SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

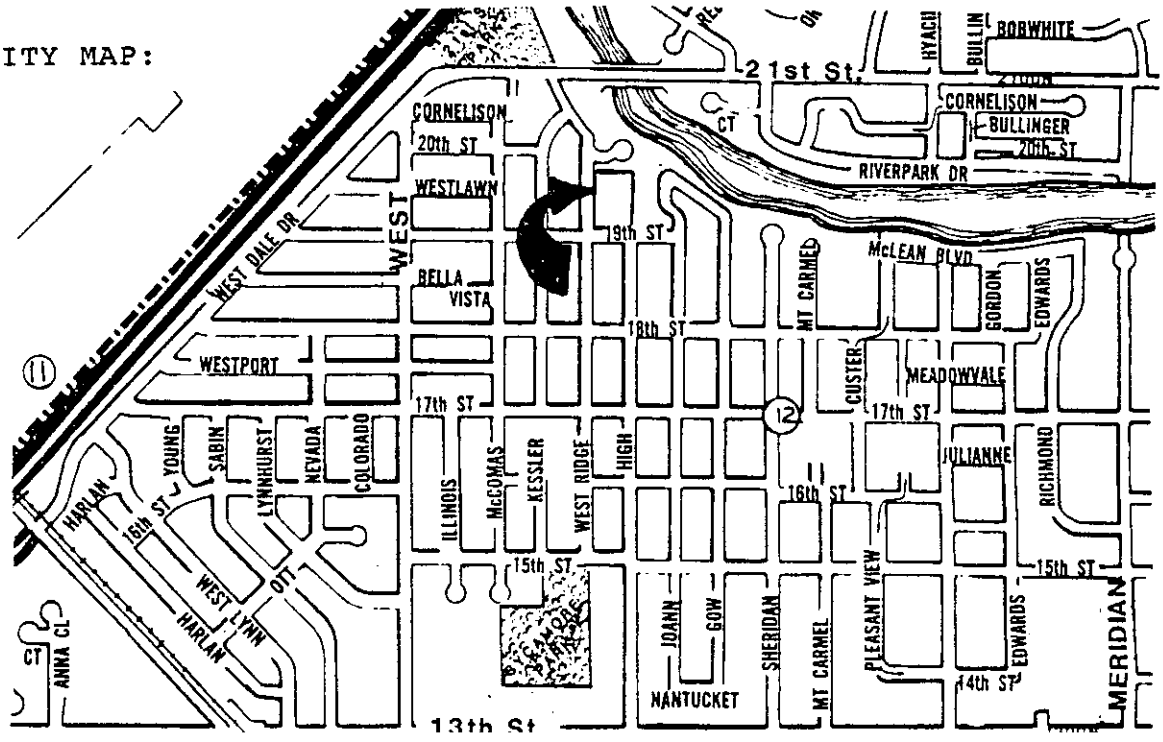
AGENDA ITEM NO. 4

April 6, 1989

STAFF REPORT
(Preliminary Plat)

CASE NUMBER:	**S/D 89-21 - THUNDERBIRD 5TH ADDITION**
OWNER/APPLICANT:	Thunderbird Realty Service, Inc., c/o Dave Entriken, 6700 W. Central #104, Wichita, KS 67212
SURVEYOR/ENGINEER:	Professional Engineering Consultants
LOCATION:	Northeast corner of 19th St. North and Westridge
SITE SIZE:	3.6 Acres
NUMBER OF LOTS	
Residential:	16
Office:	
Commercial:	
Industrial:	
Total:	16
MINIMUM LOT AREA:	6,090 sq. ft.
CURRENT ZONING:	"AA" Single-family

VICINITY MAP:



STAFF COMMENTS:

A. The applicant shall guarantee the extension of City water to serve the lots being platted.

B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.

C. The applicant shall guarantee any drainage improvements required by the platting of this property.

D. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for the removal of the existing asphalt and sidewalk improvements located with in Westridge Court's street right-of-way.

