

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 90-28 - NORTHBROOK MEADOW 2ND ADDITION

OWNER/APPLICANT: Porter & Plumer Homes, 2999 Penstemon Cir.,
Wichita, KS 67226

SURVEYOR/ENGINEER: Bill Yung Design/Mid-Kansas Engineering
Consultants

LOCATION: East of Woodlawn and south of 39th St. No.

SITE SIZE: 3.7 Acres

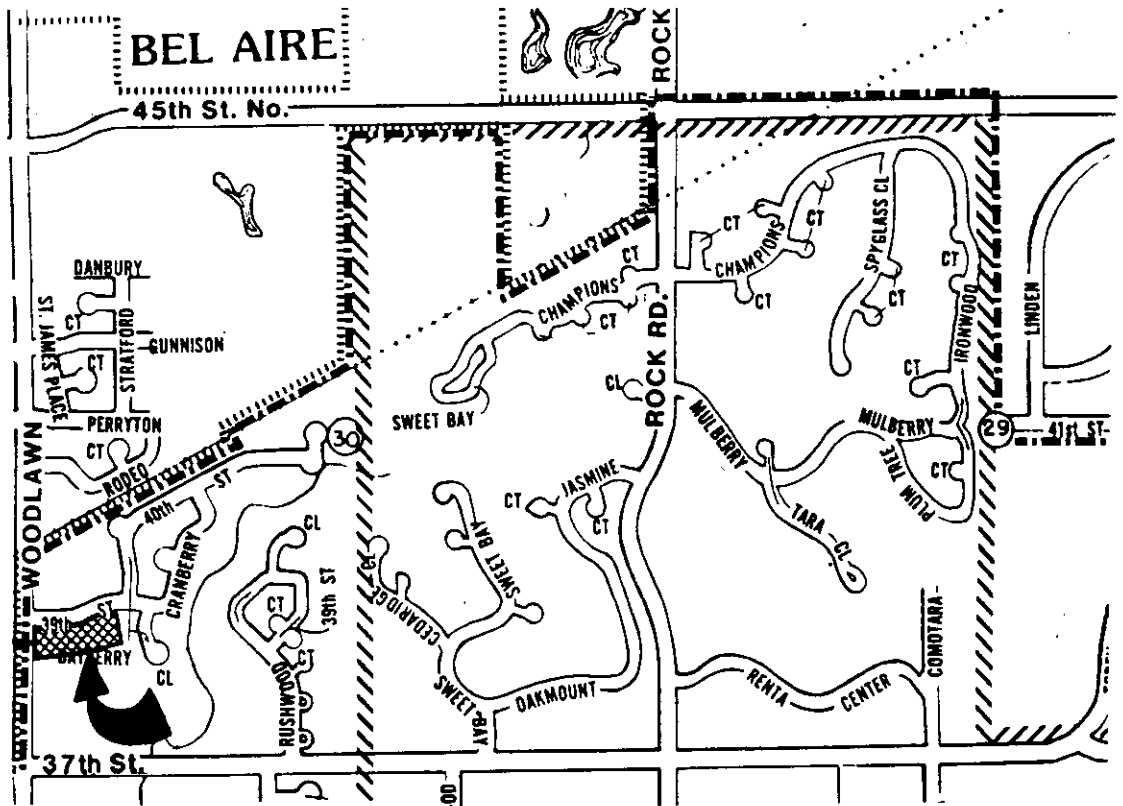
NUMBER OF LOTS

Residential:	18
Office:	
Commercial:	
Industrial:	
Total:	18

MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: "R-5" General Residence District (DP-119)

VICINITY MAP:

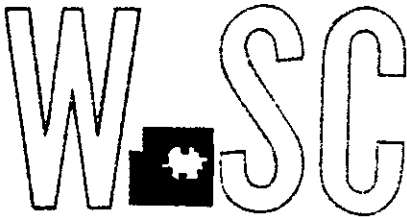


STAFF COMMENTS:

