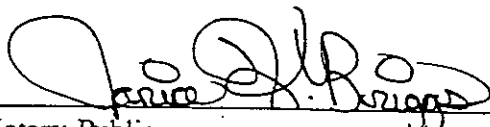
Dated this 1st day of December, 1998.

(Seal)

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

Be it remembered that on this 1st, day of December, 1998, before me a notary public in and for said County and State, came Michael E. Lindebak, to me known to be the same person who executed the foregoing instrument duly acknowledged by me. In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year above written.




Notary Public

My Appointment Expires 9-21-2007