

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 6

July 24, 1997

STAFF REPORT
(Preliminary)

CASE NUMBER: S/D 97-48 SMITHMOOR 7TH ADDITION

OWNER/APPLICANT: Ron Smith, P. O. Box 780595, Wichita, KS, 67278

SURVEYOR/ENGINEER: Municipal Engineers, P. A., 254 S. Laura, Ste 201,
Wichita, KS, 67211

LOCATION: South of Harry and West of Greenwich

SITE SIZE: 10.7 acres

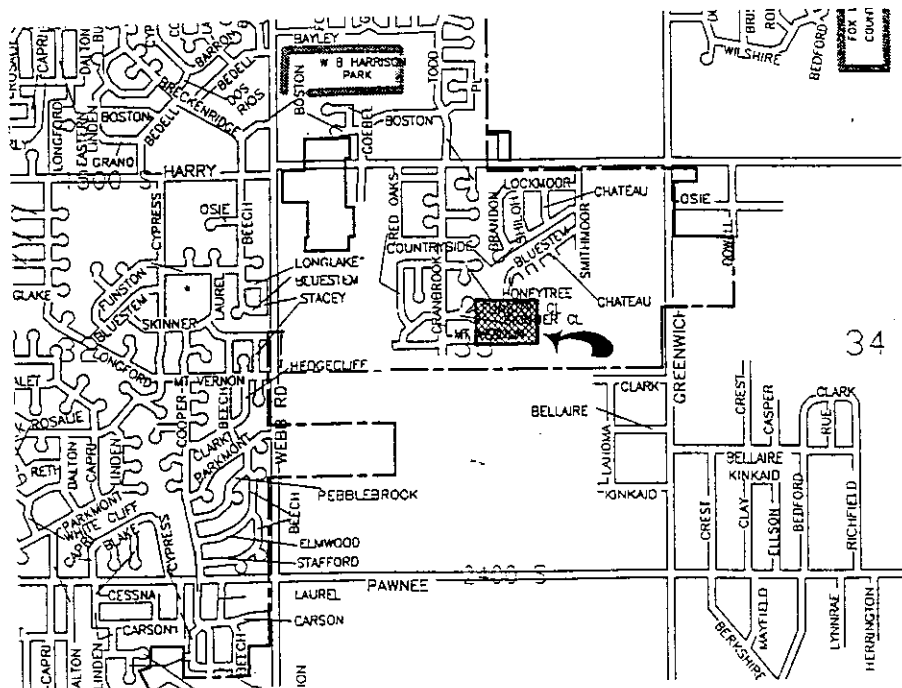
NUMBER OF LOTS

Residential:	40
Office:	
Commercial:	
Industrial:	—
Total:	40

MINIMUM LOT AREA: 7,000 sq. ft.

CURRENT ZONING: SF-6, Single-Family

PROPOSED ZONING: SF-6, Single-Family



Note: Smithmoor 7th completes the road system established by Smithmoor 4th, 5th and 6th Additions. (Smithmoor 6th was to have been considered by the Subdivision Committee on July 10.)

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lot being served.
- B. The applicant shall guarantee the extension of water service to serve the lot being served.
- C. City Engineering needs to comment on the status of the applicant's drainage plan.
- D. The applicant shall guarantee the construction of any drainage improvements required by the platting of this property, including storm sewers.
- E. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. 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.
- I. 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 (316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- J. The applicant is advised that various State and Federal requirements for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements (Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 30, Marquette Kansas, 67464, 913-546-2294 or Kansas Department of Wildlife and Parks)
- K. 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.
- L. Perimeter closure computations should be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

August 21, 1997

STAFF REPORT
(Preliminary-Approved 7/24/97)

CASE NUMBER: S/D 97-48 SMITHMOOR 7TH ADDITION

OWNER/APPLICANT: Ron Smith, P. O. Box 780595, Wichita, KS, 67278

SURVEYOR/ENGINEER: Municipal Engineers, P. A., 254 S. Laura, Ste 201, Wichita, KS, 67211