- NOTE: This plat is subject to conditions and requirements of the Northfork Community Unit Plan, DP-119 and corresponds to parcel 7 of this C.U.P. While the zoning for this site is under the "R-5" General Residence District, single family development is among the uses allowed in parcel 7. However, the maximum number of single-family units is 11 under the C.U.P., while the present plat is indicating 18 building sites.
- A. The applicant shall either abandon or amend the existing petitions on file for this property. If projects are to be abandoned as a result of this replat, the applicant shall pay off the charges against the abandoned projects. Square footage figures shall be provided for the lots within this plat so existing special assessments and petitions may be amended.
 - 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 the paving of the narrow public streets to the 29-foot paving standard.
 - E. The applicant shall guarantee any drainage improvements required by the platting of 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. Prior to this plat being scheduled for City Council review, the applicant shall obtain an adjustment to C.U.P., DP-119 allowing the number of building sites indicated by this plat. The applicant shall also submit a revised site plan for the C.U.P. which corresponds to the use now being proposed for parcel 7 of DP-119.
 - H. Approval of this plat requires the waiving of the minimum 60-foot wide lot frontage requirement of the Subdivision Regulations. (Section 7-204(D)(1)).
 - I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.

- J. 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.
 - K. Since this plat is a replat of a portion of the Northbrook Addition, the applicant shall submit appropriate legal instruments for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.
 - L. The platting of the minimum building pad elevation shall be noted on the face of the plat as well as in the plat's text. These elevations shall be in both Mean Sea Level and City Datum and it shall also be indicated if this elevation refers to the minimum floor or opening elevation.
 - M. As this property is establishing minimum building pad elevations, the face of the plat shall reference the location and elevation of permanent on-site and off-site benchmarks. Section 5-402(N).
 - N. On the final plat, the Courts shall be indicated as 39th St. No. Ct.
 - O. 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.
 - P. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
 - Q. 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.
 - R. 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.
 - S. 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.
 - T. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Also, Engineering needs to indicate if the minimum building pad elevations are correct.
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WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

May 18, 1990

Porter & Plumer Homes
2999 Penstemon Cir.
Wichita, KS 67226

Re: S/D 90-28 Preliminary Plat, Northbrook Meadow 2nd
Addition

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, May 17, 1990, 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. Square footage figures shall be provided to City Engineering for the lots within this plat so existing special assessments and petitions may be amended.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots now being platted.
- C. The applicant shall guarantee the extension of City water to serve the lots now being platted.
- D. The applicant shall guarantee the paving of the narrow public streets to the 29-foot paving standard.
- E. The applicant shall guarantee any drainage improvements required by the platting of 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. Prior to this plat being scheduled for City Council review, the applicant shall obtain an adjustment to C.U.P., DP-119 allowing the number of building sites indicated by this plat. The applicant shall also submit a revised site plan for the C.U.P. which corresponds to the use now being proposed for parcel 7 of DP-119.

- H. Approval of this plat requires the waiving of the minimum 60-foot wide lot frontage requirement of the Subdivision Regulations. (Section 7-204(D)(1)).
 - I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.
 - J. 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.
 - K. Since this plat is a replat of a portion of the Northbrook Addition, the applicant shall submit appropriate legal instruments for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.
 - L. The platting of the minimum building pad elevation shall be noted on the face of the plat as well as in the plat's text. These elevations shall be in both Mean Sea Level and City Datum and it shall also be indicated if this elevation refers to the minimum floor or opening elevation.
 - M. As this property is establishing minimum building pad elevations, the face of the plat shall reference the location and elevation of permanent on-site and off-site benchmarks. Section 5-402(N).
 - N. On the final plat, the Courts shall be indicated as 39th St. No. Ct.
 - O. The final plat shall indicate the utility easements requested by K.G. & E. which are indicated on the enclosed "marked" copy of the plat.
 - P. 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.
 - Q. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
-

- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

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

Sincerely,



Don Losew
Senior Planner

DL:sm

Enclosure

cc: Mid-Kansas Engineering Consultants, 3500 North Rock Road,
#800, Wichita, KS 67226
Bill G. Yung Design, 4912 E. 29th St. N., Suite 1, Wichita,
KS 67220
Mike Lindebak, City Engineer

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

June 14, 1990

STAFF REPORT
(Final Plat; Preliminary Plat Approved 5/17/90)

CASE NUMBER: S/D 90-28 - NORTHBROOK MEADOW 2ND ADDITION

OWNER/APPLICANT: Porter & Plumer Homes, 2999 Penstemon Cir.,
Wichita, KS 67226

SURVEYOR/ENGINEER: Bill Yung Design/Mid-Kansas Engineering
Consultants

LOCATION: East of Woodlawn and south of 39th St. No.

