

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

October 15, 1992

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 92-42 LEXINGTON ADDITION

OWNER/APPLICANT: Emprise Bank, Attn: Barry Wessel, 711 W. Douglas, Wichita, KS 67201

SURVEYOR/ENGINEER: Poe & Associates, 434 N. Oliver, Wichita, KS 67208

LOCATION: West side of Maize Road in an area south of Maple.

SITE SIZE: 44 acres

NUMBER OF LOTS

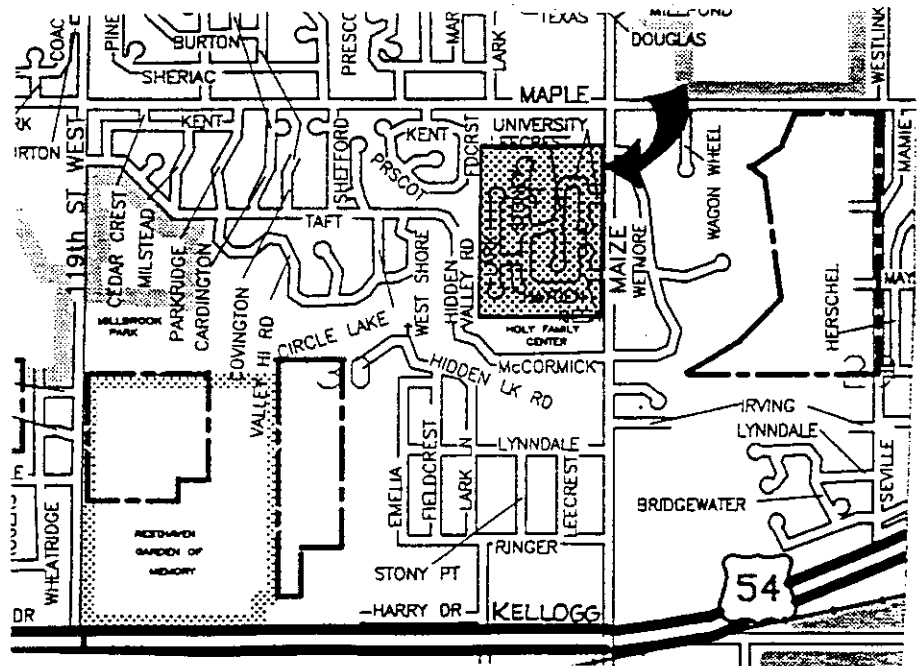
Residential:	115
Office:	
Commercial:	
Industrial:	
Total:	115

MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: "AA" & "LC"

PROPOSED ZONING: "AA"

VICINITY MAP:



NOTE: Although this addition is a replat of an existing addition, it has been submitted as a preliminary plat since fairly significant changes are involved in the street layout. This site was originally part of the Cambridge Estates Addition. While this portion has not yet been developed, the western portion of the Cambridge Estates Addition adjacent to Maple, has been substantially developed. A residential CUP (DP-188) and a proposed zone change (Z-2919) once effected this area but were subsequently closed, leaving this area basically under "AA" One-family zoning. However, a strip of this site, along the north line of the addition, is both within another CUP (DP-176) and under nonresidential zoning ("BB" and "LC"). The lots effected by this CUP and zoning would consequently have split zoning and portions would be within a commercial CUP.

Although the existing petitions were submitted for this site, it is assumed that new petitions should be submitted.

STAFF COMMENTS:

- A. Prior to this plat being submitted for City Council review, the applicant shall obtain an adjustment to DP-176 which allows for the residential development now being planned for a portion of the area covered by this CUP. Further, the applicant shall also obtain approval of a zone change to "AA" One-family zoning for this same area. Approval of this plat will be subject to any requirements of the adjustment and zone change.
- 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. City Engineering needs to indicate if there are any special requirements concerning the extension of water for this site. When the Cambridge Estates plat was taken to the City Council for approval, two non-100% water petitions were involved with that plat, at that time.
- 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. This guarantee shall also provide for sidewalk along one side of the looped street made up of University - Stoneypoint - Hayden.
- G. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- H. When the Cambridge Estates plat was approved, 20-foot rather than 25-foot front yard building setbacks were allowed. Since a portion of that original site has been developed with 20-foot setbacks and even though this area is no longer within a CUP that provided for such a setback exemption, it is recommended that the indicated setbacks on this preliminary plat be allowed.
- I. The final plat shall state in the plat's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.
- J. When the Cambridge Estates Addition was platted, the area now shown as Reserve A was listed as being for drainage. This preliminary, while showing an existing lake in this reserve, is not indicating that the Reserve is for drainage. If this reserve is involved in the drainage of this site, the final plat shall indicate such a use for this reserve.
- K. 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. If this addition is still involved with any ownership or maintenance responsibilities of the previous or remaining Cambridge Estates Addition, this covenant shall note such.
- L. 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.
- M. The above covenant(s) shall also note that maintenance of the area between the wall and public street pavement for Maize Road will also be the obligation of the lot/homeowners association.
- 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. On the final plat complete access control shall be indicated to Maize Road from the lots adjacent to this street.
- P. As indicated on the preliminary plat, utilities are to be confined to easements within the indicated Reserves. For these reserves, the final plat shall indicate such easements. Only Reserve A presently indicates such easements. If not shown, the

