

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

August 16, 1989

Mr. Wade Culwell  
K.D.O.T., Dist. #5 Engineer  
500 N. Hendricks  
P.O. Box 769  
Hutchison, KS 67504-0769

Re: S/D 89-45 - Proposed Preliminary Plat of B.B.B.R.  
Addition, located at the northwest corner of Kellogg  
and Tyler Road

Dear Mr. Culwell:

Attached please find a copy of the above-referenced plat. This plat is located adjacent to Kellogg (U.S. 54). The property is being platted for commercial purposes.

Please review this plat relative to any additional right-of-way needs for U.S. 54 Highway. Is the access control acceptable to K.D.O.T.?

This final plat will be considered by the Subdivision Committee of the Planning Commission on Thursday, August 24, 1989. If you have any comments or suggestions about the platting of this property, I would appreciate your contacting me prior to this meeting. My telephone number is: (316)268-4421.

Sincerely,

R. Timothy Bickhaus  
Associate Planner

RTB:svm  
Attachment

cc: Mike Lindebak, City Engineer  
Jim Weber, Sedgwick County Department of Public Works

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11

August 24, 1989

STAFF REPORT  
(Preliminary Plat)

CASE NUMBER: S/D 89-55 - B.B.B.R. ADDITION

OWNER/APPLICANT: B.B.R. Corp., P.O. Box 9007-67227, Wichita, KS 67227

SURVEYOR/ENGINEER: Bill Yung Design/Baughman Company, P.A.

LOCATION: Northwest corner of Kellogg & Tyler

SITE SIZE: 1.61 Acres

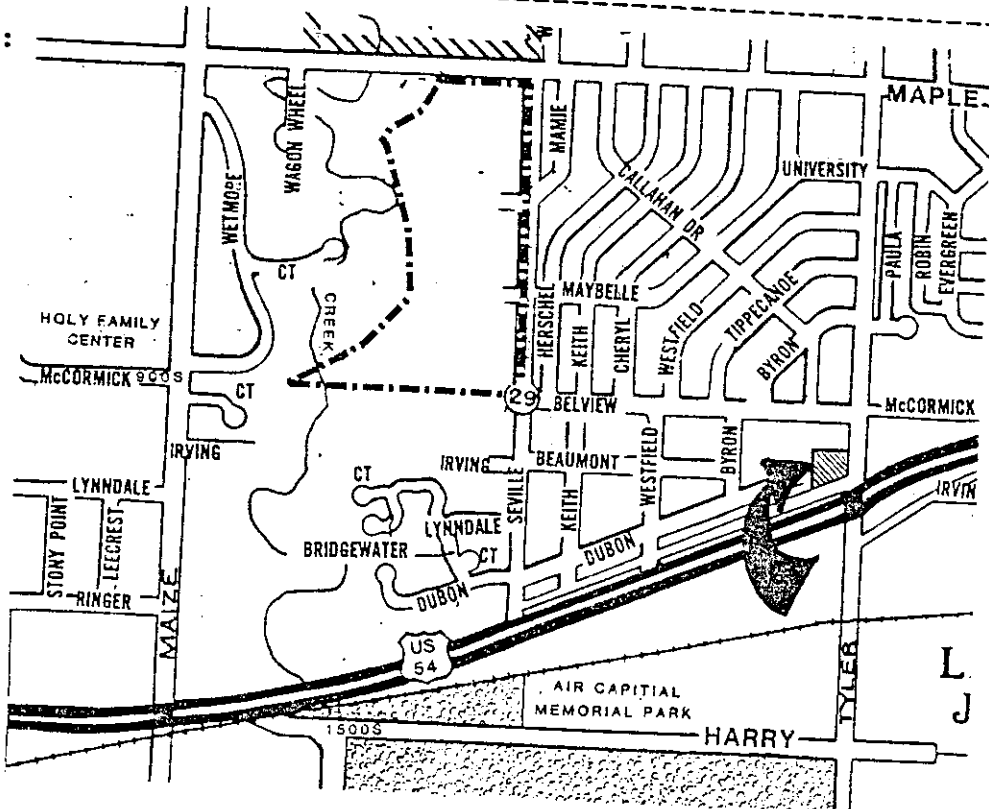
NUMBER OF LOTS

Residential:	
Office:	
Commercial:	2
Industrial:	
Total:	2

MINIMUM LOT AREA: 35,000 sq. ft.

