

SEDCWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

August 16, 1989

Mr. Jeff W. Bannon
946 N. West Street
Wichita, KS 67203

Re: S/D 87-35 - SOUTH BOROUGH ESTATES. Letter of Credit (\$45,000.00) guaranteeing drainage channel improvements and a ponding area in the south part of the subdivision (Default Date June 25, 1989/Expiration Date August 25, 1989)(Credit No. 080487-01); and, Letter of Credit (\$21,000.00) guaranteeing drainage channel improvements and ponding area along the west side of the subdivision (Default Date June 25, 1989/Expiration Date August 25, 1989)(Credit No. 080487-02).

Dear Mr. Bannon:

When you platted the South Borough Estates Addition in 1987, you submitted two Letters of Credit from First National Bank in the amounts of \$45,000 (C/N:080487-01) and \$21,000 (C/N: 080487-02) as guarantee that the above-referenced improvements would be made.

Since development of this subdivision has not yet commenced, we can authorize a two-year extension of time to complete the required improvement(s) provided an amendment is(are) submitted from the bank which references the following:

1. A new project completion or default date of June 25, 1991.
2. A new negotiation or expiration date of August 25, 1991.
3. A new dollar amount for C/N:080487-01 of \$49,500.00
4. A new dollar amount for C/N:080487-02 of \$23,100.00

The amendment(s) should be submitted to this office and addressed to my attention. Please contact the bank and authorize the amendment(s).

S/D 87-35 - SOUTH BOROUGH ESTATES
Page 2

PLEASE NOTE:

Amendments to letters of credits must be accompanied with a processing fee of \$50.00. Should you have any questions about what is needed, please call me at 268-4421. Action on your part is imperative in order to avoid default on your guarantee and damage to your credit rating.

Sincerely,



R. Timothy Bickhaus
Associate Planner

RTB:svm

cc: First National Bank, P.O. Box 398, Wellington, KS 67152
Poe & Associates, 434 N. Oliver, Wichita, KS 67208
Vicki Huang, City Engineering
Mike Lindebak, City Engineer

RIGHT OF WAY AGREEMENT

The undersigned, Southborough Partners, a Kansas General Partnership, hereby grants, bargains and conveys unto the City of Wichita, Kansas, a Municipal Corporation, a right of way for the installation and maintenance of water utilities over, under and through the private streets, being Gordon, Edwards, 48th Street South and Oxberry streets, shown on the attached Exhibit "A".

Dated the _____ day of July, 1990.