Reserves may be interpreted as having blanket easements which would restrict certain intended uses for the reserves. If any monuments, walls, etc. are potentially in conflict with sanitary or storm sewer lines in such reserves and/or easements, the final plat should note in the plat's text that any such uses must be approved by City Engineering. If necessary, the applicant may also be required to submit hold harmless agreements.

- Q. The plat's text shall note the purpose of the wall easement and that utilities may cross this easement.
- R. When this area was platted as the Cambridge Estates Addition, those lots around what is now indicated as Reserve A were required to establish minimum building pad elevations. Unless City Engineering indicates that these minimum building pad elevations are not needed, the final plat shall indicate any needed minimum building pad elevation. This shall be noted both on the face of the plat and in the plat's text. It shall also be indicated if these elevations involve the lowest level or opening elevation. Also, both on-site and off-site bench marks shall be indicated on the final plat.
- S. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- T. 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.
- U. 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.
- V. 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.
- W. 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.
- X. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- Y. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Engineering also needs to indicate if any lots require establishment of minimum building pad elevations.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

November 12, 1992

STAFF REPORT
(Final Plat, Preliminary Plat Approved 10/15/92)

CASE NUMBER: S/D 92-42 LEXINGTON ADDITION
Wilson

OWNER/APPLICANT: Emprise Bank, Attn: Barry Wessel, 711 W. Douglas, Wichita, KS 67201

SURVEYOR/ENGINEER: Poe & Associates, 434 N. Oliver, Wichita, KS 67208

LOCATION: West side of Maize Road in an area south of Maple.

SITE SIZE: 44 acres

NUMBER OF LOTS

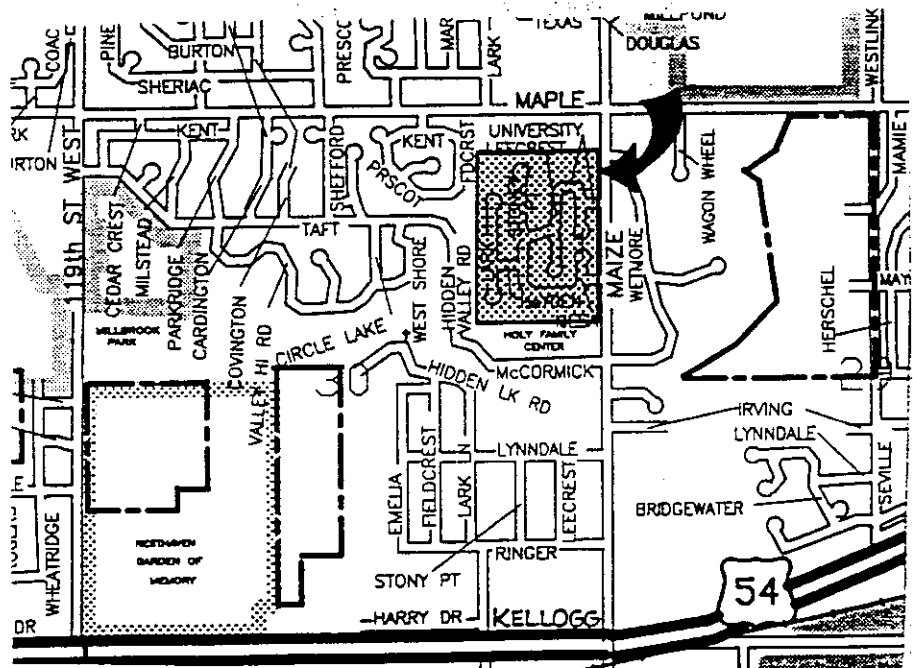
Residential:	115
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MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: "AA" & "LC"