SITE SIZE: 3.7 Acres

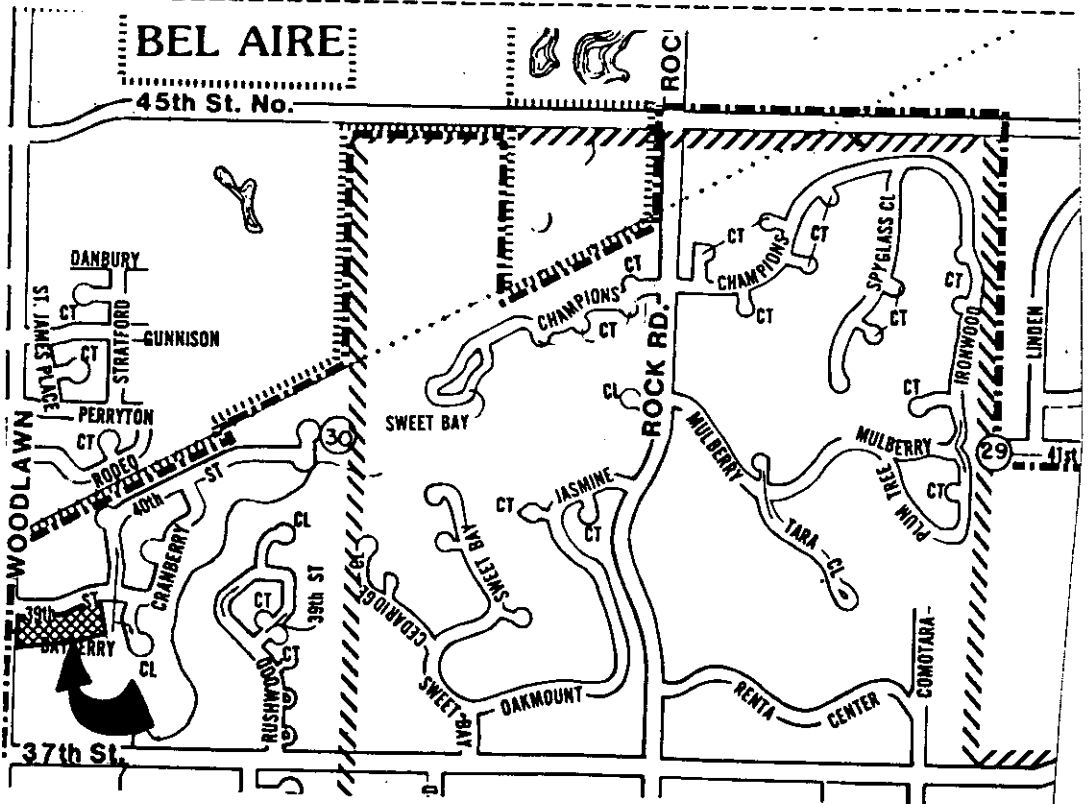
NUMBER OF LOTS

Residential:	18
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Industrial:	
Total:	18

MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: "R-5" General Residence District (DP-119)

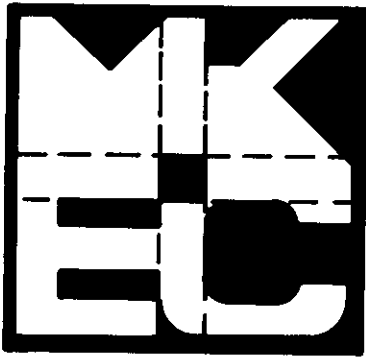
VICINITY MAP:



STAFF COMMENTS:

- NOTE: This plat is subject to conditions and requirements of the Northfork Community Unit Plan, DP-119 and corresponds to parcel 7 of this C.U.P. While the zoning for this site is under the "R-5" General Residence District, single family development is among the uses allowed in parcel 7. However, the maximum number of single-family units is 11 under the C.U.P., while the present plat is indicating 18 building sites.
- A. Square footage figures shall be provided to City Engineering for the lots within this plat so existing special assessments and petitions may be amended.
 - B. The applicant shall guarantee the extension of sanitary sewer to serve the lots now being platted.
 - C. The applicant shall guarantee the extension of City water to serve the lots now being platted.
 - D. The applicant shall guarantee the paving of the narrow public streets to the 29-foot paving standard.
 - E. The applicant shall guarantee any drainage improvements required by the platting of 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. On the final plat tracing, the face of the plat shall indicate the complete access control to Woodlawn as is referenced in the platting's text.
 - H. Approval of this plat requires the waiving of the minimum 60-foot wide lot frontage requirement of the Subdivision Regulations. (Section 7-204(D)(1)).
 - I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.

- J. 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.
 - K. Since this plat is a replat of a portion of the Northbrook Addition, the applicant shall submit appropriate legal instruments for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.
 - L. The platting of the minimum building pad elevation noted on the face of the plat as well as in the platting's text shall also indicate if this elevation refers to the minimum floor or opening elevation.
 - M. As this property is establishing minimum building pad elevations, the face of the final plat tracing shall reference the location and elevation of both permanent on-site and off-site benchmarks. Section 5-402(N).
 - N. On the final plat tracing the MAPC signature block shall indicate "George D. Sherman, Acting Chairman" and the City Clerk's signature block "Pat Burnett, Deputy City Clerk."
 - 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. 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.
 - Q. 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.
 - R. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
 - S. Recording of the plat within 30 days after approval by the City Council.
 - T. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to indicate if the indicated minimum building pad elevations are acceptable.
-



LETTER OF TRANSMITTAL

PROJECT: Northbrook Meadow 2nd
Final Plat

PROJECT #: _____ DATE: 6/1/90

**MID-KANSAS ENGINEERING
CONSULTANTS, P.A.**
3500 N. Rock Road, #800
Wichita, KS 67226
(316) 636-5566

TO: Vicky Huang, P.E.
City of Wichita
455 N. Main, 7th Fl.
Wichita, KKS 67202

We are sending the following items: Attached
 Under separate cover via _____

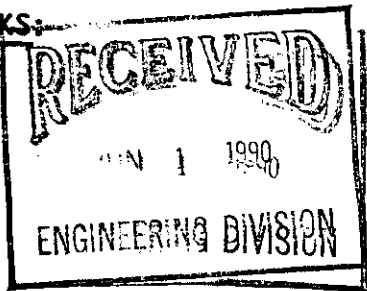
Prints Specifications Legal Descriptions
 Tracings Petitions Correspondence Other

COMMENTS: Here is the drainage plan for the referenced project.

For our Approval
 For Your Use
 Approved as Noted

As Requested
 For Your Files
 For Review and Comment

REMARKS:



Signed: Greg Allison
Greg Allison, P.E.



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 18, 1990

Porter & Plumer Homes
2999 Penstemon Cir.
Wichita, KS 67226

Re: S/D 90-28 Preliminary Plat, Northbrook Meadow 2nd
Addition

Dear Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, June 14, 1990, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. Square footage figures shall be provided to City Engineering for the lots within this plat so existing special assessments and petitions may be amended.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots now being platted.
- C. The applicant shall guarantee the extension of City water to serve the lots now being platted.
- D. The applicant shall guarantee the paving of the narrow public streets to the 29-foot paving standard.
- E. The applicant shall guarantee any drainage improvements required by the platting of 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. On the final plat tracing, the face of the plat shall indicate the complete access control to Woodlawn as is referenced in the plattor's text.
- H. Approval of this plat requires the waiving of the minimum 60-foot wide lot frontage requirement of the Subdivision Regulations. (Section 7-204(D)(1)).