E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

F. Prior to this plat being scheduled for City Council review, the shed located within street right-of-way, and the building encroaching the utility easements, being granted must be removed. Once these structures have been removed, a letter so indicating shall be submitted from the platting engineer.

G. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 29-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.

H. As is typical of existing additions in this area, 25-foot front yard building setbacks shall be indicated on all lots.

I. On lot 8, a 15-foot sideyard setback shall be indicated across the full length of this lot's north property line.

J. Since as is noted in the reduction of the existing easement along the north line of lot 16, from 8-feet to 5-feet, that this plat is vacating and replatting certain easements, reference to K.S.A. 12-512(b) shall be made in the engineer's text of the final plat tracing as to this action.

K. On the final plat, North shall be included in the street name for 19th Street. The center lines of both 19th Street North and Westridge Drive shall also be labeled and the amounts of half street right-of-way available indicated.

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. 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.

O. 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.

P. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Q. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.

R. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

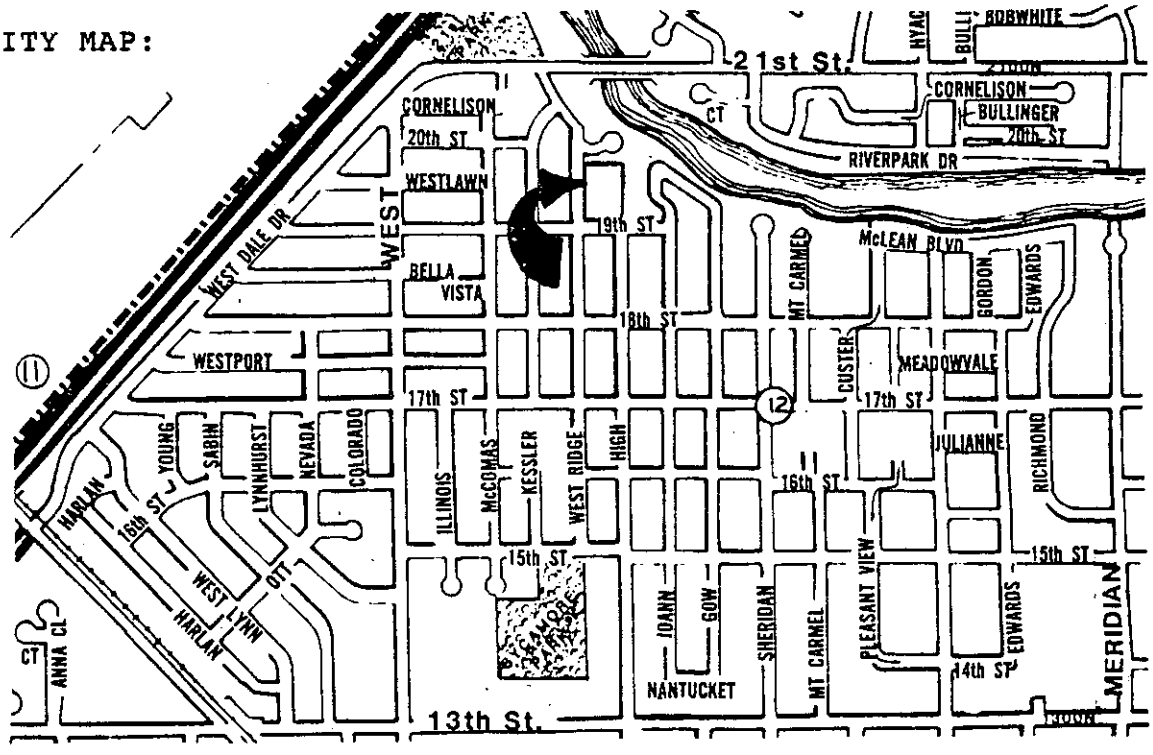
AGENDA ITEM NO. 16

April 20 , 1989

STAFF REPORT
(Final Plat; Preliminary Plat Approved 4/5/89)