PROPOSED ZONING: "AA"

VICINITY MAP:



NOTE: Although this addition is a replat of an existing addition, it was submitted as a preliminary plat since fairly significant changes are involved in the street layout. This site was originally part of the Cambridge Estates Addition. While this portion has not yet been developed, the western portion of the Cambridge Estates Addition adjacent to Maple, has been substantially developed. A residential CUP (DP-188) and a proposed zone change (Z-2919) once affected this area but were subsequently closed, leaving this area basically under "AA" One-family zoning. However, a strip of this site, along the north line of the addition, is both within another CUP (DP-176) and under nonresidential zoning ("BB" and "LC"). The lots effected by this CUP and zoning would consequently have split zoning and portions would be within a commercial CUP.

STAFF COMMENTS:

- A. Prior to this plat being submitted for City Council review, the applicant shall obtain an adjustment to DP-176 which allows for the residential development now being planned for a portion of the area covered by this CUP. Further, the applicant shall also obtain approval of a zone change to "AA" One-family zoning for this same area. Approval of this plat will be subject to any requirements of the adjustment and zone change.
- 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. This guarantee shall also provide for sidewalk along one side of the looped street made up of University - Stoneypoint - Maybelle.
- G. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- H. As requested by City Engineering, the applicant shall also provide square footage information for the lots and appropriate agreements for the redistribution of any effected special assessments.
- I. This plat is indicating an additional reserve, Reserve G, not indicated on the preliminary. This reserve is located in the

middle of a street, Stoneypoint, adjacent to Lots 22 & 23, Block 1. This reserve is not in the typical location, at the entrance(s) to the addition from the adjacent arterial(s). Traffic and City Engineering need to indicate if this reserve is potentially a hazard.

- J. When the Cambridge Estates plat was approved, 20-foot rather than 25-foot front yard building setbacks were allowed. Since a portion of that original site has been developed with 20-foot setbacks and even though this area is no longer within a CUP that provided for such a setback exemption, it is recommended that the indicated setbacks on this plat be allowed.
- K. 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. If this addition is still involved with any ownership or maintenance responsibilities of the previous or remaining Cambridge Estates Addition, this covenant shall note such.
- L. 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.
- M. The above covenant(s) shall also note that maintenance of the area between the wall and public street pavement for Maize Road will also be the obligation of the lot/homeowners association.
- 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 terminology in the plattor's text implies that if utilities are to be allowed in the Reserves, platted easements are to be provided. For Reserve B in particular it appears that utilities may be intended to be allowed in this Reserve, but no easements are indicated. Either easements need to be shown in those Reserves, where utilities will be located, or the plattor's text should be more specific as to which reserves include easements for utilities.
- P. On the final plat tracing, the use of the Court suffix should be used for all of the culs-de-sac, except for the section of Stoneypoint Circle serving Lots 13 through 19, Block 1. The

Circle suffix is intended to be used if the street segment is a logical extension or continuation of the street while the court is used for street segments which emanate from the street in a more or less right angle.

- Q. On the final plat tracing, the plattor's text shall be amended to indicate that the access control is dedicated to the City of Wichita. This site is in the City, where as reference to the appropriate governing body is intended for use in those situations where a County site may in the near future be annexed to the (a) City.
- R. Prior to this plat being released for recording, proof shall be provided that all applicable property taxes have been paid. The platting binder has not provided information that these taxes were paid.
- S. The platting binder indicates that certain easements to KG&E may effect this site. No such easements, however, are shown. The applicant's agent needs to verify the location of these easements and if they are being replatted, if they are off-site, or that they will be shown on the final plat tracing. Copies of these easements shall be submitted for the plat file.
- T. 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.
- U. 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.
- V. 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.
- W. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- X. Recording of the plat within 30 days after approval by the City Council.
- Y. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to confirm that minimum building pad elevations are not needed for the lots in the vicinity of Reserve A.

