

NOTE: This site is apparently being platted for conventional single-family development. However, zoning on this area involves "R-5" General Residence, "BB" Office and "LC" Light Commercial. In addition, this site is within a 1976 Community Unit Plan, DP-77 which also indicates that the areas now being platted are intended for uses other than one family. Only Lot 36 corresponds to a parcel of the CUP (Parcel 1) and appears to be planned for the presently zoned, "LC" use. The remainder of this plat covers all of Parcels 2, 3, 4, 5 and a portion of Parcel 8 of DP-77.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council for review, the applicant shall obtain any needed adjustments or amendments to the CUP, and needed zone changes. The applicant shall meet with appropriate staff from Planning to determine what changes are to be provided. In particular zone changes from the "LC" and "BB" classifications would appear to be necessary as would corresponding adjustments to the uses in the CUP.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.
- F. The applicant shall guarantee the paving of the proposed interior streets.
- G. Since Cooper has been platted and is being developed as a collector, sidewalk shall be guaranteed along both sides of this street. Also, sidewalk shall be guaranteed along one side at Woodbrook/Pebblebrook between Cooper and Webb.
- H. As indicated by the CUP, the applicant is to guarantee any needed accel, decel, or other traffic improvements needed for the entrances to the site from Pawnee and Webb. Based on the development indicated by this plat, Traffic Engineering needs to indicate what improvements need to be provided for this site's entrances at Cooper and Pawnee and Pebblebrook and Webb. Further, Traffic Engineering needs to indicate if any intersection improvements for Pawnee and Webb are required to be guaranteed by this plat.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the

Planning Department for recording.

- J. The final plat shall indicate the platting of access controls to both Pawnee and Webb from adjacent lots. For Lot 36, Block 2 which is apparently being retained as a "LC" use, Traffic Engineering needs to indicate access control requirements. Based on present Subdivision criteria, 100 feet of complete access control should be considered from the lot's southeast corner back along both Pawnee and Webb, with no more than one-opening allowed in the remaining frontages. The access controls suggested by the CUP, were based on conditions or criteria in 1976.
- K. The final plat shall indicate the platting of building setbacks. Front yard setbacks of 25-feet, with corner lots also provide a 15-foot sideyard setback shall be indicated.
- L. The applicant shall provide proof, by letter from the pipeline company or by copy of the pipeline easement agreement, that the dedication of street right-of-way over a portion of the pipeline easement and the use of part of this pipeline easement as a general utility easement are acceptable and that the building setback line as shown is sufficient. Any relocation, lowering or encasement of the pipeline, caused by development of this property, will not be at the expense of the City. On the final plat the name of the pipeline company shall also be indicated.
- M. City Engineering needs to indicate if the 17-foot utility easement adjacent to the Pipeline easement is acceptable.
- N. 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.
- O. The representatives from the City's Fire Department needs to indicate the acceptability of the street names shown on this plat. Although existing platted streets are in the immediate vicinity of this Addition, the plat is using, except for Cooper, all new street names. Further, Stonebrook is extremely similar to an existing north-south street, located east of Webb Road, called Stonebrook. The final plat shall indicate those names considered appropriate by the Fire Department.
- P. 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.
- Q. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- R. 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.

- S. 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.
- T. 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.
- U. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- W. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.



BAUGHMAN COMPANY, P.A.

SURVEYING, ENGINEERING & CONSULTING
316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

**CONFIRMATION
MEMO**

PROJECT PEBBLEBROOK ADDITION

DATE November 25, 1992

_____ JOB NO. _____

COPIES TO:

TO Vicky Huang, P.E.

FROM N. Brent Wooten, P.E.