CURRENT ZONING: "LC" Light Commercial

VICINITY MAP:



STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. The applicant shall guarantee the closure of the driveway that lies within the area being granted as "complete access control" to Tyler, across the east line of Lot 2.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. If the easement along the north line of Lots 1 and 2 is intended for the extension of sanitary sewer, a 20-foot utility easement needs to be provided. If the additional easement is obtained from the property to the north, it shall be provided by separate instrument and shall be submitted to the Planning Department for recording with this plat. If the additional easement is to be provided on site, the existing structure will need to be removed before the plat is forwarded to the City Council or approval from Sewer Maintenance must be obtained for use of a hold harmless agreement pending removal of the building.  
  
Any easement less than the 20-foot standard should be discussed with City Engineering to determine if certain construction standards could be employed to allow for a narrower sanitary sewer easement. City Engineering should be prepared to discuss this request for such a narrow easement.
- F. The final plat shall clearly indicate, that in the northwest corner of Lot 1, that the utility easement is not contingent; that is, that only the street dedication is contingent.
- G. The plattor's text shall indicate, that the contingent dedication is contingent on the City's need to extend a north-south street from Dubon to Belview.
- H. Prior to scheduling this case before the City Council, the structure which encroaches into the utility easements being granted must be removed. Once the structure has been removed, a letter so stating shall be submitted from the platting engineer.
- I. The final plat shall indicate a dimension from the southwest corner of Lot 1 to the centerline of Kellogg and indicate the condemnation case number.

- J. 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.
  - K. 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.
  - 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 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).
  - O. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. The representatives from City Engineering should also be prepared to comment on requiring the applicant to guarantee the paving of Kellogg Drive to a curb and gutter cross section.
  - P. Traffic Engineering should be prepared to comment on the access controls being shown for this plat and any associated traffic improvements that may be needed.
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DESCRIPTION OF HIGHWAY RIGHT OF WAY:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 20.00 feet to the west line of Tyler Road ;

Thence S 00-00'00"W along the west line of Tyler Road for 195.13 feet;

Thence S 33-02'06"W for 33.54 feet to a point on the north line of U.S. 54;

Thence S 66-04'12"W along the north line of U.S. 54 for 291.80 feet;

Thence N 00-00'00"E for 13.13 feet to Point of Beginning.

Containing 26,137.38 square feet, more or less.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

August 25, 1989

Baughman Company  
315 S. Ellis  
Wichita, KS 67211

Re: S/D 89-55 - B.B.B.R. ADDITION

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, August 24, 1989, 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. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property. The applicant is advised that at the time of site development the extension of a private storm sewer to serve this site will be required.
- C. The applicant shall guarantee the closure of the driveway that lies within the area being granted as "complete access control: to Tyler, across the east line of Lot 2.
- D. The applicant shall guarantee the improvement of Kellogg Drive, adjacent to the south line of this plat, to a curb and gutter cross section standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. If the easement along the north line of Lots 1 and 2 is intended for the extension of sanitary sewer, a 20-foot utility easement needs to be provided. If the additional easement is obtained from the property to the north, it shall be provided by separate instrument and shall be submitted to the Planning Department for recording with this plat.

- Beyond this public easement and in the area involving the enclosed waste storage area, a private easement for S.W. Bell and for K.G. & E. facilities may be established. This easement needs to be approved by these utilities and recorded prior to the final plat tracing being submitted. The final plat tracing shall therefore indicate this easement with appropriate recording information. A copy of the recorded easement shall be provided to the Planning Department.
- G. The final plat shall clearly indicate, that in the northwest corner of Lot 1, that the utility easement is not contingent; that is, that only the street dedication is contingent.
- H. The plattor's text shall indicate, that the contingent dedication is contingent on the City's need to extend a north-south street from Dubon to Belview.
- I. Prior to scheduling this case before the City Council, the structure which encroaches into the utility easements being granted must be removed. Once the structure has been removed, a letter so stating shall be submitted from the platting engineer.
- J. The final plat shall indicate a dimension from the southwest corner of Lot 1 to the centerline of Kellogg and indicate the condemnation case number.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

S/D 89-55 B.B.B.R. Addition  
Page 3

The enclosed "marked" copy of the plat is for your information and files. If you should have any questions, please call.

Sincerely,



R. Timothy Bickhaus  
Associate Planner

RTB:svm

Enclosure

cc: B.B.R. Corp., P.O. Box 9007-67277, Wichita, KS 67277  
Bill Yung Design, 4912 E. 29th St. North, Suite One,  
Wichita, KS 67220  
Wade Culwell, K.D.O.T., Dist. #5 Engineer, 500 N. Hendricks,  
P.O. Box 769, Hutchinson, KS 67504-0769  
Mike Lindebak, City Engineer

## ADDENDUM TO REAL ESTATE PURCHASE CONTRACT

THIS ADDENDUM is made a part of that certain Real Estate Purchase Contract (the "Contract") dated August 11, 1993, between BBBR CORP, ("Seller"), and the CITY OF WICHITA, KANSAS ("Buyer") a municipal corporation and covering certain property ("Parcel A") described as Parcel A on the attached Exhibit A and shown on the attached Exhibit D.