SOUTHBOROUGH PARTNERS

by: _____
Partner

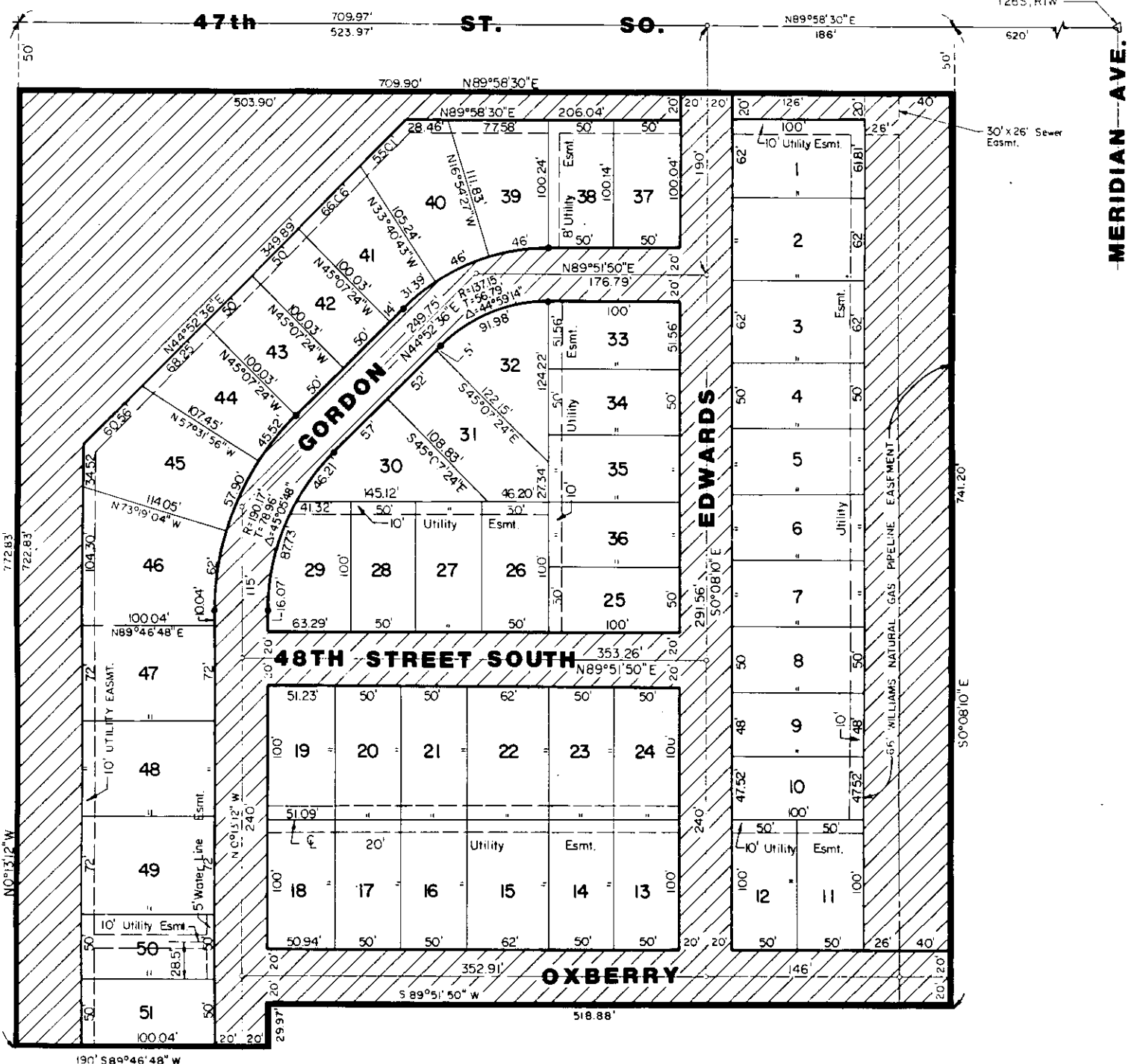
by: _____
Partner

HAR-EL ACRES, INC.

by: _____
President
Partner

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)



This Exhibit A is Depicted as Phase 1 on Exhibit E

Kenny E. Hill

 Kenny E. Hill, L.S.



EXHIBIT A

PART OF LOT 1, BLOCK 1
SOUTHBOROUGH ESTATES
AN ADDITION TO SEDGWICK COUNTY, KANSAS

Pre-Sub May 21, 1967

1. O. J. Baalman. Vacation of Utility easement. No water problem.
2. Killarney Plaza. Preliminary Plat. Item D, Mains to be extended. No water problem.
3. Mediterranean Plaza. Final Plat. Item B, mains to be extended. ~~Developer to pay all costs of abandoning 8" line and fire hydrant relocation as necessary.~~
4. South Towne Mobile Home Park. Preliminary Plat. Item C, main to be extended. Nearest City Water in Meridian at 44th St. So. 12" Main to be extended in Meridian to south line of their project. 12" also required in 47th St. Could suggest 47th St. extension to go to West to at least West line of proposed drive into project.
5. Aldon Addition. Final Plat. No city water immediately available. Water to be extended from Kellogg to Fire Station site, and interest in Hidden Lakes Valley area expressed. Suggest taking and holding petition for future extension.
6. Spring Hollow Fourth Addition. Final Plat. Water installed. No water problem.
7. Woodbridge 5th Addition. Final Plat. Item B, mains to be extended. All lots easily ~~or~~ served except Lots 60, 61, 62, Block 2; and Lot 1, Block 3; No mains exist to serve these lots. They should be served as 18th St. and Pinegrove develop.
8. Max King Addition. Final Plat. Item B. Mains to be extended. Nearest Water at Maple & Arapaho.
9. Lakepoint Company. Grant Utility Esmt. No water problem.
10. Woodlawn Development Co. Grant Utility easement. No water problem.
11. James E. Loyd. Grant Utility Esmt. No water problem.
12. Adams Homes, Inc. Grant utility easement. No water problem.
13. Charles E. Bayshaw. Grant utility easement. No water problem.
14. Other Matters.

S/D No.: 87-35 Name: SOUTH TOWNE MOBILE HOME PARK

Preliminary Approved: ~~SUBMITTED~~
Scheduled S/D Meeting: 5/21/87

DESCRIPTION

General Location: Southwest corner of 47th Street South and Meridian.