LOCATION: South of Harry and West of Greenwich

SITE SIZE: 10.7 acres

NUMBER OF LOTS

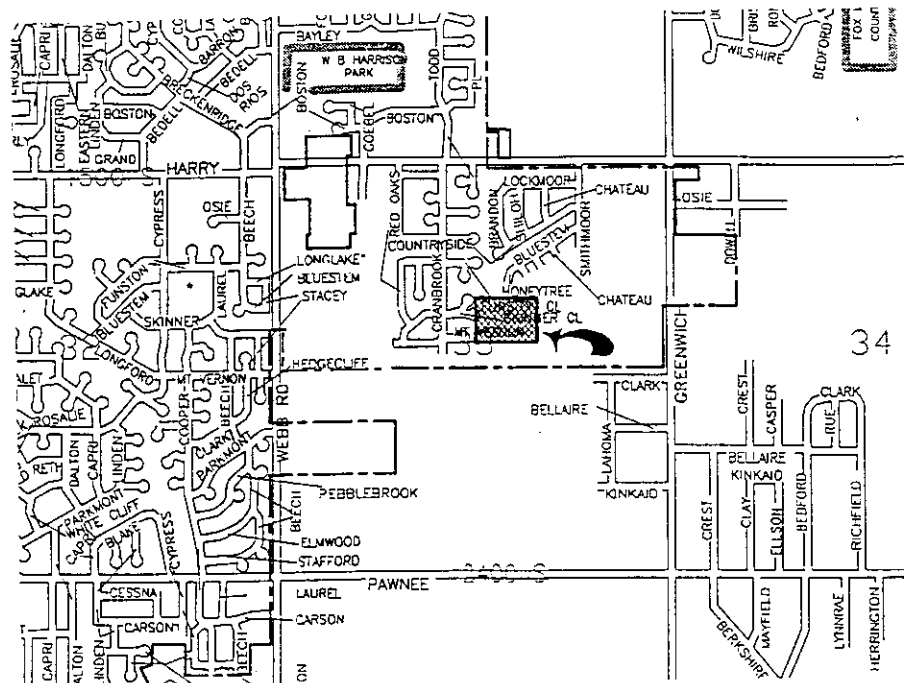
Residential:	40
Office:	
Commercial:	
Industrial:	—
Total:	40

MINIMUM LOT AREA: 7,000 sq. ft.

CURRENT ZONING: SF-6, Single-Family

PROPOSED ZONING: SF-6, Single-Family

VICINITY MAP



Note: Smithmoor 7th completes the road system established by Smithmoor 4th, 5th and 6th Additions. (Smithmoor 6th was to have been considered by the Subdivision Committee on July 10.)

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lot being served.
- B. The applicant shall guarantee the extension of water service to serve the lot being served.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. Applicant shall provide an off-site easement so they can drain storm water to the east. That may require a detention pond (instead of drainage channel) at some point in the future for the property to the east.
- D. The applicant shall guarantee the construction of any drainage improvements required by the platting of this property, including storm sewers.
- E. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property. K. G. & E. asked for additional easements. These are shown on the final plat.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. 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.
- I. 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 (316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all

appropriate agencies to determine any such requirements (Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 30, Marquette Kansas, 67464, 913-546-2294 or Kansas Department of Wildlife and Parks)

- K. 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.
- L. Perimeter closure computations should be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council.
- N. The east-west street should be named Mt. Vernon.

AGREEMENT

BY AND BETWEEN

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

and

Smith & Company, Inc.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Smithmoor, within the City Limits of the City of Wichita; and
Fourth Addition

WHEREAS, Party of the Second Part is the landowner of all or part of the improvement district; and

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

WHEREAS, Party of the Second Part desires that a reassessment be made to reflect the changes in platting; and

WHEREAS, the Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. The area described in attached Exhibit 'A'
was part of the improvement district for the following City project(s):

Storm Water Sewer No. 415
Project No. 468 82118

Said property was replatted as Smithmoor Seventh Addition, Wichita,
Sedgwick County, Kansas

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

To be divided equally among the following lots:

Lots 1 thru 24 (incl.), Block 1, Smithmoor 7th Addition
Lot 1 & 2, Block 2, Smithmoor 7th Addition
Lot 1, Block 3, Smithmoor 7th Addition

3. The Party of the Second Part is the owner of the property described in section one above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12(b) with respect to the reassessment herein described.

4. The Party of the Second Part further waives his right to appeal the special assessments for the above mentioned projects (including this described reassessment) and agrees that no suit to set aside said assessment shall be brought by him nor shall he in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in constructing this project and levying the special assessments therefor.

5. The Party of the Second Part further agrees that he will indemnify the Party of the First Part against any and all costs, expenses, claims and judgments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the

_____ of _____, 19__.

THE CITY OF WICHITA, KANSAS

Approved as to form:

Gay E. Reber
Director of Law

BY

Mayor
Party of the First Part

Attest:

City Clerk

Ron Smith
Ron Smith, President, Smith & Co., Inc.
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 12 day of September, 1997, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Ron Smith, President Smith & Co. Inc., 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.