REFERENCE Final Drainage Plan

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

December 10, 1992

STAFF REPORT
(Final Plat, Preliminary Plat Approved 11/12/92)

CASE NUMBER: S/D 92-59 - PEBBLEBROOK ADDITION

OWNER/APPLICANT: Fidelity Savings, Attn: Clark Bastain, 100 E. English, Wichita, KS 67202

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LOCATION: North of Pawnee and west of Webb Road

SITE SIZE: 54.0 Acres

NUMBER OF LOTS

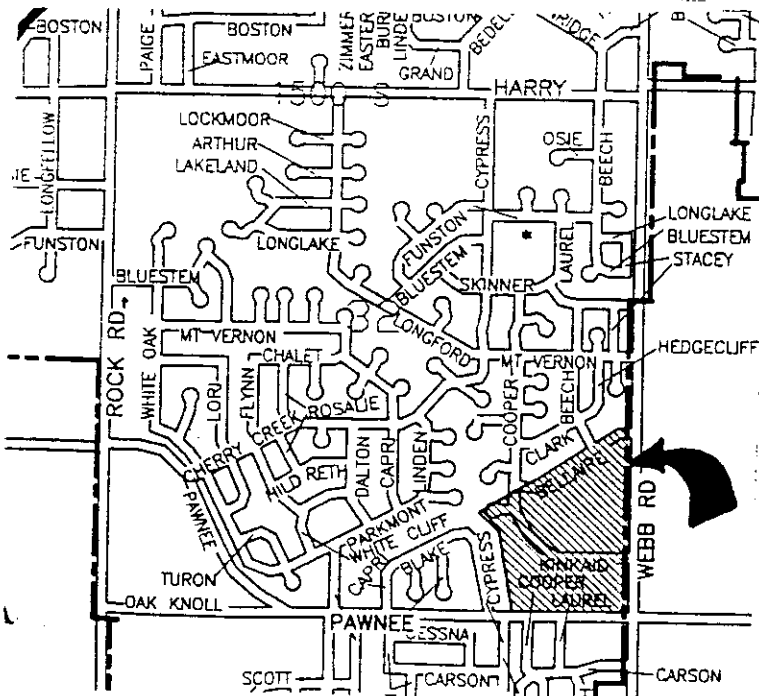
Residential:	148
Office:	
Commercial:	1
Industrial:	
Total:	149

MINIMUM LOT AREA: 9,600 sq. ft.

CURRENT ZONING: "LC", "BB", "R5" (DP-77)

PROPOSED ZONING: "AA", "LC" (Z-_____)

VICINITY MAP:



NOTE: This site is apparently being platted for conventional single-family development. However, zoning on this area involves "R-5" General Residence, "BB" Office and "LC" Light Commercial. In addition, this site is within a 1976 Community Unit Plan, DP-77 which also indicates that the areas now being platted are intended for uses other than one family. Only Lot 36 corresponds to a parcel of the CUP (Parcel 1) and appears to be planned for the presently zoned, "LC" use. The remainder of this plat covers all of Parcels 2, 3, 4, 5 and a portion of Parcel 8 of DP-77.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council for review, the applicant shall obtain any needed adjustments or amendments to the CUP, and needed zone changes. The applicant shall meet with appropriate staff from Planning to determine what changes are to be provided. In particular zone changes from the "LC" and "BB" classifications would appear to be necessary as would corresponding adjustments to the uses in the CUP.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.
- F. The applicant shall guarantee the paving of the proposed interior streets.
- G. Since Cooper has been platted and is being developed as a collector, sidewalk shall be guaranteed along both sides of this street. Also, sidewalk shall be guaranteed along one side of Pebblebrook between Cooper and Webb.
- H. The applicant shall guarantee left-turn improvements in Webb and Pawnee for the entrances into this site from these streets.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- J. The plattor's text shall be corrected to note that access to Pawnee is being dedicated across the south line (not north line) of the lots adjacent to Pawnee. Also, for Lot 36, Block 2, the text shall note the one opening being allowed to both Pawnee and Webb.