Storm Water Permitting Program
Bureau of Water
Kansas Department of Health and Environment
Forbes Field, Bldg 740
Topeka, Kansas 66620-0001

Re: Storm water discharge permit for construction activities

To whom it may concern:

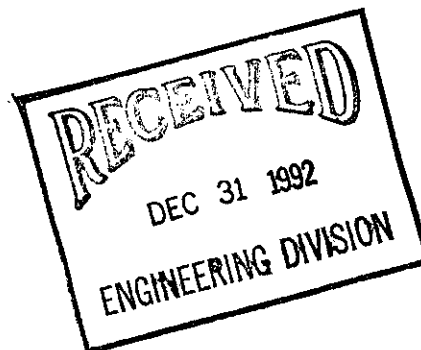
Enclosed is the EPA General Form #1 and a site map for a proposed residential subdivision which is described as follows.

1. The total area of the site is 46 acres half of which will be developed in phase 1.
2. No known pollutants will be discharged with the storm water other than sediment. This will be controlled during construction by bale type silt fences and by directing drainage to an existing pond.
3. After construction the entire open area in this addition will be planted in grass. Storm sewers will have rip-rap placed at points of discharge to prevent erosion.
4. Our engineers estimate of the Rational Formula C factor for the area after development is 0.5. We estimate that 40% of the area will be impervious after completion of the addition. All fill material is to be provided from excavations from this site.
5. Storm water from this area will drain into the Cowskin Creek.

Please contact me if you need additional information.

Yours Truly,
Jay W. Russell Construction

Jay W. Russell
President



FORM 1
 GENERAL

U.S. ENVIRONMENTAL PROTECTION AGENCY
GENERAL INFORMATION
 "Consolidated Permits Program"
 (Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER
 F NOT REQUIRED D

LABEL TYPED

I. EPA I.D. NUMBER

II. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

JAY W. RUSSELL
 P.O. BOX 9007
 WICHITA, KS 67212

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions 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 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 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM 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
 LEXINGTON ADDITION

IV. FACILITY CONTACT
 A. NAME & TITLE (last, first, & title)
 JAY W RUSSELL PRESIDENT
 B. PHONE (area code & no.)
 316 722 2417

V. FACILITY MAILING ADDRESS
 A. STREET OR P.O. BOX
 P O BOX 9007
 B. CITY OR TOWN
 WICHITA
 C. STATE
 KS
 D. ZIP CODE
 67212

VI. FACILITY LOCATION
 A. STREET, ROUTE NO OR OTHER SPECIFIC IDENTIFIER
 SEE ATTACHED LOCATION MAP
 B. COUNTY NAME
 SEDGWICK
 C. CITY OR TOWN
 WICHITA
 D. STATE
 KS
 E. ZIP CODE

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST		B. SECOND	
7	(specify)	7	(specify)
C. THIRD		D. FOURTH	
7	(specify)	7	(specify)

VIII. OPERATOR INFORMATION

A. NAME		B. Is the name listed in Item VIII-A also the owner?
		<input type="checkbox"/> YES <input type="checkbox"/> NO
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box. If "Other", specify.)		D. PHONE (area code & no.)
F = FEDERAL S = STATE P = PRIVATE	M = PUBLIC (other than federal or state) O = OTHER (specify)	
E. STREET OR P.O. BOX		
F. CITY OR TOWN		G. STATE H. ZIP CODE

IX. INDIAN LAND

Is the facility located on Indian lands?

YES NO

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)	D. PSD (Air Emissions from Proposed Sources)
9 IN	9 P
B. UIC (Underground Injection of Fluids)	E. OTHER (specify)
9 U	(specify)
C. RCRA (Hazardous Waste)	F. OTHER (specify)
9 R	(specify)

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

CONSTRUCTION OF HOMES IN A PROPOSED RESIDENTIAL SUBDIVISION.

XIII. CERTIFICATION (SEE INSTRUCTIONS)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
JAY W. RUSSELL, PRESIDENT	X	X

COMMENTS FOR OFFICIAL USE ONLY

C	
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THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY HALL - SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4501

FILE COPY

October 23, 1992

Poe & Associates of Kansas, Inc.
434 N. Oliver, Suite 110
Wichita, KS 67208

Dear Mr. Thompson:

**Subject: Stormwater Applications
for Construction
Activities**

The U.S. Environmental Protection Agency has published regulations addressing the permitting of stormwater discharges. The National Pollutant Discharge Elimination System (NPDES) permit application regulations for stormwater discharges was published in the Federal Register in November, 1990, pages 47989-48091.

The Kansas Department of Health and Environment (KDHE) has recently decided to begin enforcing the regulation with regards to construction activities. Construction Activity is defined as clearing, grading, and excavation activities except: operations which are not part of a larger common plan of development or sale.