1. The closing of the Contract is subject to the following conditions for the benefit of the Seller: The reservation of non-exclusive easements over, under, across and through Parcel A and the land ("Parcel B") described as Parcel B on the attached Exhibit B as follows:

a. A perpetual easement and right-of-way for access between the "Maus Parcel," described on the attached Exhibit C and shown on the attached Exhibit D, and Kellogg Drive covering the west two hundred (200) feet of Parcels A and B, as measured from the southwest corner of Parcel B, parallel to the centerline of U.S. 54 Highway. Said access to be across driveways constructed to standards and codes established by the City of Wichita.

b. A perpetual easement and right-of-way for access between the Maus Parcel and Tyler Road covering the north ninety (90) feet of Parcels A and B. Said access to be across driveways constructed to standards and codes established by the City of Wichita.

c. The temporary right to use and improve Parcel A for purposes of landscaping, signage, and parking until such time the same may be improved and used by Buyer for right of way purposes; provided, however, parking area within Parcel A may NOT be used to satisfy minimum parking requirements for the development of the Maus Parcel.

2. The closing of the Contract is subject to the following conditions for the benefit of the Buyer: The dedication by Seller of Parcel B as right-of-way for highway purposes, subject to the reservation by Seller of the nonexclusive easements provided above.

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11  
September 7, 1989

STAFF REPORT  
(Final Plat Approved 8/24/89)

CASE NUMBER: S/D 89-55 - B.B.B.R. ADDITION

OWNER/APPLICANT: B.B.R. Corp., P.O. Box 9007-67227, Wichita, KS 67227

SURVEYOR/ENGINEER: Bill Yung Design/Baughman Company, P.A.

LOCATION: Northwest corner of Kellogg & Tyler

SITE SIZE: 1.61 Acres

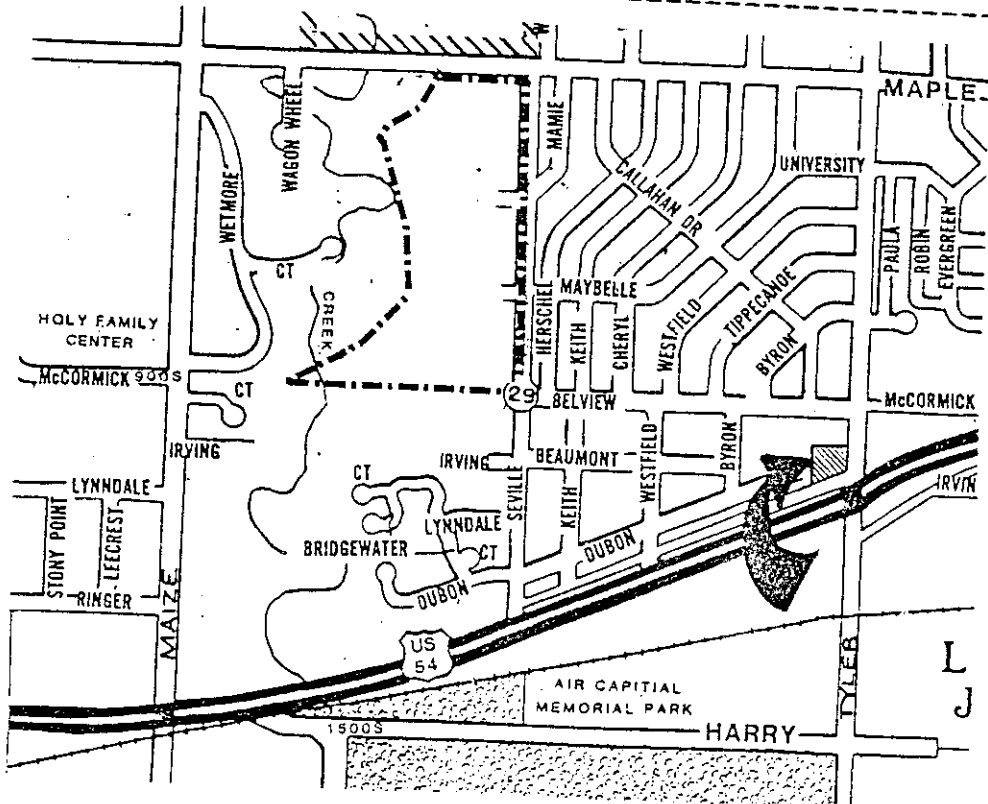
NUMBER OF LOTS

Residential:	
Office:	
Commercial:	2
Industrial:	
Total:	2

MINIMUM LOT AREA: 35,000 sq. ft.