- K. On the final plat tracing, the center lines (CL) of Pawnee and Webb shall be labeled. Also, the dedication of right-of-way (dimensions) shall be indicated both along or for Pawnee and for the Pawnee and Webb intersection.
- L. The applicant shall provide proof, by letter from the pipeline company or by copy of the pipeline easement agreement, that the dedication of street right-of-way over a portion of the pipeline easement and the use of part of this pipeline easement as a general utility easement are acceptable and that the building setback line as shown is sufficient. Any relocation, lowering or encasement of the pipeline, caused by development of this property, will not be at the expense of the City. On the final plat the name of the pipeline company shall also be indicated.
- M. As requested by City Engineering a 20-foot utility easement adjacent to the Pipeline easement was to be provided. This final plat still indicates a 17-foot easement. Engineering needs to indicate what size easement is needed.
- N. 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.
- O. Although existing platted streets are in the immediate vicinity of this Addition, the plat is using, except for Cooper, all new street names. Further, Stonebrook is extremely similar to an existing north-south street, located east of Webb Road, called Stoneybrook. The final plat was to indicate those names considered appropriate by the Fire Department. The applicant was to meet with the Fire Department to determine appropriate street names. The Fire Department representative needs to indicate if the indicated names are acceptable.
- P. 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.
- Q. As indicated in the plattor's text, a minimum building pad elevation is being established. This elevation needs to be shown on the face of the plat, below the north arrow. This elevation shall be indicated both in MSL and City Datum. On-site and off-site bench marks must also be indicated.
- R. 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.
- S. 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.

- T. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- V. Recording of the plat within 30 days after approval by the City Council.
- W. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to indicate the minimum building pad requirements for this site.

Please print or type in the unshaded area (fill-in areas are spaced for elite type, i.e., 2 characters/inch).

Form Approved. OMB No. 2040-0086 Approval expires

FORM 1 GENERAL		EPA U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION <i>Consolidated Permits Program</i> (Read the "General Instructions" before starting.)		EPA I.D. NUMBER F NOT REQUIRED	
LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION		PLEASE PLACE LABEL IN THIS SPACE		GENERAL INSTRUCTIONS If a preprinted label has been provided in the designated space, review the information carefully; if any of it is incorrect, through it and enter the correct data. If the preprinted data is absent (the area left of the label space lists the information that should appear), please provide it in proper fill-in areas below. If the information is complete and correct, you need not complete items I, III, V, and VI (except VI-E must be completed regardless). Complete items if no label has been provided. Refer to the instructions for detailed item definitions and for the legal authorizations under which this data is collected.	

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any of the questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK		
	YES	NO	FORM ATTACHED		YES	NO	ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)			X	B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)			X
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	X			D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)	X		
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)			X	F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)			X
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)			X	H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)			X
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			X	J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)			X

III. NAME OF FACILITY

1 SKIP PEBBLEBROOK ADDITION

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)
 2 CLIFFORD NIES

B. PHONE (area code & no.)
 3 16 684 0161

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX
 3 9415 E. HARRY SUITE 101

B. CITY OR TOWN
 4 WICHITA

C. STATE
 KS

D. ZIP CODE
 67207

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER
 5 SE 1/4 SEC 32 TWP 27-S R-2-E

B. COUNTY NAME
 SEDGWICK

C. CITY OR TOWN
 6 WICHITA

D. STATE
 KS

E. ZIP CODE
 67207

FILE COPY
 COPY

NPDES Permit Application for Pebblebrook Addition

The nature of construction for this project will be installation of sanitary and storm sewers, municipal water service, and construction of streets to serve 149 residential lots. The location and description of the project area are attached. Total area of the project to be affected by excavation is approximately 62 acres.