What this means is that any plat larger than five acres, irregardless of how it is developed (phased development) will be required to apply for a NPDES permit for construction activities.

To apply for a permit the developer needs to submit a completed Environmental Protection Agency (EPA) Form 1 (copy attached) to KDHE along with the following required information:

1. The location (including a map) and the nature of the construction activity.
2. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit.
3. Proposed measures, including best management practices, to control pollutants in stormwater discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements.
4. Proposed measures to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements.

Stormwater Applications for
Construction Activities
October 23, 1992
Page 2

5. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of the fill material and existing data describing the soil or the quality of the discharge.
6. The name of the receiving water body.

Submission of the data outlined above will satisfy the requirements of the federal regulations for submission of a stormwater permit application for construction activity.

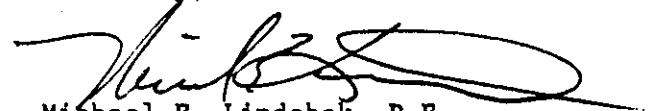
Application for a stormwater discharge permit for construction activities should be made to:

Stormwater Permitting Program
Bureau of Water
Kansas Department of Health and Environment
Forbes Field, Building 740
Topeka, Kansas 66620-0001
(913) 296-5524

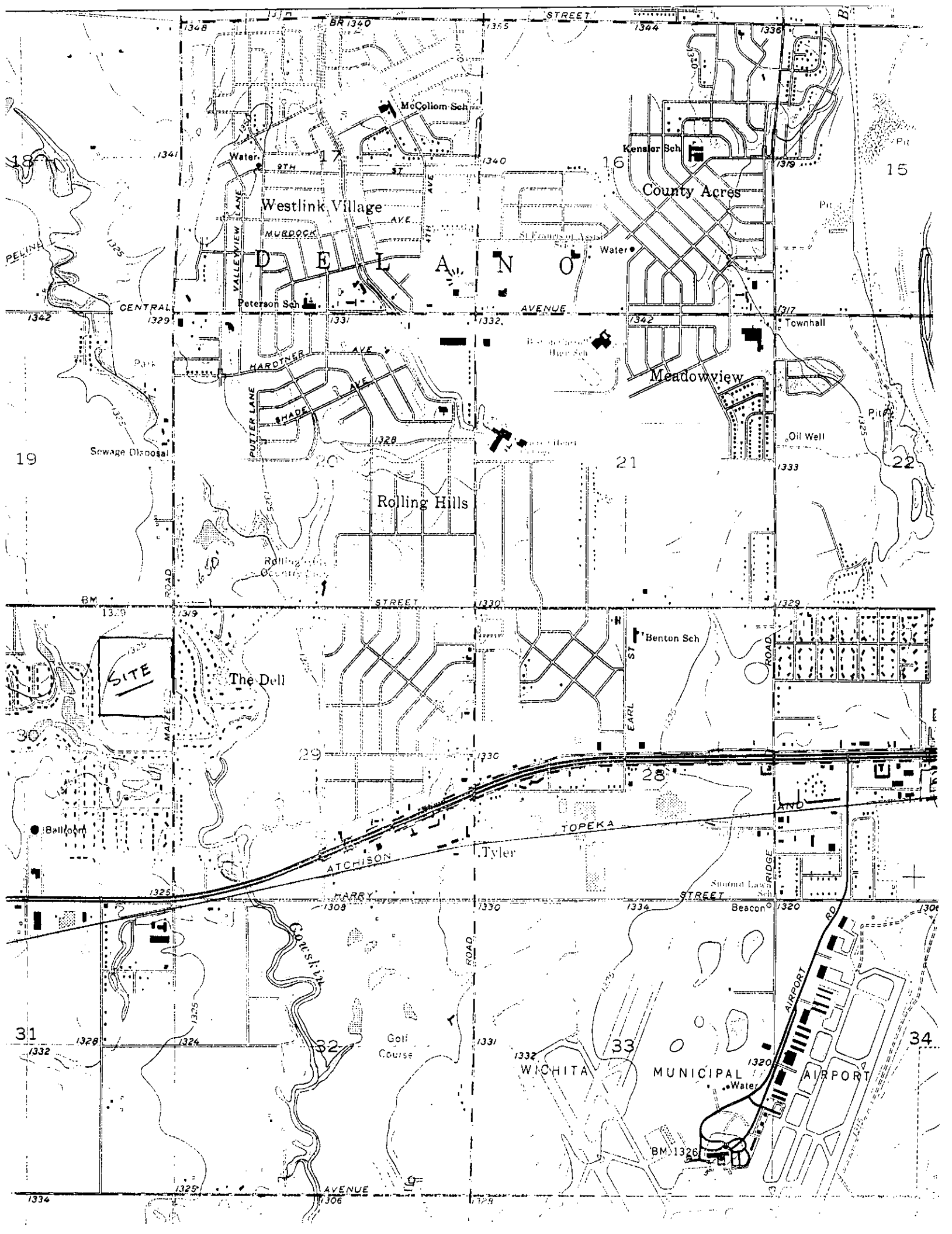
This permit application may become a platting requirement in the future. Please provide a copy of the permit application to the City Engineer's Office.