CASE NUMBER:	**S/D 89-21 - THUNDERBIRD 5TH ADDITION**
OWNER/APPLICANT:	Thunderbird Realty Service, Inc., c/o Dave Entriken, 6700 W. Central #104, Wichita, KS 67212
SURVEYOR/ENGINEER:	Professional Engineering Consultants
LOCATION:	Northeast corner of 19th St. North and Westridge
SITE SIZE:	1 Acre
NUMBER OF LOTS	
Residential:	6
Office:	
Commercial:	
Industrial:	
Total:	6
MINIMUM LOT AREA:	6,293 sq. ft.
CURRENT ZONING:	"AA" Single-family

VICINITY MAP:



STAFF COMMENTS:

NOTE: This final plat is a portion of an overall preliminary.

A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. The applicant shall also dedicate by separate instrument any easements necessary to extend utilities.

B. The applicant shall guarantee any drainage improvements required by the platting of this property.

C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

D. On the final plat tracing, as is typical of existing additions in this area, 25-foot front yard building setbacks shall be indicated on all lots.

E. On the final plat, North shall be included in the street name for 19th Street.

F. 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.

G. 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.

H. 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.

I. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).

J. Recording of the plat within 30 days after approval by the City Council.

K. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, are any drainage guarantees required and will an off-site sanitary sewer easement be required to provide service?

Date: 04-25-1989
Time: 10:45:14

Interactive Coordinate Geometry
P.E.C. Version 4.01
Directory: thundr.proj
Project Number: 36-89000

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* CLOSURE THUNDERBIRD 5TH. ADD. 4-25-89

==========

abr 6 9
10 2 1 18 17 8

From Pt. = 2 to Pt. = 1	Distance =	297.870 Ft.
From Pt. = 2 to Pt. = 1	Bearing = 90 - 0 - 0.0000	Quad. = 4
From Pt. = 1 to Pt. = 18	Distance =	195.000 Ft.
From Pt. = 1 to Pt. = 18	Bearing = 1 - 1 - 14.0002	Quad. = 4
From Pt. = 18 to Pt. = 17	Distance =	101.500 Ft.
From Pt. = 18 to Pt. = 17	Bearing = 88 - 58 - 45.9998	Quad. = 1
From Pt. = 17 to Pt. = 8	Distance =	76.789 Ft.
From Pt. = 17 to Pt. = 8	Bearing = 1 - 1 - 14.0002	Quad. = 2
From Pt. = 8 to Pt. = 10	Distance =	196.269 Ft.
From Pt. = 8 to Pt. = 10	Bearing = 90 - 0 - 0.0000	Quad. = 1
From Pt. = 10 to Pt. = 2	Distance =	120.021 Ft.
From Pt. = 10 to Pt. = 2	Bearing = 1 - 3 - 39.4850	Quad. = 2