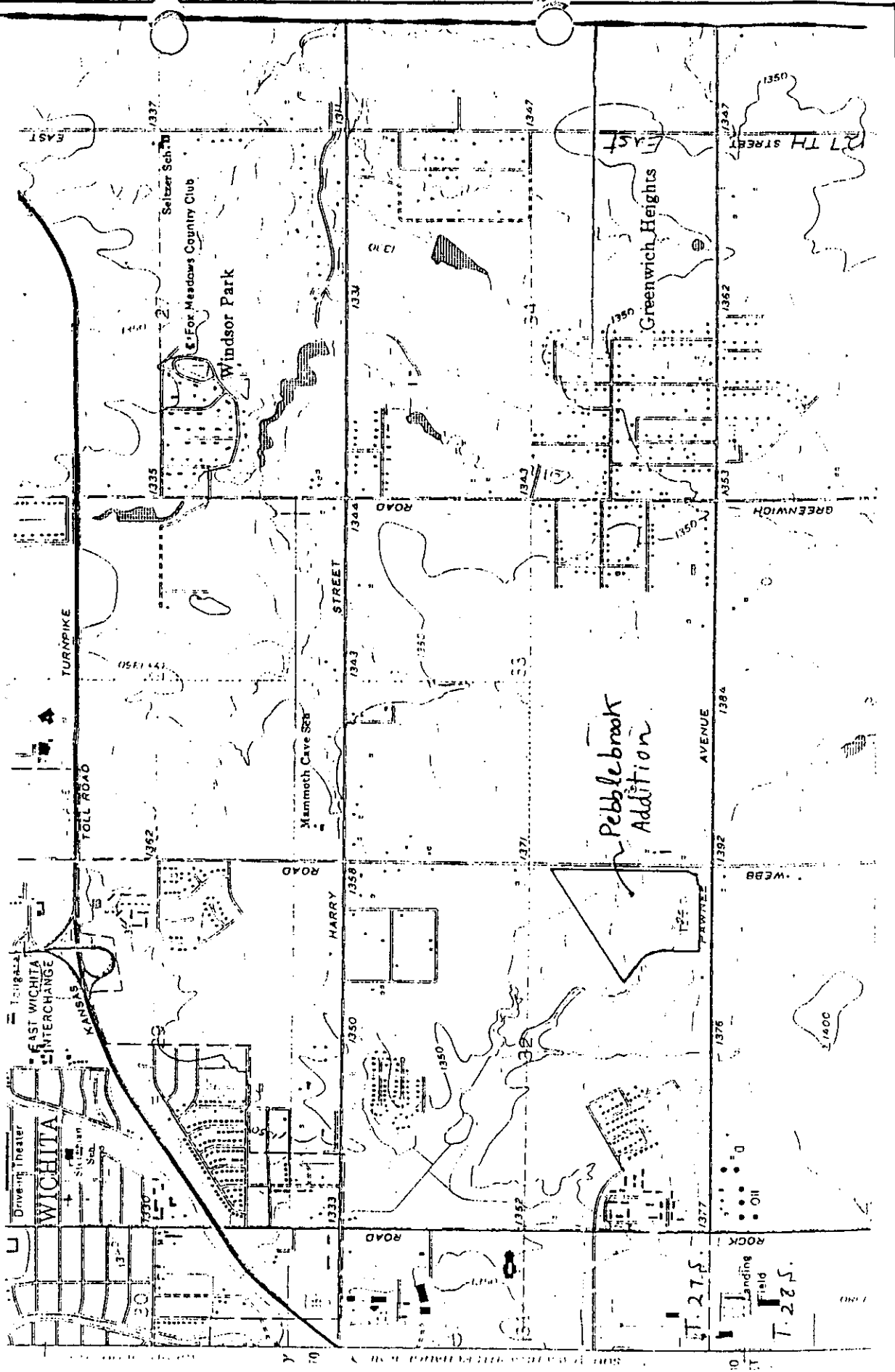
Management practices for control of pollutants in stormwater discharge during construction will adhere to State of Kansas and City of Wichita erosion and sedimentation standards. Compliance with these standards will be subject to verification by those State and City entities and the Engineer.

When construction is completed, measures such as screened inlets, vegetative cover, and rip-rapped outlet control will have been taken to minimize pollutant discharge and erosion due to stormwater conveyance. The stormwater sewer system will be completed in compliance with the State of Kansas and the City of Wichita standards.