Owner: Jeff Bannon, 946 N. West Street, Wichita, KS 67203

Surveyor/Engineer: Poe & Associates of Kansas, Inc., 434 N. Oliver,
Wichita, KS 67208

1. Gross Acreage of Plat: 120
2. Number of Lots:
 - Residential: 1
 - Office:
 - Commercial: 1
 - Industrial:
 - Total: 2
3. Minimum Lot Area: 7.64± Acres
4. Existing Zoning: "R-1" with CU-279 and "LC"
5. Proposed Zoning: "R-1" with CU-279 and "LC"

STAFF COMMENTS:

NOTE: On May 13, 1986, District Court granted the applicant's Conditional Use Permit (CU-279) to establish a mobile home park in the "R-1" (suburban residential) zoning district. This case was granted approval, subject to platting the property by August 22, 1987.

- A. The applicant shall guarantee any drainage improvements required by the platting of this property.
- 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. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. As this plat abuts the Wichita City Limits and will utilize City of Wichita water and sanitary sewer, the applicant shall request annexation into the City of Wichita. The annexation request will be held until after this plat is recorded and the County Conditional Use case has been posted to official zoning maps. Upon annexation, Lot 1 will come into the City as "G" (mobile home) zoning.
- F. Approval of the perimeter of proposed Lot 2 is subject to the applicant obtaining a County Zone change case to deepen the "LC" (light commercial) zoning existing at the southwest corner of 47th Street South and Meridian. A 600-foot by 600-foot square of "LC" zoning presently exists at this intersection (measured from the section lines). The proposed lot's west line is 660 feet west of the section line and the lot's south line is 605 feet south of the section line. In order to expedite the processing of this plat, by avoiding the needed zone change request, the final plat may reduce the size of proposed Lot 2 to match the boundaries of the existing "LC" zoning. If the applicant chooses to pursue the deepening of the zoning, a final plat shall not be filed for review by the Subdivision and Utility Advisory Committee's until the Planning Commission has recommended approval of the zone change request.
- G. The applicant is advised that after this property is annexed into the City of Wichita, the filing of a Commercial Community Unit Plan will be required for Lot 2. This is the case since the acreage of the commercial site will exceed 6 acres.
- H. On the final plat, bearings and distances shall be provided for the perimeter of drainage easements planned to be established by this plat.

SUBDIVISION REPORT

Preliminary Plat S/D 87-35 - SOUTH TOWNE MOBILE HOME PARK

Page 2

- I. In order to match the number of access points proposed to 47th Street South and Meridian from Lot 1 (mobile home park), the final plat shall indicate the following access controls from Lot 1:
 1. "Access control except for one opening" to 47th Street across the north line of the lot, except the west 150 feet thereof.
 2. "Complete access control" to 47th Street from the west 150 feet of the lot. This is the location of a proposed drainage easement.
 3. "Access control except for four openings" to Meridian across the east line of the lot.
- J. On the final plat, the following access controls to 47th Street and Meridian shall be indicated from proposed Lot 2 (commercial lot):
 1. "Access control except for two openings" to Meridian across the east line of the lot.
 2. "Access control except for two openings" to 47th Street across the north line of the lot.
- K. On the final plat, the centerlines of adjacent perimeter streets shall be indicated.
- L. The applicant shall submit a copy of the instrument which establishes the Cities Service Gas Company easement on this property.
- M. The applicant shall provide proof, by letter from the pipeline company or by providing a copy of the pipeline easement agreement, that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement.
- N. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- O. On the final plat, dimensions shall be provided from the west line of the pipeline easement to the west line of the proposed plat. These dimensions shall be provided on both the north and south lines of Lot 1.
- P. Since proposed Lot 1 is being platted for development of a mobile home park, approval of a preliminary site development plan is needed. When a final plat is submitted for Lot 1, 18 copies of a revised preliminary site development plan shall be submitted which indicates the following:
 1. The drawing shall be entitled: "Preliminary Site Development Plan".
 2. The individual mobile home spaces shall be numbered. Dimensions shall be provided for a typical-sized mobile home space.
 3. The required 25-foot building setbacks from adjacent perimeter streets shall be indicated.
 4. "Complete access control" from the perimeter mobile home spaces to the adjacent public street rights-of-way.
 5. A statement shall be provided which outlines the uses intended for the apparent clubhouse facility (e.g., swimming pool, meeting rooms, etc.).
 6. A minimum 20-foot wide landscape buffer from the two arterial streets and a 10-foot wide landscape buffer adjacent to the commercial zoning to the north and east.
 7. A dimension for the width of the proposed interior park roadways with a note regarding permitted parking on the roadway. If the roadways are to be between 25 feet and 28 feet in width, no parking is allowed on the roadway and two off-street parking spaces must be provided on each mobile home space. If the roadways are to be between 29 feet and 34 feet in width, parking is allowed on one side of the roadway. If the roadways are to be 35 feet in width or greater, then parking is permitted on both sides of the roadways. The note regarding parking on the roadways shall state that the park manager will be responsible for posting and enforcing any parking restrictions.