Total Area = 43441.649 Sq.Ft. 0.997 Acres
eoj04-25-1989 10:47:30

Coordinate File - thundr.coor 04-25-1989
10:56:09

Pt.No. = 1	100.000000 N	100.000000 E
Pt.No. = 2	100.000000 N	397.870000 E
Pt.No. = 3	100.000000 N	383.070000 E
Pt.No. = 4	806.987939 N	384.776935 E
Pt.No. = 5	625.373241 N	388.140349 E
Pt.No. = 6	485.418851 N	93.134172 E
Pt.No. = 7	619.907514 N	90.738399 E
Pt.No. = 8	220.000000 N	199.378431 E
Pt.No. = 9	100.000000 N	201.516104 E
Pt.No. = 10	220.000000 N	395.647660 E
Pt.No. = 11	220.000000 N	265.516104 E
Pt.No. = 12	220.000000 N	329.516104 E
Pt.No. = 13	100.000000 N	265.516104 E
Pt.No. = 14	100.000000 N	329.516104 E
Pt.No. = 15	170.988737 N	98.735411 E
Pt.No. = 16	172.796565 N	200.219310 E
Pt.No. = 17	296.776895 N	198.010732 E
Pt.No. = 18	294.969067 N	96.526833 E
Pt.No. = 19	559.917032 N	91.807066 E
Pt.No. = 20	621.772592 N	192.221278 E
Pt.No. = 21	385.983900 N	282.268900 E
Pt.No. = 22	334.373000 N	283.087800 E
Pt.No. = 23	334.042300 N	160.769300 E
Pt.No. = 24	429.912900 N	159.058900 E
Pt.No. = 25	430.715505 N	204.051740 E
Pt.No. = 26	561.724860 N	193.290965 E
Pt.No. = 27	501.734378 N	194.359632 E
Pt.No. = 28	499.926550 N	92.875733 E
Pt.No. = 29	453.542516 N	296.306279 E
Pt.No. = 30	503.534585 N	295.415723 E
Pt.No. = 31	441.935750 N	93.908777 E
Pt.No. = 32	443.743578 N	195.392676 E
Pt.No. = 33	361.948441 N	95.333665 E
Pt.No. = 34	363.756269 N	196.817565 E
Pt.No. = 35	622.948601 N	256.210483 E
Pt.No. = 36	502.874289 N	258.349479 E
Pt.No. = 37	624.124611 N	320.199687 E
Pt.No. = 38	507.631623 N	322.274886 E
Pt.No. = 39	498.616772 N	317.946785 E
Pt.No. = 40	444.664703 N	247.100746 E
Pt.No. = 41	454.433072 N	346.298347 E
Pt.No. = 42	455.234573 N	391.291232 E
Pt.No. = 43	220.000000 N	266.069013 E
Pt.No. = 44	416.624130 N	262.586363 E
Pt.No. = 45	412.838395 N	325.343746 E
Pt.No. = 46	220.000000 N	328.778958 E
Pt.No. = 47	100.000000 N	39.990481 E
Pt.No. = 48	619.917512 N	30.728702 E
Pt.No. = 49	40.000000 N	41.059317 E
Pt.No. = 50	40.000000 N	101.068836 E
Pt.No. = 51	40.000000 N	401.068836 E
Pt.No. = 52	-9.992068 N	101.959392 E
Pt.No. = 53	230.000000 N	395.462465 E
Pt.No. = 54	230.000000 N	204.201085 E
Pt.No. = 55	306.864364 N	202.831828 E
Pt.No. = 56	306.597198 N	187.834207 E
Pt.No. = 57	296.598784 N	188.012318 E
Pt.No. = 58	230.000000 N	385.460750 E
Pt.No. = 59	269.991429 N	394.721843 E

SEDGWICK COUNTY

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

April 21, 1989

Professional Engineering Consultants
1440 East English
Wichita, KS 67211

Re: S/D - 89-21 THUNDERBIRD 5TH ADDITION

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, April 20, 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.

C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

D. On the final plat tracing, as is typical of existing additions in this area, 25-foot front yard building setbacks shall be indicated on all lots.

E. On the final plat, North shall be included in the street name for 19th Street.

F. The applicant shall obtain by separate instrument an off-site utility easement to serve these lots with sanitary sewer. This easement shall be submitted to the Planning Department for recording with the plat.