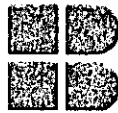
At the completion of the proposed construction, the cumulative runoff coefficient for the area is estimated to be 0.5 – 0.6 and runoff will drain south to Gypsum Creek. The approximate impervious area will be 30%. The soil in the area is classified in two series. The first is Rosehill Silty Clay, which consists of gently sloping, well drained soil. The second is Irwin Silty Clay Loam, which consists of gently sloping, well drained soil.

LOCATION MAP - Pebblebrook Addition

North
Scale: 1" = 2000'



L. KORBER, L.S.
N. BRENT WOOTEN, P.E.



B. BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

January 22, 1993

Pebblebrook Addition - Phase I
Water Line Petition
Improvement Cost Estimate

Lots 1-7, Block 1
Lots 1-5, Block 2
Lots 1-13, Block 5
Lots 1-12, Block 6
Lots 12-18, Block 7

20" pipe 320 LF
Est. 8" Pipe 2600 2900 L.F.
F.H. 4 Ea.

	\$ 32	\$ 10,240	
@ \$22		= \$ 63,800	57,200
@ \$1700		= \$ 6,800	
Total		= \$ 70,600	74,240
		\$ 21,180	22,272
Total		= \$ 91,780	96,512

+ 30%

Total Cost = ~~\$92,000~~ \$ 97,000

Each Lot to pay 1/44 of Total

CITY PORTION - 320 LF @ 105 = \$ 33,600 43% USE 40%

BO PORTION - 96,012 96%

Per Lot = ~~\$2,091~~
\$ 2116

WILLIAM L. KORBER, L.S.

N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

January 25, 1993

Rob Younkin, P.E.
Department of Engineering
7th Floor - City Hall
455 N. Main
Wichita, Kansas 67202

RE: Pebblebrook Addition
Fire Hydrant Layout Plan

Dear Rob,

Enclosed please find an approved fire hydrant layout plan for the above referenced project. This plan is for your files.

Please contact our office if you have any questions.
Thank You.

Sincerely,

Philip J. Meyer, L.A.

cc: N. Brent Wooten

WATER LINE PETITION

Phase 1

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of lots, parcels, and tracts of real property lying within the area described generally as follows:

PEBBLEBROOK ADDITION

Lots 1 Through 7, Block 1
Lots 1 Through 5, Block 2
Lots 1 Through 13, Block 5
Lots 1 Through 12, Block 6
Lots 12 Through 18, Block 7

do hereby petition, pursuant to the provisions of K.S.A. 1980 Supp.12-6a01 et seq., as follows:

(a) That there be constructed a waterworks system including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described above, according to plans and specifications to be furnished by the City Engineer.

(b) That the estimated and probable cost of the foregoing improvements being Ninety Seven Thousand dollars (\$97,000.00), with 96 percent of the total cost payable by the improvements district and 4 percent of the total cost payable by the City of Wichita from Water Department Utility Improvement funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 1/2 percent per month from and after March 1, 1993.

(c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

DATE: July 22, 1993

TO: Doug Moshier, Senior Attorney

FROM: Michael E. Lindebak, P.E., City Engineer



SUBJECT: Agreement to Respread Special
Assessments: Pebblebrook
Addition

Please review the attached agreement as to legal form and return it to the
City Engineer's Office.

BM:cls

AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

Clifford A. Nies

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Storm Water Sewer improvements on Storm Water Sewer No. 205, in the area of Pawnee Avenue 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, Party of the Second Part has replatted certain properties within the benefit district of Storm Water Sewer No. 205 and desires that a reassessment be made;

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. Lots 18 Through 23 inclusive, Block 1; Lots 8 Through 11 inclusive, Block 4, Hedgecliff 3rd Addition,
and

An unplatted tract of land in the Southeast Quarter, Section 32, Township 27 South, Range 2 East of the 6th P.M., more fully described as beginning at a point on the east line of said Southeast Quarter, said point being 795 feet north of the Southeast Corner of said Southeast Quarter; thence northwesterly with a deflection angle of 56 degrees 00 minutes 00 seconds from the east line of said Southeast Quarter for a distance of 935 feet; thence northwesterly to a point on the southerly line of Bellaire Street, said point being the southwesterly line of Lot 11, Block 4, Hedgecliff 3rd Addition extended southeasterly; thence northeasterly along the south line of Bellaire Street to the east line of the Southeast Quarter, Section 32, Township 27 South, Range 2 East of the 6th P.M.; thence south along the east line of said Southeast Quarter to the point of beginning, except the street right-of-way, was part of the improvement district for the following City Project:

