

DRAINAGE EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this 13th  
day of August, 1985,

BY AND BETWEEN

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
4:30 P.M.  
AUG 13 1985  
NO. 7 61519  
PAT KETTLER  
REGISTER OF DEEDS

THE ESTATE OF MARIE C. WELLS,  
DECEASED, KNOX A. BLASS, EXECUTOR,  
hereinafter referred to as  
"Wells Estate"

AND

MID-KANSAS CONSTRUCTION COMPANY,  
INC.,  
hereinafter referred to as  
"Mid-Kansas"

*Ed. P. ...*

WITNESSETH THAT:

1. Mid-Kansas is the owner of a tract of land  
described as follows:

The North Half of the Southeast Quarter  
of Section 35, Township 27 South, Range 1  
West, excepting the East 660 feet thereof,  
Sedgwick County, Kansas, and the Southwest  
Quarter of the Southeast Quarter of said  
Section 35, all of which is hereinafter  
referred to as the "Mid-Kansas Tract."

2. The Wells Estate is the owner of the following  
described tract:

The Southeast Quarter of the Southeast  
Quarter of Section 35, Township 27 South,  
Range 1 West, Sedgwick County, Kansas, here-  
inafter referred to as the "Wells Tract."

3. The Wells Tract has never been platted, but it is  
anticipated by the parties that if platting is attempted in the  
future, a condition for the approval thereof may include require-  
ments for the disposition of storm waters from the Wells Tract towards  
and onto the Mid-Kansas Tract. For good and valuable consideration  
and subject to the conditions hereinafter set forth, easements for  
such purpose are hereby established.

4. Mid-Kansas will accept water from the north side of  
the Wells Tract at any one point according to the following terms

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and specifications:

- A. Water will be carried by pipe to the north side of the Mid-Kansas existing access road and then in an open ditch to the Mid-Kansas lake or existing drainage ditch.
- B. The ditch will start at the end of the pipe specified in subparagraph A above. Its route will be such as to not be closer than 300 feet from the Mid-Kansas sand plant and shall proceed in the shortest possible distance to the Mid-Kansas lake or existing drainage ditch.
- C. All construction costs, including relocating utilities, will be paid by Wells.
- D. Mid-Kansas may, at its option, designate another route for the ditch. However, any additional length over that specified in subparagraphs A and B above will be constructed by Mid-Kansas.
- E. The ditch will be as small and shallow as Wells' engineers will allow.
- F. The ditch must have side slopes of 4 feet horizontal to 1 foot vertical. Maximum bottom width shall be 10 feet. Maximum depth of the ditch will be 12 feet.
- G. Mid-Kansas will have the option of constructing the ditch and retaining ownership of the excavated material.
- H. If Mid-Kansas does not choose to construct the ditch, Wells will do so and the excavated material will belong to Wells.
- I. Mid-Kansas shall maintain the ditch.
- J. If Mid-Kansas constructs the ditch as outlined in subparagraph G above, Wells would have no expense for ditch work. Wells would, however, have costs for pipe, any structures, and possible utility relocation.

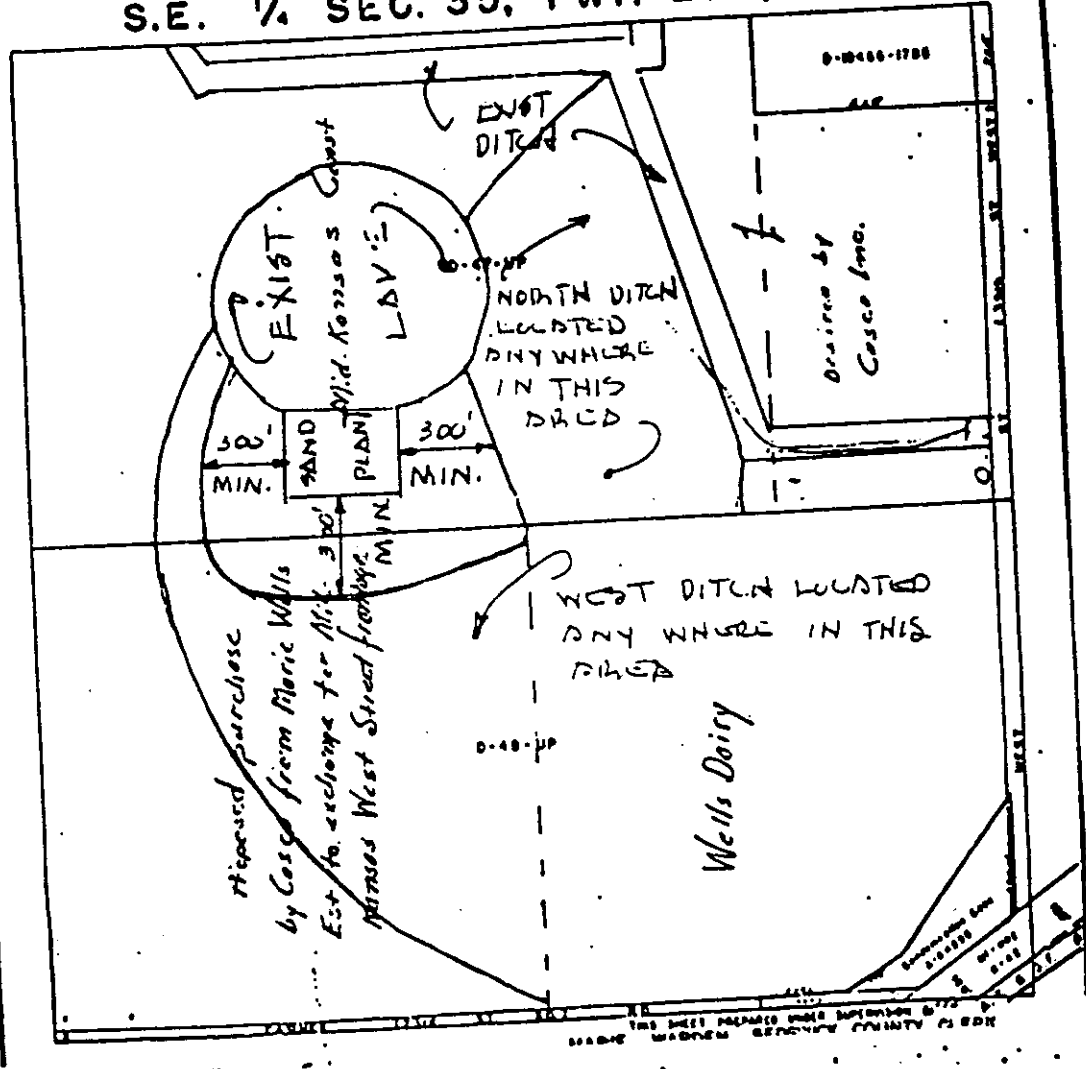
5. Mid-Kansas will accept water from the west side of the Wells Tract at any one point according to the following terms and specifications:

- A. Water will be carried in an open ditch from the Wells property line to the Mid-Kansas lake. The cost of the ditch would be borne by Wells.
- B. The ditch may start at any point on the Wells property line. Its route will be such as to not be closer than 300 feet to the Mid-Kansas sand plant. It shall pass south and west of the sand plant and then north or northeasterly into the Mid-Kansas lake. It shall proceed the shortest possible distance in meeting the requirements in this paragraph.
- C. Mid-Kansas may, at its option, designate another route; however, any additional length



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S.E. 1/4 SEC. 35, TWP. 27S, R.1W



THIS SHEET PREPARED UNDER SUPERVISION OF THE STATE ENGINEER, MISSOURI DEPARTMENT OF PUBLIC WORKS

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

March 31, 1994

STAFF REPORT

(Final Plat, Preliminary Plat Approved 3/3/94)

CASE NUMBER: S/D 94-7 PAWNEE AND WEST INDUSTRIAL PARK ADDITION

OWNER/APPLICANT: John Dugan, Route 1, Box 37, Clearwater, KS 67026

SURVEYOR/ENGINEER: Mark Savoy, Savoy, Ruggles, & Bohm, P. A., 841 S. Hillside, Wichita, KS 67211

LOCATION: Corner of Pawnee, K-42 and West Street

SITE SIZE: 35.7 Acres

NUMBER OF LOTS

Residential:	
Office:	
Commercial:	
Industrial:	4
Total:	4

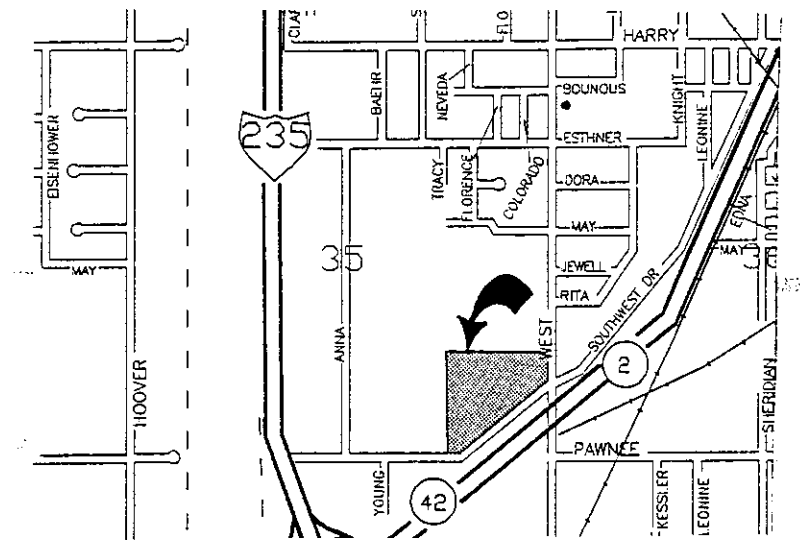
MINIMUM LOT AREA: 4.8 Acres

CURRENT ZONING: "E"

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VICINITY MAP:



STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary-sewer to serve the lots being platted.
- B. If any part of Pawnee/Southwest Drive adjacent to this site is unpaved, the applicant shall guarantee the paving of such street section. If possible, this guarantee may be combined with other paving requirements for Pawnee in this area.
- C. The applicant shall guarantee any drainage improvements required by the platting of this property.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. If any portion of the Arkla Pipeline along this site's north line effects this site, including a pipeline setback, the final plat shall show this easement. The pipeline's name and recording information shall be shown.
- F. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- G. As indicated by the platting binder, a mortgage for this site is being held by Intrust Bank and consequently they will be required to be shown as signing the final plat tracing.
- H. Complete access control shall be shown on the face of the plat for the 100-foot portion of Lot 2 adjacent to West Street and south of the area allowing one (1) opening.
- I. It is the applicant's responsibility to determine if development of this site is in any way hampered by the oil and gas lease noted in the platting binder.
- J. On the final plat tracing the names of this site's owners shall be printed below the signature lines, not on the lines.
- K. 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.
- L. 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.
- M. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. As indicated previously by City Engineering, the applicant shall submit any needed cross-lot and off-site drainage agreements or easements required for this site. These agreements/easements need to be reviewed and approved by Engineering and subsequently submitted to Planning for processing with the plat.
- N. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- O. Recording of the plat within 30 days after approval by the City Council.

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 6**

March 3, 1994

STAFF REPORT  
(Preliminary Plat)

CASE NUMBER: S/D 94-7 PAWNEE AND WEST INDUSTRIAL PARK ADDITION

OWNER/APPLICANT: John Dugan, Route 1, Box 37, Clearwater, KS 67026

SURVEYOR/ENGINEER: Mark Savoy, Savoy, Ruggles, & Bohm, P. A., 841 S. Hillside, Wichita, KS 67211

LOCATION: Corner of Pawnee, K-42 and West Street

SITE SIZE: 35.7 Acres

NUMBER OF LOTS

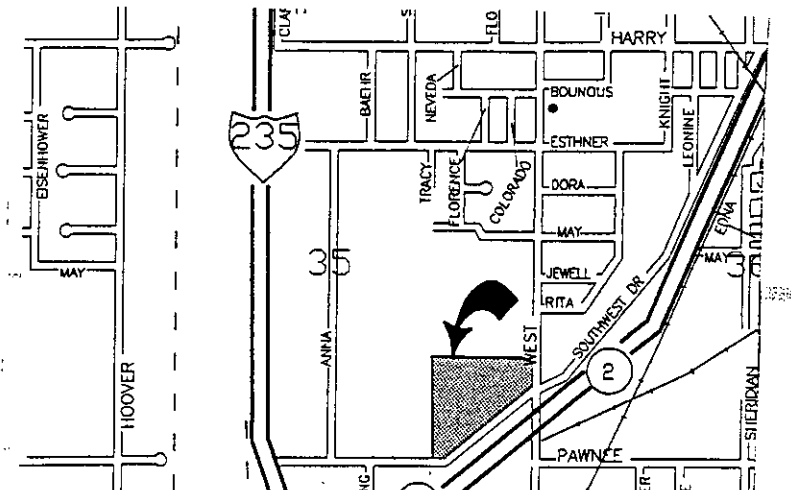
Residential:	
Office:	
Commercial:	
Industrial:	<u>4</u>
Total:	4

MINIMUM LOT AREA: 4.8 Acres

CURRENT ZONING: "E"

PROPOSED ZONING:

VICINITY MAP:



NOTE: At this time, Pawnee adjacent to this site is unpaved. However, a recent plat (Hall Industrial Addition) just to the west of this site, but on the south side of Pawnee was completed and submitted an agreement to participate in any future paving requirements for Pawnee. Earlier plats in this area were also requested to attempt obtaining valid paving petitions, but at that time were unable. The platting of this site, along with the Hall Industrial plat and possibly other plats should be sufficient to provide at least a valid if not 100% paving petition.

STAFF COMMENTS:

- A. Although City water and sanitary sewer lines appear to be adjacent to this site, both along West and Pawnee Streets, City Engineering needs to indicate if any guarantees are still needed for these improvements.
- B. The applicant shall submit a guarantee for the paving of Pawnee. City Engineering should be prepared to indicate, based on previous platting in this area, the extent to which Pawnee can/should be paved in this area. That is, how far west of West Street can paving be provided based on the platting of this site and the existing situation along Pawnee.
- C. The applicant shall guarantee any drainage improvements required by the platting of this property.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. The final plat shall indicate the dedication of 15-feet of right-of-way along the north line of this plat. This corresponds to a 55-foot contingent dedication shown on the Casco Addition and is needed as a means of providing access for both the properties immediately west of this site and northwest of this site. In conjunction with this right-of-way, a 35-foot building setback shall also be platted.
- F. Traffic Engineering needs to indicate if the access controls to West Street, that is two openings each for Lots 1 and 2, are acceptable. Both of these lots can potentially be provided access by streets other than West Street.
- G. If any portion of the Arkla Pipeline along this site's north line effects this

site, including a pipeline setback, the final plat shall show this easement. The pipeline's name and recording information shall be shown.

- H. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- I. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- J. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- K. 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.
- L. 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.
- M. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.