

March 21, 1996

**STAFF REPORT**  
(Replat)

**CASE NUMBER:** S/D 96-13 K AND N ADDITION

**OWNER/APPLICANT:** Norman Keith and Pamela Gene Harris, 535 W. Douglas, Wichita, KS 67213

**SURVEYOR/ENGINEER:** Terra Tech Land Surveying, Inc., 239 N. Ohio, Wichita, KS 67214

**LOCATION:** Southwest corner of Third Street and West Street intersection

**SITE SIZE:** 1.8207 Acres

**NUMBER OF LOTS**

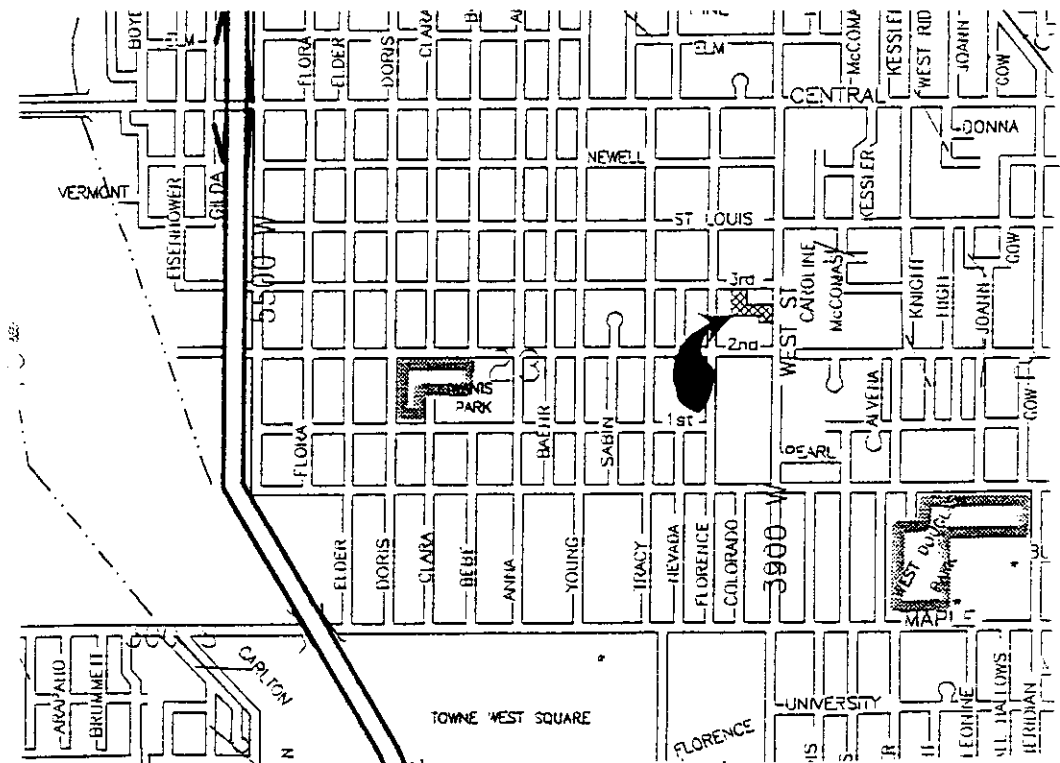
Residential:	
Office:	
Commercial:	1
Industrial:	
Total:	1

**MINIMUM LOT AREA:** 1.79 Acres

**CURRENT ZONING:** "B" and "C"

**PROPOSED ZONING:** "C" and "LC" (Z-3161)

**VICINITY MAP:**



NOTE: A portion of this site has been approved for a zone change (Z-31616) to "LC" zoning. As a condition of the zone change, the applicant was required to incorporate the involved area into a one lot plat with an adjacent platted lot. This site is a developed area of the City, and municipal facilities are available.