Storm Water Sewer No. 205
Project No. 468-76-245-81013-000-000-001

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

All Lots in Pebblebrook Addition except Lot 36, Block 2, shall each pay 1/148 of the total cost apportioned to the property described above.

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 their right to appeal the special assessments for the above mentioned project (including this described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

5. The Party of the Second Part further agree that they will indemnify the party of the First Part against any and all costs, expenses, claims and judgements 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 _____ day of _____, 1993.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Director of Law

Attest:

City Clerk

BY: Clifford A. Nies
Clifford A. Nies

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 14th day of July, 1993, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Clifford A. Nies, personally known to me to be the same persons who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

Joyce Kay Girrens
Notary Public

My Appointment Expires:

9-6-95




Agenda Item No. _____

City Of Wichita
City Council Meeting
August 17, 1993

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments in Pebblebrook
Addition (West of Webb, North of Pawnee) (District II)

INITIATED BY: Department of Public Works 

AGENDA ACTION: Consent

Recommendation: Approve the Agreement.

Background: The developer, Clifford Nies, has submitted an Agreement to respread special assessments in Pebblebrook Addition.

Analysis: 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.

Financial Considerations: There is no cost to the City.

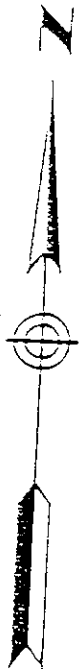
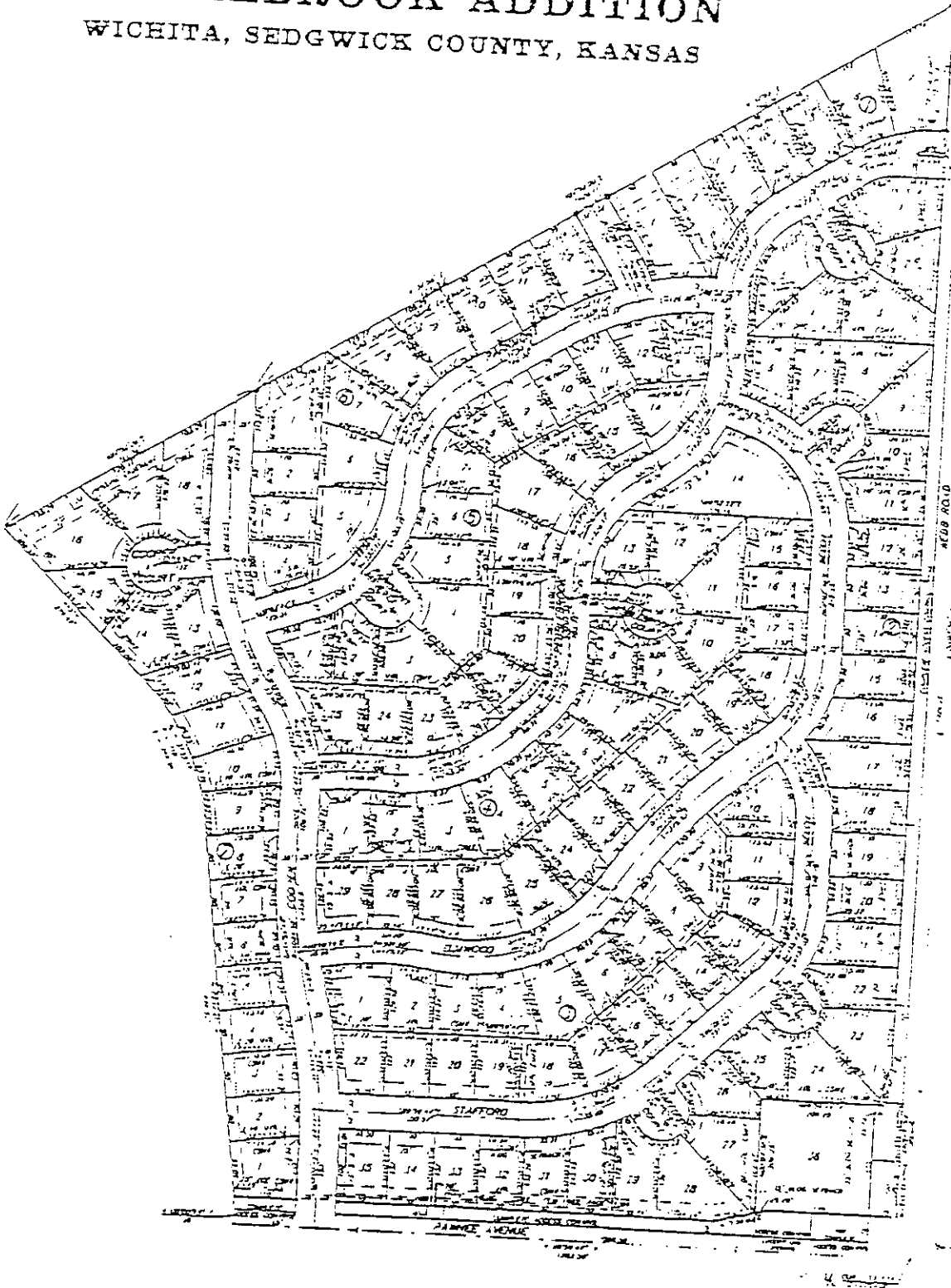
Legal Considerations: The Law Department has approved the Agreement as to legal form.