If you have any questions please contact Chris Breitenstein at 268-4235.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer


CB:cls



THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

DATE: December 31, 1992

TO: Douglas Moshier, Senior Attorney

FROM: Michael E. Lindebak, P.E., Director of Public Works 

SUBJECT: Agreements to Respread
Special Assessments:
Lexington Addition

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

BM:cls

AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

LEXINGTON CORPORATION
Barry R. Wessel, Secretary/Treasurer

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area south of the southwest corner of Maple and Maize Road, within the City Limits of the City of Wichita;
and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been replatted; and

WHEREAS, Parties of the Second Part desires that a reassessment be made;

WHEREAS, The party of the First Part and Parties 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. Blocks 4 and 5 and Reserves F-L, Cambridge Estates was part of the improvement district for the following City Projects:

Water Lines Project 413-88 88422

Storm Sewer Drains #83 Project No. 413-86 81995

Storm Sewer Drains - Modification of Detention Pond Project No. 41-716
82096

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

All Lots in Blocks 1, 2 and 3, Lexington Addition shall pay the total cost apportioned to the property described above on an equal share per lot basis.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties 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 Parties 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 Parties 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 _____, 19_____.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Director of Law

Attest:

City Clerk

LEXINGTON CORPORATION
BY: [Signature]
Barry R. Wessel, Secretary/Treasurer

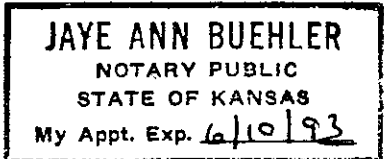
STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 13th day of November, 1992 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Barry R. Wessel, Secretary/Treasurer, Lexington Corporation, personally known to me to be the same person 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.

[Signature]
Notary Public Jaye Ann Buehler

My Appointment Expires:
6/10/93



AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

LEXINGTON CORPORATION
Barry R. Wessel, Secretary/Treasurer

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area south of the southwest corner of Maple and Maize Road, within the City Limits of the City of Wichita;
and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been replatted; and

WHEREAS, Parties of the Second Part desires that a reassessment be made;

WHEREAS, The party of the First Part and Parties 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 1 and 3 Summerfield III Commercial Addition were part of the improvement district for the following City Projects:

K40442 - Lat. 13, Main 9 Southwest Interceptor Sewer 468-81817

K41188 - Lat. 6 Main 1 Cowskin Interceptor 468-81984

M41388 - Water Distribution System to serve the Dell 448-88422

L41386 - Storm Water Drain No. 83 468-81995

L41716 - Modification to Storm Water Detention Pond in Cambridge Estates
468-82096

D41857 - Decel. Lane S. side Maple W. side Maize 472-81954

D41858 - Left Turn along Maize 472-81955

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

Assessments from the above captioned projects to Lot 1, Block 1 Summerfield III Commercial Addition shall now be assessed to that part of Lot 1, Block 1 which was not replatted by Lexington Addition.

Assessments from the above captioned projects to Lot 3, Block 1 except for the North 280 feet of the West 325 feet of said Lot 3, Block 1 shall now be assessed to that part of Lot 3, Block 1 except for the North 280 feet of the West 325 feet which was not replatted by Lexington Addition.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties 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 Parties 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 Parties 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 _____, 19_____.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Director of Law

Attest:

City Clerk

LEXINGTON CORPORATION

BY: [Signature]
Barry R. Wessel, Secretary/Treasurer

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 23rd day of December, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Barry R. Wessel, Secretary/Treasurer, Lexington Corporation, personally known to me to be the same person 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.