SUBDIVISION REPORT

Preliminary Plat S/D 87-35 - SOUTH TOWNE MOBILE HOME PARK

Page 3

8. A clear indication of the recreation area being provided, with a note indicating the amount of area (square footage) devoted to this use. The percentage of recreation area relative to the size of the mobile home park shall be specified. A minimum of eight (8) percent is required by the Mobile Home Code.
9. A "Typical Site Layout" diagram shall be provided which indicates the footprint of a typical mobile home and the storage locker and paved patio required by the Mobile Home Code.
10. The location and recording information for the pipeline easement which cuts through this property.
11. The configuration and labeling of the drainage easements being platted on this property.

The applicant is advised that when application is made for a mobile home license, the final development plan must be in substantial compliance with the preliminary site development plan. Since this property will be annexed as a part of Wichita after recording of this plat, the above-outlined changes needed on the preliminary site development plan have been written to reflect the requirements of the Wichita Mobile Home Code, even though the property is located in an unincorporated area of the County.

- 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 mail box locations can be determined.
- S. 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.
- T. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- U. The representative from County Engineering should be prepared to comment on the status of the applicant's drainage concept.
- V. The applicant or his agent shall be prepared to comment on the status of the 30-foot road easement shown on the south 30 feet of this property. That is, is this a public right-of-way or a private access easement? What does it serve? Staff questions if a public road is needed at this location, however, if it is a public dedication, the property owners to the south and west must consent to its vacation by signing a separate vacation application form.

If the right-of-way is to be reflected on the plat as half street right-of-way for a public street, its width shall be increased to 32 feet and it shall be named Lockwood Street. The final plat will also need to indicate a 25-foot building setback from the half street and "complete access control" granted across the south line of the mobile home park lot.

S/D No.: 87-35 Name: SOUTH TOWNE MOBILE HOME PARK

Preliminary Approved: 5/21/87
Scheduled S/D Meeting: 6/18/87

DESCRIPTION

General Location: On the west side of Meridian, in an area south of 47th Street South

Owner: Jeff Bannon, 946 N. West Street, Wichita, KS 67203

Surveyor/Engineer: Poe & Associates of Kansas, Inc., 434 N. Oliver, Wichita, KS 67208

1. Gross Acreage of Plat: 113.6
 2. Number of Lots:
 - Residential: 1
 - Office:
 - Commercial:
 - Industrial:
 - Total: 1
 3. Minimum Lot Area: 113.6 Acres
 4. Existing Zoning: "R-1" with CU-279
 5. Proposed Zoning: "R-1" with CU-279
-

STAFF COMMENTS:

NOTE: On May 13, 1986, District Court granted the applicant's Conditional Use Permit (CU-279) to establish a mobile home park in the "R-1" (suburban residential) zoning district. This case was granted approval, subject to platting the property by August 22, 1987.

- A. The applicant shall guarantee any drainage improvements required by the platting of this property.
- 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. This shall include a guarantee for extending water supply lines along the north and east lines of the plat.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. As the applicant's overall ownership abuts the Wichita City Limits and this plat will utilize City of Wichita water and sanitary sewer, the applicant shall request annexation into the City of Wichita. The annexation request shall be for all the applicant's ownership and will be held until after this plat is recorded and the County Conditional Use case has been posted to official zoning maps. Upon annexation, this plat will come into the City as "G" (mobile home) zoning.
- F. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- G. The preliminary site development plan, submitted with the final plat, correctly indicates all required changes identified at the time of preliminary plat approval. The applicant is advised that when application is made for a mobile home license, the final development plan must be in substantial compliance with the preliminary site development plan. Prior to, or at the time of submitting this plat for scheduling before the City Council, the applicant shall submit 5 additional copies of the approved "preliminary site development plan." These additional copies are needed for the plat file and for forwarding to the permit issuing agency.
- H. On the final plat tracing, the County Commission's signature block shall be amended to reference the following names in the following order:
 1. Tom Scott - Chairman
 2. Mark F. Schroeder - Pro-tem Chairman
 3. David Bayouth - Commissioner
 4. Bernard A. Hentzen - Commissioner
 5. Billy Q. McCray - Commissioner