Recommendation/Action: It is recommended the City Council approve the Agreement and authorize the Mayor to execute.

BM:bjm

PEBBLEBROOK ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS



AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

Clifford A. Nies

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Storm Water Sewer improvements on Storm Water Sewer No. 205, in the area of Pawnee Avenue 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, Party of the Second Part has replatted certain properties within the benefit district of Storm Water Sewer No. 205 and desires that a reassessment be made;

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. Lots 18 Through 23 inclusive, Block 1; Lots 8 Through 11 inclusive, Block 4, Hedgecliff 3rd Addition,
and

An unplatted tract of land in the Southeast Quarter, Section 32, Township 27 South, Range 2 East of the 6th P.M., more fully described as beginning at a point on the east line of said Southeast Quarter, said point being 795 feet north of the Southeast Corner of said Southeast Quarter; thence northwesterly with a deflection angle of 56 degrees 00 minutes 00 seconds from the east line of said Southeast Quarter for a distance of 935 feet; thence northwesterly to a point on the southerly line of Bellaire Street, said point being the southwesterly line of Lot 11, Block 4, Hedgecliff 3rd Addition extended southeasterly; thence northeasterly along the south line of Bellaire Street to the east line of the Southeast Quarter, Section 32, Township 27 South, Range 2 East of the 6th P.M.; thence south along the east line of said Southeast Quarter to the point of beginning, except the street right-of-way, was part of the improvement district for the following City Project:

Storm Water Sewer No. 205
Project No. 468-76-245-81013-000-000-001

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

All Lots in Pebblebrook Addition except Lot 36, Block 2, shall each pay 1/148 of the total cost apportioned to the property described above.

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 their right to appeal the special assessments for the above mentioned project (including this described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

5. The Party of the Second Part further agree that they will indemnify the party of the First Part against any and all costs, expenses, claims and judgements 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 _____ day of _____, 1993.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Gary E. Schenck
Director of Law

Attest:

City Clerk

BY: Clifford A. Nies
Clifford A. Nies

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 14th day of July, 1993, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Clifford A. Nies, personally known to me to be the same persons who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

Joyce Kay Girrens
Notary Public

My Appointment Expires:

9-6-95