JAYE ANN BUEHLER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/10/93

[Signature]
Notary Public Jaye Ann Buehler

My Appointment Expires:

June 10, 1993

Agenda Item No. _____


CITY OF WICHITA
CITY COUNCIL MEETING

February 9, 1993

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreements To Respread Special Assessments In Lexington Addition (South of Maple, West of Maize) District V

INITIATED BY: Department of Public Works 

AGENDA ACTION: Consent

Recommendation: Approve the Agreements.

Background: The developer, Emprise Bank, has submitted agreements to respread special assessments in Lexington Addition.

Analysis: The purpose of the agreements is to respread special assessments on an equal share basis for each lot. Without the agreements, the assessments will be spread on a square foot basis.

Financial Considerations: There is no cost to the City.

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

BM:bjm

LEXINGTON ADDITION

OWNER/APPLICANT: Emprise Bank, Attn: Barry Wessel, 711 W. Douglas, Wichita, KS 67201

SURVEYOR/ENGINEER: Poe & Associates, 434 N. Oliver, Wichita, KS 67208

LOCATION: West side of Maize Road in an area south of Maple.

SITE SIZE: 44 acres

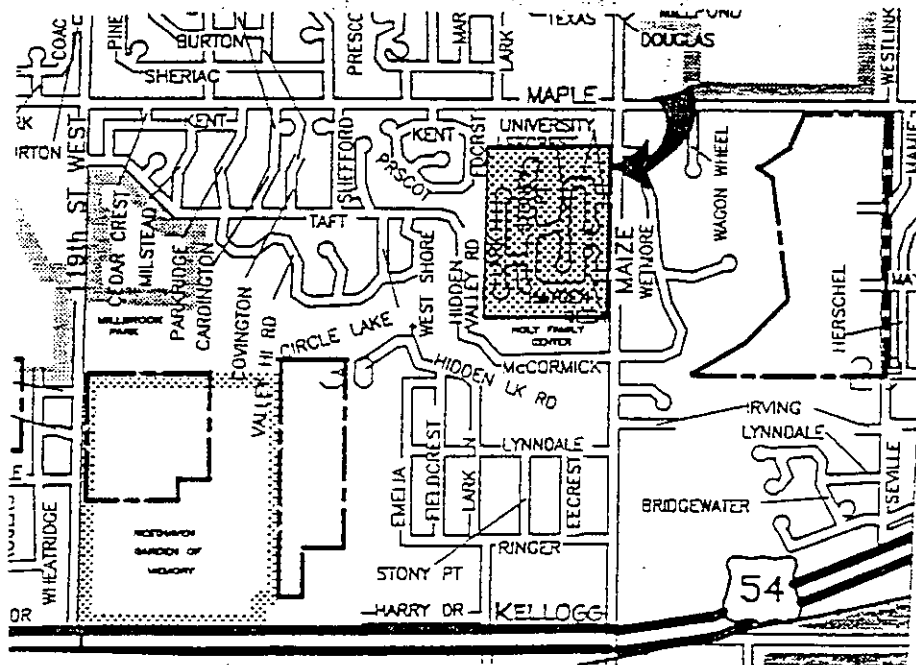
NUMBER OF LOTS

Residential:	115
Office:	
Commercial:	
Industrial:	
Total:	115

MINIMUM LOT AREA: 6,000 sq. ft.

C
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-

VICINITY MAP:



AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

LEXINGTON CORPORATION
Barry R. Wessel, Secretary/Treasurer

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area south of the southwest corner of Maple and Maize Road, within the City Limits of the City of Wichita;
and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been replatted; and

WHEREAS, Parties of the Second Part desires that a reassessment be made;

WHEREAS, The party of the First Part and Parties 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 1 and 3 Summerfield III Commercial Addition were part of the improvement district for the following City Projects:

K40442 - Lat. 13, Main 9 Southwest Interceptor Sewer 468-81817

K41188 - Lat. 6 Main 1 Cowskin Interceptor 468-81984

M41388 - Water Distribution System to serve the Dell 448-88422

L41386 - Storm Water Drain No. 83 468-81995

L41716 - Modification to Storm Water Detention Pond in Cambridge Estates
468-82096

D41857 - Decel. Lane S. side Maple W. side Maize 472-81954

D41858 - Left Turn along Maize 472-81955

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

Assessments from the above captioned projects to Lot 1, Block 1 Summerfield III Commercial Addition shall now be assessed to that part of Lot 1, Block 1 which was not replatted by Lexington Addition.