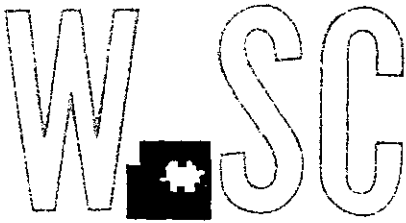
SUBDIVISION REPORT

Preliminary Plat S/D 87-35 - SOUTH TOWNE MOBILE HOME PARK

Page 2

- I. 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.
- J. 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 mail box locations can be determined.
- K. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(C).
- L. Recording of the plat within 30 days after approval by the City Council.
- M. The representative from the County Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, are any drainage guarantees required?

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

October 28, 1998

Southborough Partners
4911 S. Meridian
Wichita, KS 67217

Re: Southborough Estates

Dear Mr. Lange:

After a lengthy evaluation of the status of the Southborough Estates development in relation to the Wichita-Sedgwick County Subdivision Regulations, we have determined that the conversion of the northern portion of the Southborough Estates Manufactured Home Park into a "land condominium" does not comply with the Subdivision Regulations. The creation of the lots through the condominium laws still results in the division of land for the purposes of creating lots for sale, and that action is required to be platted in accordance with K.S.A. 12-752 and with the Wichita-Sedgwick County Subdivision Regulations. There is no exemption in the "condo" laws (K.S.A. 58-3101, et seq) from the platting requirements of the City of Wichita.

A review of all the files and documents submitted to this office and to other offices in City Hall indicates there has never been a clear statement as to the intent of Southborough Partners in the operation of the Southborough Manufactured Home Park. The original zoning, which occurred while the property was still in the County, went to court and the owners were eventually successful in obtaining approval of the zoning to permit the manufactured home park. The property was annexed into Wichita on October 23, 1987. In 1989, a plan was submitted that I approved which established the private streets within the Southborough Estates Manufactured Home Park. That plan showed two phases of development with the first phase to include 142 units and the second phase to contain 114 units, or a total in the two phases of 256 units. (It is interesting to note that the area that is developed as the "condominium" today is shown on the 1989 plan as Phase II.) However, no plan was ever submitted for a Manufactured Home Park. This is in violation of both the Unified Zoning Code and Chapter 26 of the City Code.



Made with Recycled Paper

According to the Sedgwick County Register of Deeds office, the "condominium" documents were first recorded in October of 1990, including "Exhibit A" which created the first series of "condo units" available for sale. Subsequent recordings added more lots shown as "Exhibit B" and "Exhibit C". All told, these recordings have created a total of 75 lots, or "units". In addition, the recordings have converted the private streets, most of the easements, and the open space along the northwest side of the property as the "Common Elements" to be owned jointly by the owners within the condominium, with all the attendant rights and responsibilities of ownership. Further, the balance of the Southborough Estates plat, which includes all the undeveloped land zoned "MH" to the south, is recorded as "Expandable Property" in "Amended Exhibit D" of the Declaration of Condominium. This has effectively made all of the property of Southborough Estates as originally platted and intended for a Manufactured Home Park into what the Wichita-Sedgwick County Subdivision Regulations considers a subdivision requiring replatting.

However, the City has unknowingly participated in the occupancy of the "Manufactured Home Park/Subdivision Condominium" by issuing permits for the placement of manufactured homes on the lots within the developed area. This includes single-wide and double-wide units that are not on permanent foundations, as well as residential-designed manufactured homes. Further, the ownership records indicate that some of each of these classes of manufactured homes are on lots owned by the occupants, while most of the single-wide and double-wide manufactured homes not on permanent foundations are on lots still owned by Southborough Partners. We do not know if these are "rented" spaces or if the residents are purchasing the lots on contract.

Regardless, a "mixed" ownership pattern is established, which makes the correction of the problems difficult. This is why we do not know whether we should treat this as a Manufactured Home Park and require a license and conformance of the "Park" with all the development requirements of Chapter 26; or treat this as a Manufactured Home Subdivision and require a replatting in conformance with the Subdivision Regulations and the conversion of all the manufactured homes to permanent foundations as required by City Code. Either way means a significant disruption to the lives of the residents of this development.