Valerie A. Smith
Notary Public

My Appointment Expires:

April 2, 2001

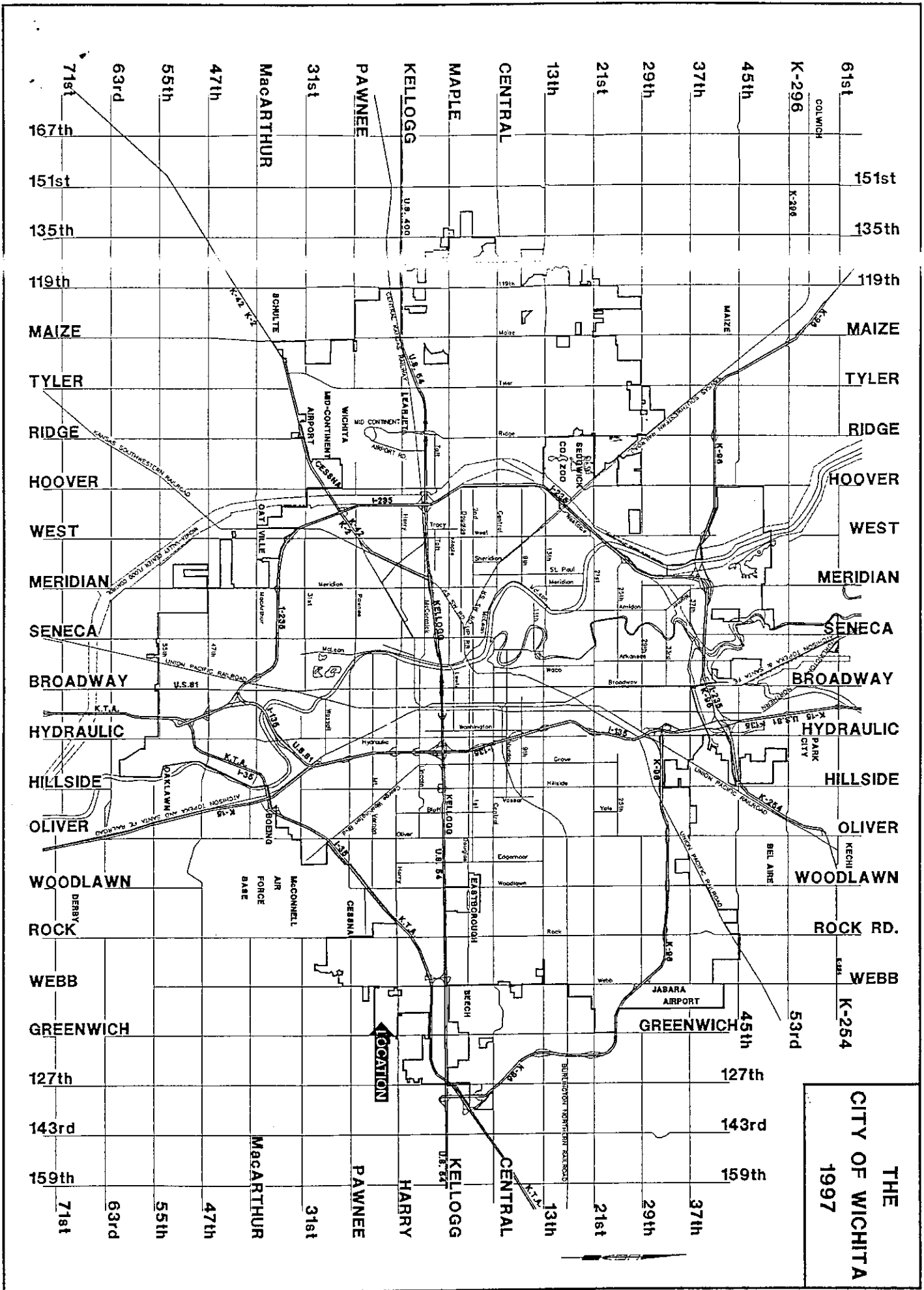


EXHIBIT 'A'