CURRENT ZONING: "LC" Light Commercial

VICINITY MAP:



STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property. The applicant is advised that at the time of site development the extension of a private storm sewer to serve this site will be required.
- C. The applicant shall guarantee the closure of the driveway that lies within the area being granted as "complete access control: to Tyler, across the east line of Lot 2.
- D. The applicant shall guarantee the improvement of Kellogg Drive, adjacent to the south line of this plat, to a curb and gutter cross section standard.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. If the easement along the north line of Lots 1 and 2 is intended for the extension of sanitary sewer, a 20-foot utility easement needs to be provided. If the additional easement is obtained from the property to the north, it shall be provided by separate instrument and shall be submitted to the Planning Department for recording with this plat.  
East of this public easement and at the northwest corner of Lot 2, in the area involving the enclosed waste storage area, a private easement for S.W. Bell and for K.G. & E. facilities may be established. This easement needs to be approved by these utilities and recorded prior to the final plat tracing being submitted. The final plat tracing shall therefore indicate this easement with appropriate recording information. A copy of the recorded easement shall be provided to the Planning Department.
- G. The platator's text shall indicate, that the contingent dedication is contingent on the City's need to extend a north-south street from Dubon to Belview and not limited to the construction of a street to the west line of Lot 1.
- H. The final plat tracing shall indicate complete access control to and from Dubon Avenue and shall include the appropriate language in the platator's text.
- I. Prior to scheduling this case before the City Council, the structure which encroaches into the utility easements being granted must be removed. Once the structure has been removed, a letter so stating shall be submitted from the platting engineer.

- J. 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.
  - K. 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.
  - L. 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.
  - M. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
  - N. Recording of the plat within 30 days after approval by the City Council.
  - O. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
  - P. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan.
-

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

September 8, 1989

Baughman Company  
315 S. Ellis  
Wichita, KS 67211

Re: S/D 89-55 - B.B.B.R. ADDITION

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, September 7, 1989, 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 the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property. The applicant is advised that at the time of site development the extension of a private storm sewer to serve this site will be required.
- C. The applicant shall guarantee the closure of the driveway that lies within the area being granted as "complete access control: to Tyler, across the east line of Lot 2.
- D. The applicant shall guarantee the improvement of Kellogg Drive, adjacent to the south line of this plat, to a curb and gutter cross section standard.
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- G. The plattor's text shall indicate, that the contingent dedication is contingent on the City's need to extend a north-south street from Dubon to Belview and not limited to the construction of a street to the west line of Lot 1.
- H. The final plat tracing shall indicate complete access control to and from Dubon Avenue and shall include the appropriate language in the plattor's text.
- I. Prior to scheduling this case before the City Council, the structure which encroaches into the utility easements being granted must be removed. Once the structure has been removed, a letter so stating shall be submitted from the platting engineer.
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- L. 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.
- M. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- N. Recording of the plat within 30 days after approval by the City Council.

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.

S/D 89-55 B.B.B.R. Addition  
Page 3

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, September 7, 1989 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,

*Tim Bickhaus* D.2.  
R. Timothy Bickhaus  
Associate Planner

RTB:svm

Enclosure

cc: B.B.R. Corp., P.O. Box 9007-67277, Wichita, KS 67277  
Bill Yung Design, 4912 E. 29th St. North, Suite One,  
Wichita, KS 67220  
Wade Culwell, K.D.O.T., Dist. #5 Engineer, 500 N. Hendricks,  
P.O. Box 769, Hutchinson, KS 67504-0769  
Mike Lindebak, City Engineer

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

September 14, 1989

Baughman Company  
315 S. Ellis  
Wichita, KS 67211

Re: S/D 89-55 - B.B.B.R. ADDITION

Dear Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on September 14, 1989, the above captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of September 8, 1989.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the City Council for consideration:

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor.
3. Certification that all real estate taxes for the second half of 1988 and all prior years have been paid.

Please call if you have any questions.

Sincerely,



R. Timothy Bickhaus  
Associate Planner

RTB:svm

cc: B.B.R. Corp., P.O. Box 9007-67277, Wichita, KS 67277  
Bill Yung Design, 4912 E. 29th St. North, Suite One,  
Wichita, KS 67220  
Wade Culwell, K.D.O.T., Dist. #5 Engineer, 500 N. Hendricks,  
P.O. Box 769, Hutchinson, KS 67504-0769  
Mike Lindebak, City Engineer