- I. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street, drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.
- J. 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.
- K. Since this plat is a replat of a portion of the Northbrook Addition, the applicant shall submit appropriate legal instruments for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.
- L. On the final plat tracing minimum pad elevations shall also be established for Lots 13 and 14. The face of the plat and plattor's text shall be revised to include these lots.
- M. The platting of the minimum building pad elevation noted on the face of the plat as well as in the plattor's text shall also indicate if this elevation refers to the minimum floor or opening elevation.
- N. As this property is establishing minimum building pad elevations, the face of the final plat tracing shall reference the location and elevation of both permanent on-site and off-site benchmarks. Section 5-402(N).
- O. On the final plat tracing the MAPC signature block shall indicate "George D. Sherman, Acting Chairman" and the City Clerk's signature block "Pat Burnett, Deputy City Clerk."
- P. 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.
- Q. 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.

- R. 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.
- S. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- T. 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, June 21, 1990 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,



Don Losew
Senior Planner

DL:sm

Enclosure

cc: Mid-Kansas Engineering Consultants, 3500 North Rock Road,
#800, Wichita, KS 67226
Bill G. Yung Design, 4912 E. 29th St. N., Suite 1, Wichita,
KS 67220
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

June 22, 1990

Porter & Plumer Homes
2999 Penstemon Cir.
Wichita, KS 67226

Re: S/D 90-28 Preliminary Plat, Northbrook Meadow 2nd
Addition

Dear Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on June 21, 1990, the above captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of June 18, 1990.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the City Council 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; if the title report or attorney's opinion has not already been submitted.
3. Certification that all due real estate taxes have been paid.
4. Submission of a check, made out to the Register of Deeds, covering the costs of any documents to be recorded as a requirement of platting.

Please call if you have any questions.

Sincerely,

Kandace A. Kimple
Associate Planner

KK:sm

cc: Mid-Kansas Engineering Consultants, 3500 North Rock Road,
#800, Wichita, KS 67226

Bill G. Yung Design, 4912 E. 29th St. N., Suite 1, Wichita,
KS 67220

Mike Lindebak, City Engineer

WICHITA



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
CITY HALL - SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 258-4501

October 9, 1991

Mr. Ray Metcalf, President
Chisholm Creek Homeowners Association
No. 2 Chisholm Creek
3900 N. Woodlawn
Wichita, Kansas 67220

Subject: Northbrook Meadows 2nd. Add'n.

Dear Mr. Metcalf:

Representatives of my staff have met with the Northbrook Meadows 2nd. Addition platting engineer on the subject site to discuss your concerns over the potential for future drainage problems. The developer has agreed to construct a low berm along the south property line directing the stormwater east into a branch of Chisholm Creek. Obviously this would be one of the last things done on each lot, site grading is normally done after the house is completed as a part of landscaping.

The developer or his engineer will be contacting you to discuss this matter.

Sincerely,


Michael E. Lindebak, P.E.
City Engineer

MEL/CB:wt

cc: Ken Bengston, Mid Kansas Engineering Consultants

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT


DATE: February 6, 1992

TO: Vicky Huang, Subdivision Engineer

FROM: Douglas J. Moshier, Senior Attorney

SUBJECT: Agreement for Respread
Assessments

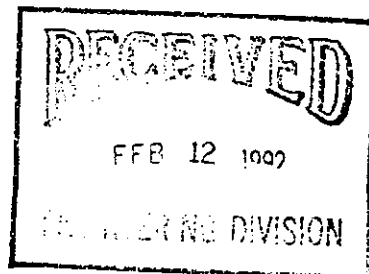
The attached Agreement for respreading assessments in Northbrook Meadow 2nd is approved as to form.



Douglas J. Moshier
Senior Attorney

DJM:cdh

Attachment




CITY OF WICHITA
CITY COUNCIL MEETING

March 17, 1992

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreements to Respread Special Assessments in Northbrook Meadow 2nd Addition (North of 37th Street North, East of Woodlawn) District 2

INITIATED BY: Department of Public Works 

AGENDA: Consent

Recommendation: Approve the Agreements.