STAFF COMMENTS:

- A. The applicant shall guarantee any drainage improvements required by the platting of this property.
- B. The applicant is advised that if the house which is presently located in the 35-foot building setback being platted to West Street is not removed, that Central Inspection has advised that the platting of this building setback does not preclude the property owner from maintaining or remodeling that portion of the building within the setback area. The building cannot, however, be enlarged within the setback and, if the building is removed, any new building construction must observe the platted building setback.
- C. Prior to this plat being released for recording, the applicant shall submit a letter indicating that the shed presently located within a 20-foot utility easement has been removed.
- D. The applicant shall provide proof as to this plat's ownership and mortgage holders and consequently as to the proper signatories to this plat. As necessary, the final plat tracing shall be revised. Specifically, the platting binder notes as one of the owners for this site, K & N Motorcycles Corporation. Proof needs to be submitted that the Harris' can sign for this Corporation and as necessary, the plat needs to also indicate such.  
  
Also, the plat binder notes a mortgage being held by Citizens Bank and Trust Co., while the plat shows a consent under General Electric Capital Small Business Financial Corporation. Again, the applicant needs to resolve this difference, that is, verify if the mortgage has been transferred between these two parties, released or so forth.
- E. Prior to this plat being released, the applicant shall also provide proof that all applicable property taxes have been paid. The platting binder presently indicates that the second half of 1995 taxes are still unpaid.
- F. On the final plat tracing, the reference to KSA-12-512(b) and the replatting of easements, etc. should be placed at the end of the surveyor's text. The platting text shall also be amended to note that the dedication of access control is the City of Wichita, with the openings approved by the City Engineer.
- G. On the final plat tracing, the MAPC signature block shall be amended to indicate Susan Osborne-Howes as chairman.
- 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. 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. (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.)
- 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.
- L. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.

Note: This plat has been submitted in final form only.

THIS AGREEMENT made and entered into this 16th day of July, 1996 by and between the City of Wichita, Kansas, party of the first part (hereinafter "City"), and Keith Harris, party of the second part (hereinafter "Owner").

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner and property owned by others; and

WHEREAS, Owner is the owner of real property legally described as 333 N. West; and

WHEREAS, Owner wishes to finalize platting of K & N Addition.

WHEREAS, City wishes to insure that the said real property owned by Owner will be included in the improvement district responsible for that portion of the costs of said future improvement that are to be assessed pursuant to the provisions of K.S.A. 12-6a01 et seq..

NOW, THEREFORE, the parties hereto agree as follows:

1. City shall grant Owner's desire for platting to said real property, notwithstanding the fact that not all the public improvements normally required to be constructed prior to paving of 3rd Street have been constructed.

2. Owner, on his own behalf and on behalf of his heirs, assigns and successors in interest, irrevocably waives his right, pursuant to K.S.A. 12-6a06, to protest the commencement of the construction of pavement on 3rd St.

\_\_\_\_\_ by City, but nothing contained herein shall be deemed to be a waiver by Owner of his right to challenge, pursuant to K.S.A. 12-6a11, the reasonableness of the portion of the cost of said construction assessed against Owner's said real property.

3. A copy of this agreement shall be recorded with the Register of Deeds and the promises herein made by Owner shall constitute covenants running with the land described herein.

IN WITNESS WHEREOF, said parties have set their hand this 16th day of July, 1996

Owner(s) please sign, then type or print name below signature:

*[Handwritten Signature]*  
\_\_\_\_\_

CITY OF WICHITA

By \_\_\_\_\_  
MAYOR

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, came \_\_\_\_\_

to me personally known to be the same person \_\_\_\_\_ who executed the foregoing instrument of writing, and said person \_\_\_\_\_ duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 16<sup>th</sup> day of July, 1996



*Christina Cheatham*  
Notary Public

My Commission expires 7-15-98

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, came \_\_\_\_\_

to me personally known to be the same person \_\_\_\_\_ who executed the foregoing instrument of writing, and said person \_\_\_\_\_ duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

*[Vertical Stamp: ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED]*