G. 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.

H. 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.

I. 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.

J. Perimeter closure computations shall be submitted with the final plat tracing [Section 5-101(c)].

K. 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.

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, April 27, 1989 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

Enclosure

cc: Good Shepherd Episcopal Church, c/o Father Robert Harvey, 2040 Westridge, Wichita, KS 67203

Thunderbird Realty Service, c/o Dave Entriken, 6700 W. Central #104, Wichita, KS 67212

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

April 28, 1989

Professional Engineering Consultants
1440 East English
Wichita, KS 67211

Re: S/D - 89-21 THUNDERBIRD 5TH ADDITION

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on April 27, 1989, the above captioned plat was considered. The action of the Committee was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of April 21, 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 Board of City Commissioners 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 first 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: Good Shepherd Episcopal Church, c/o Father Robert Harvey, 2040 Westridge, Wichita, KS 67203
Thunderbird Realty Service, c/o Dave Entriken, 6700 W. Central #104, Wichita, KS 67212
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

April 7, 1989

Professional Engineering Consultants
1440 East English
Wichita, KS 67211

Re: S/D - 89-21 THUNDERBIRD 5TH ADDITION

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, April 6, 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 City water to serve the lots being platted.

B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.

C. The applicant shall guarantee any drainage improvements required by the platting of this property.

D. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for the removal of the existing asphalt and sidewalk improvements located with in Westridge Court's street right-of-way.

E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

F. Prior to this plat being scheduled for City Council review, the shed located within street right-of-way, and the building encroaching the utility easements, being granted must be removed. Once these structures have been removed, a letter so indicating shall be submitted from the platting engineer.

G. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 29-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.

H. As is typical of existing additions in this area, 25-foot front yard building setbacks shall be indicated on all lots.

I. On lot 8, a 15-foot sideyard setback shall be indicated across the full length of this lot's north property line.

J. Since as is noted in the reduction of the existing easement along the north line of lot 16, from 8-feet to 5-feet, that this plat is vacating and replatting certain easements, reference to K.S.A. 12-512(b) shall be made in the engineer's text of the final plat tracing as to this action.

K. On the final plat, North shall be included in the street name for 19th Street. The center lines of both 19th Street North and Westridge Drive shall also be labeled and the amounts of half street right-of-way available indicated.

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. 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.

O. 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.

P. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

Sincerely,

Don Losew

Don Losew
Senior Planner

DL:sm
Enclosure
cc: Good Shepherd Episocpal Church, c/o Father Robert Harvey, 2040 Westridge, Wichita, KS 67203

Thunderbird Realty Service, c/o Dave Entriken, 6700 W. Central #104, Wichita, KS 67212

Mike Lindebak, City Engineer

AGREEMENT

BY AND BETWEEN

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

and

THUNDERBIRD REALTY SERVICE, INC.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Scenic Heights, 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, 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 south 220 feet of Lot 12, Scenic Heights

was part of the improvement district for the following City project(s):

1. Westridge Paving (A81-150, 1995) $712.84 Annual
2. Water Line (M79-440, 1993) $193.44 Annual

Said property was replatted as Thunderbird 5th Addition

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

The assessments to the south 220 feet of Lot 12, Scenic Heights are to be pro-rated to Lots 1 through 6 inclusive, Block 1, Thunderbird 5th Addition on an equal fraction basis (1/6 each).

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:

BY _____
Mayor
Party of the First Part

_____
Director of Law

Attest:

_____
City Clerk

THUNDERBIRD REALTY SERVICE, INC.

by David Entriken, Pres.
David Entriken
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 16th day of June, 1989, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came David Entriken, 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.

Gary L. Wiley
Notary Public

My Appointment Expires:

Jan. 3, 1993

GARY L. WILEY NOTARY PUBLIC STATE OF KANSAS

(4099A)

MEMO

PROFESSIONAL ENGINEERING CONSULTANTS
PROFESSIONAL ASSOCIATION
1440 EAST ENGLISH
WICHITA, KANSAS
ZIP CODE / 67211

TO: M.L. Lindebak, P.E.