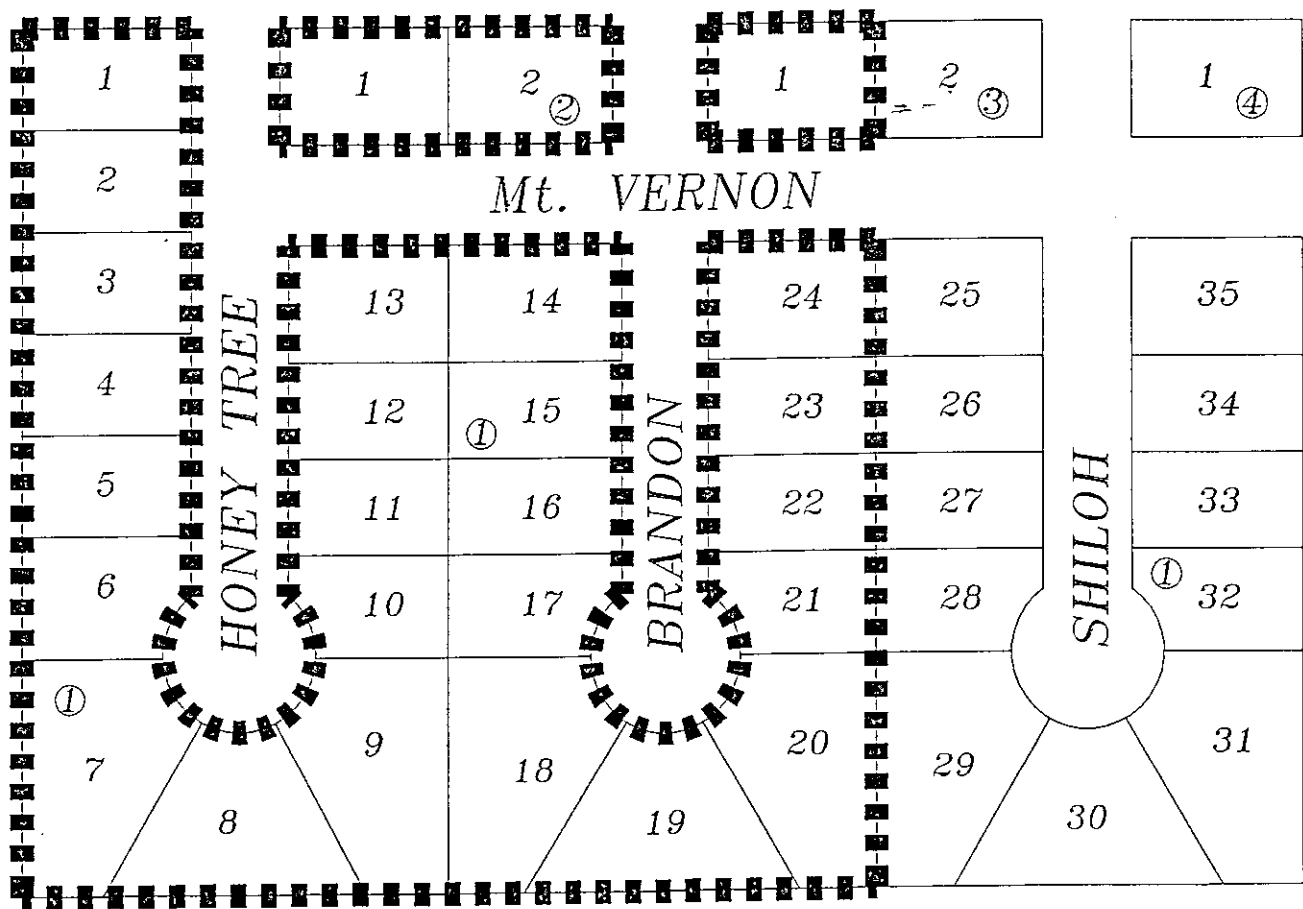
An unplatted tract which is a part of key number C-346-UP, more particularly described as follows:

Beginning at the Southwest corner of Smithmoor Fifth Addition to Wichita, Sedgwick County, Kansas; Thence South to the Southwest corner of the Northeast quarter of Section 33, Township 27 South, Range 2 East of the 6th P.M.; Thence Northeasterly along a line which terminates at a point 710 feet South of the Southeast corner of Smithmoor First Addition to Wichita, Sedgwick County, Kansas, to a point on the South line of said Smithmoor Fifth Addition; Thence West along the South line of said Smithmoor Fifth Addition to the point of beginning, containing 151,315 square feet, more or less.

**THE
CITY OF WICHITA
1997**



SMITHMOOR SEVENTH ADD.



AREA OF REASSESSMENT