Assessments from the above captioned projects to Lot 3, Block 1 except for the North 280 feet of the West 325 feet of said Lot 3, Block 1 shall now be assessed to that part of Lot 3, Block 1 except for the North 280 feet of the West 325 feet which was not replatted by Lexington Addition.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties 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 Parties 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 Parties 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 _____, 19_____.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Gay E. Leberich
Director of Law

Attest:

City Clerk

LEXINGTON CORPORATION
BY: [Signature]
Barry R. Wessel, Secretary/Treasurer

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 23rd day of December, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Barry R. Wessel, Secretary/Treasurer, Lexington Corporation, personally known to me to be the same person 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.

JAYE ANN BUEHLER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/10/93

Jaye Ann Buehler
Notary Public Jaye Ann Buehler

My Appointment Expires:

June 10, 1993

AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

LEXINGTON CORPORATION
Barry R. Wessel, Secretary/Treasurer

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area south of the southwest corner of Maple and Maize Road, within the City Limits of the City of Wichita;
and

WHEREAS, Parties of the Second Part are the landowners of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been replatted; and

WHEREAS, Parties of the Second Part desires that a reassessment be made;

WHEREAS, The party of the First Part and Parties 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. Blocks 4 and 5 and Reserves F-L, Cambridge Estates was part of the improvement district for the following City Projects:

Water Lines Project 413-88 88422

Storm Sewer Drains #83 Project No. 413-86 81995

Storm Sewer Drains - Modification of Detention Pond Project No. 41-716
82096

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

All Lots in Blocks 1, 2 and 3, Lexington Addition shall pay the total cost apportioned to the property described above on an equal share per lot basis.

3. The Parties of the Second Part are the owners of the property described in Section One above and said Parties 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 Parties 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.

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IN WITNESS WHEREOF, The Parties hereto have executed this agreement the _____ day of _____, 19_____.

THE CITY OF WICHITA, KANSAS

BY: _____
Mayor
Party of the First Part

Approved as to form:

Way E. Rebaudry
Director of Law

Attest:

City Clerk

LEXINGTON CORPORATION
BY: [Signature]
Barry R. Wessel, Secretary/Treasurer

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 13th day of November, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Barry R. Wessel, Secretary/Treasurer, Lexington Corporation, personally known to me to be the same person 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.

Jaye Ann Buehler
Notary Public Jaye Ann Buehler

My Appointment Expires:
6/10/93

JAYE ANN BUEHLER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/10/93

MICROFILMED
OF RECORD

AFFIDAVIT

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:

I have examined the recorded plat of Lexington Addition to Wichita, Sedgwick County Kansas, and have found that two street names should be changed as follows:

Maybelle should be changed to Hayden

Maybelle Court should be changed to Hayden Court

FURTHER AFFIANT SAITH NOT.



Michael E. Lindebak
Michael E. Lindebak, P.E.

STATE OF KANSAS | SS
SEDGWICK COUNTY |
FILED FOR RECORD AT

3:30 P M

1453174 E 11 95

PAT KETTLER
REGISTER OF DEEDS

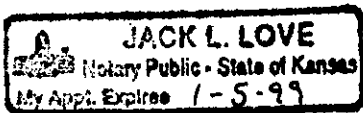
Pat Kettler
Deputy

Dated this 6th day of April, 1995.

(Seal)

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

Be it remembered that on this 6th, day of April, 1995, 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.



Jack L. Love
Notary Public

My Appointment Expires 1-5-99

Wicky Huang
City Engineers Office
455 N Main

6.00 ca

AFFIDAVIT

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

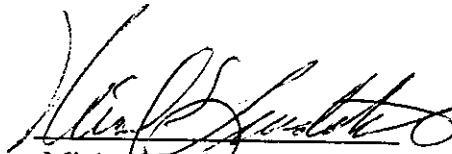
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Maybelle Court should be changed to Hayden Court

FURTHER AFFIANT SAITH NOT.

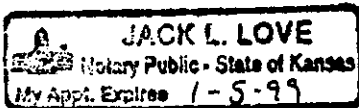

Michael E. Lindebak, P.E.

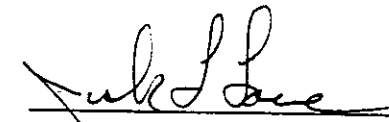
Dated this 6th day of April, 1995.

(Seal)

STATE OF KANSAS, COUNTY OF SEDGWICK: ss.

Be it remembered that on this 6th, day of April, 1995, 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 1-5-99