PROJECT NO. 36-89018-1358

PROJECT: Thunderbird 5th Addition

ATTN: Vicky Huang

DATE: May 1, 1989

COPIES TO: Twila Nelson, City Clerk's Office

FROM: Dick Linn

REFERENCE: Lot 12, Scenic Heights
Existing Special Assessments
D-28201

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Lot 12, Scenic Heights has recently been split and it is necessary to pro-rate the existing special assessments on a square foot basis as follows:

Westridge Paving, A81-150, 1995 =	$1,693.21
Water Line, M79-440, 1993 =	$459.48

Lot Split

1. The south 220 feet of Lot 12, 65,514 square feet

Westridge Paving, A81-150 =	$712.84
Water Line, M79-440 =	$193.44

2. Lot 12, except the south 220 feet, 90,068 square feet

Westridge Paving, A81-150 =	$980.37
Water Line, M79-440 =	$266.04

Part of the south 220 feet of Lot 12 has been replatted as Thunderbird 5th Addition. Attached is an Agreement to pro-rate the existing specials for the south 220 feet of Lot 12 to the Lots in Thunderbird 5th Addition on an equal fraction basis.

If additional information is desired, please advise.

RWL/tld

MEMO

PROFESSIONAL ENGINEERING CONSULTANTS
PROFESSIONAL ASSOCIATION
1440 EAST ENGLISH
WICHITA, KANSAS
ZIP CODE / 67211

TO: M.L. Lindebak, P.E.

ATTN: Vicky Huang

COPIES TO: Twila Nelson, City Clerk's Office

PROJECT NO. 36-89018-1358

PROJECT: Thunderbird 5th Addition

DATE: May 1, 1989

FROM: Dick Linn

REFERENCE: Lot 12, Scenic Heights
Existing Special Assessments
D-28201

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Lot 12, Scenic Heights has recently been split and it is necessary to pro-rate the existing special assessments on a square foot basis as follows:

Westridge Paving, A81-150, 1995 =	$1,693.21
Water Line, M79-440, 1993 =	$459.48

Lot Split

1. The south 220 feet of Lot 12, 65,514 square feet

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Part of the south 220 feet of Lot 12 has been replatted as Thunderbird 5th Addition. Attached is an Agreement to pro-rate the existing specials for the south 220 feet of Lot 12 to the Lots in Thunderbird 5th Addition on an equal fraction basis.

If additional information is desired, please advise.

RWL/tld

AGREEMENT

BY AND BETWEEN

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

and

GOOD SHEPHERD EPISCOPAL CHURCH, WICHITA, KANSAS, INC.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Scenic Heights, 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, 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 south 220 feet of Lot 12, Scenic Heights

was part of the improvement district for the following City project(s):

1. Westridge Paving (A81-150, 1995) $712.84 Annual
2. Water Line (M79-440, 1993) $193.44 Annual

Said property was replatted as Thunderbird 5th Addition

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

The assessments to the south 220 feet of Lot 12, Scenic Heights are to be pro-rated to Lots 1 through 6 inclusive, Block 1, Thunderbird 5th Addition on an equal fraction basis (1/6 each).

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:

Thomas R. Powell
Director of Law

BY _____
Mayor
Party of the First Part

Attest:

_____
City Clerk

GOOD SHEPHERD EPISCOPAL CHURCH, WICHITA, KANSAS, INC.

by Robert W. Harvey
The Very Reverend Robert W. Harvey
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 3rd day of May, 1989, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came the Very Reverend Robert W. Harvey, 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.

Charlene A. Stilwell
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. _____

Charlene A. Stilwell
Notary Public

My ~~Appointment~~ Expires:

11/30/91

(4099A)

THE CITY OF WICHITA

OFFICE OF **LAW DEPARTMENT** DATE: May 11, 1989

RECEIVED
MAY 15 1989
ENGINEERING DIVISION

TO: Vicky Huang, Subdivision Engineer

FROM: Douglas J. Moshier, Senior Assistant City Attorney

SUBJECT: Agreements to Spread Special Assessments in Teal Cove and Scenic Heights areas

The attached agreements for respreading assessments in the Teal Cove and Scenic Heights areas are approved as to form.

Douglas J. Moshier
Senior Assistant City Attorney

DJM:cdh

Attachments