Background: The developer of Northbrook Meadows 2nd Addition has submitted agreements to respread special assessments within the addition.

Analysis: The purpose of the agreements is to reallocate existing special assessments on an equal share basis for each lot. Without the agreement the assessments are spread on a square foot basis.

Financial Considerations: There is no cost to the City.

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

Recommendations/Actions: It is recommended the City Council approve the Agreements and authorize the Mayor to sign.

BM:gnz

THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

DATE: January 30, 1992

TO: Doug Moshier, Senior City Attorney

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

SUBJECT: Agreements to Respread
Special Assessments:
Northbrook Meadow 2nd

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

MEL:BM:cls

Attachment

**AGREEMENT
BY AND BETWEEN**

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

And

PORTER AND PLUMER HOMES
A Kansas General Partnership
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of North of 37th Street North and East of Woodlawn Ave., 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. Lots 1 through 17 inclusive, Block 1, Northbrook Meadow Second.
was part of the improvement district for the following City project(s):

Main 9, SS#23

Certificate No. 40-215

(Project No. 468-76-245-81002-000-000-001)

Said property was replatted as Northbrook Meadow Second.

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

Lots 1 through 17 inclusive, Block 1, Northbrook Meadow Second shall each pay 1/17 of the costs apportioned to the platted tracts described above.

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

4. The Party of the Second Part further waives 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 therefore.

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.

**AGREEMENT
BY AND BETWEEN**

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

And

PORTER AND PLUMER HOMES,
A Kansas General Partnership
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of North of 37th Street North and East of Woodlawn Ave., 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. Lots 1 through 17, Block 1, Northbrook Meadow Second.
was part of the improvement district for the following City project(s):
Lat. 3, Main 9, SS #23
Certificate No. 85-154
(Project No. 468-76-245-81259-000-000-001)
Said property was replatted as Northbrook Meadow Second.

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

Lots 1 through 17 inclusive, Block 1, Northbrook Meadow Second shall each pay 1/17 of the costs apportioned to the platted tracts described above.

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

4. The Party of the Second Part further waives 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 therefore.

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

BY: _____
Mayor
Party of the First Part

Approved as to form:

Director of Law

Attest:

City Clerk

PORTER AND PLUMER HOMES,
A Kansas General Partnership

BY: Marlo E. Porter
Marlo E. Porter
Party of the Second Part

BY: Keith E. Plumer
Keith E. Plumer
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 11 day of December,
~~1991~~ 1990, before me, the undersigned, a Notary Public in and for the County and
State aforesaid, came Porter and Plumer Homes, a Kansas General partnership by
Marlo E. Porter and Keith E. Plumer, 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.



Carol E. Kerr
Notary Public

My Appointment Expires: 11-14-95

**AGREEMENT
BY AND BETWEEN**

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

And

PORTER AND PLUMER HOMES,
A Kansas General Partnership
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of North of 37th Street North and East of Woodlawn Ave., 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. Lots 1 through 17, Block 1, Northbrook Meadow Second.

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

Paving 39th Street North, 40th Street North, Bayberry & Trey as platted in Northbrook addition.

Certificate No. 39-220

(Project No. 472-76-245-81255-000-000-001)

Said property was replatted as Northbrook Meadow Second.

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

Lots 1 through 17, Block 1, Northbrook Meadow Second shall each pay 1/17 of the costs apportioned to the platted tracts described above.

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

4. The Party of the Second Part further waives 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 therefore.

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

BY: _____
Mayor
Party of the First Part

Approved as to form:

Director of Law

Attest:

City Clerk

PORTER AND PLUMER HOMES,
A Kansas General Partnership

BY: Marlo E. Porter
Marlo E. Porter
Party of the Second Part

BY: Keith E. Plumer
Keith E. Plumer
Party of the Second Part

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

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Marlo E. Porter and Keith E. Plumer, personally known to me to be the
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seal, the day and year last above written.

Carol E. Kerr
Notary Public

My Appointment Expires: 11-14-95