This is further complicated in that there appears to be an expansion of the next phase of the development along the west side of Meridian. The ownership records indicate this is now owned by Welcome Home, LLC; which has Tad Patton as the local agent. We have been advised the intent is to develop this exclusively as a Manufactured Home Park, but we have not seen a site plan for that purpose yet. But since the land involved is included in the land area devoted to the condominium we need to know how you intend to resolve the differences between the condo area and the non-condo area. Obviously you and/or Mr. Patton needs to be working on this now.

Given that the City has been an unwitting participant in the current dilemma, and in an effort to find a way to clear all of this up, we are willing to "grandfather" the 75 lots created in the condominium and permit the continued effort to sell those lots subject to the following:

1. Make application for a lot split for all of the remainder of the land of Southborough Estates that is not shown on Exhibits A, B or C into a separate lot. This shall be to a single lot, assuming the property is to be developed as a Manufactured Home Park. If the intent is to further develop the land as individual lots either under the provisions of the "condominium" or as a traditional subdivision, then a replat of this area will be necessary. This process will also need to resolve how the condominium will relate to the future development of the land identified as "Expandable Property" and owned by Welcome Home, LLC.
2. Southborough Partners and/or the "Southborough Estates Condominium Association" shall submit to the Planning Director for approval a Manufactured Home Park site plan that shows the lot configuration in the existing "condominium" area. A written statement shall also be submitted indicating which of the 75 "condo" lots are to be sold to the individuals residing thereon and which are to be retained as rental lots. If any of the "condo" lots are presently rented, the plan shall show how all of the amenities required by Chapter 26 will be provided to the residents, including the open space requirement and the storm shelter. In addition, a Manufactured Home Park license shall be obtained.
3. Southborough Partners and/or Welcome Home, LLC, whichever is developing the "Expandable Property" of the Condominium shall obtain a Park License as required by Chapter 26 if the intent is to develop the property as a Manufactured Home Park.
4. A "Hold Harmless" agreement shall be submitted relieving the City of any liability in the event of future problems with the title of ownership of any of the condominium lots as a result of the lots being sold without platting as required by the Subdivision Regulations.

Should you have any further questions please feel free to call at 268-4421.

Sincerely,



Marvin S. Krout, Director
Metropolitan Area Planning Department

cc: Mr. Tad Patton, Agent, Welcome Home, LLC
Mr. Doug Moshier, Law Department
Mr. Kurt Schroeder, Superintendent of Central Inspection
Mr. Randy Sparkman, OCI
Ms. Vicky Huang, Subdivision Engineer, Public Works
Mr. Dale Miller, Chief Planner, Current Plans Division
Mr. David L. Yearout, Principal Planner, Current Plans Division
Mr. Neil Strahl, Senior Planner, Current Plans Division

THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

DATE: May 20, 1991

TO: Doug Moshier, Senior Assistant City Attorney

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

SUBJECT: Agreement to Respread Special
Assessments: Southborough
Estates Addition

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

MEL/BM/cl

file

Agenda Item # _____

CITY OF WICHITA
CITY COUNCIL MEETING

July 2, 1991

Agenda Report No. _____

TO: Mayor and City Council Members
SUBJECT: Agreement to Respread Special Assessments in Southborough Estates Addition (West Side of Meridian, South of 47th Street South)
INITIATED BY: Department of Public Works
AGENDA: Consent



Recommendation: Approve the Agreement.

Background: A portion of Southborough Estates Addition has recently been platted and/or replatted.

Analysis: As a result of the recent platting activities, the developer of Southborough Estates Addition has submitted an agreement to respread assessments on an equal share basis. Without the agreement, the respread will be made on a square foot basis.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Legal Department has approved the agreement as to form.

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

BM:cls

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

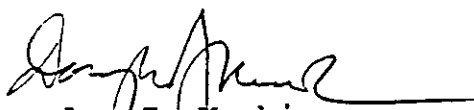
DATE: May 28, 1991

TO: Michael F. Lindebak, P.E., City Engineer

FROM: Douglas J. Moshier, Senior Attorney

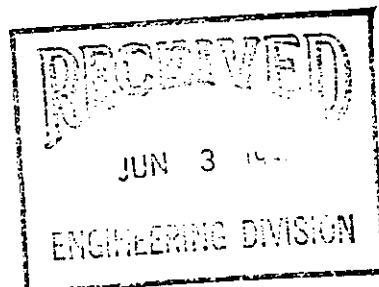
SUBJECT: Agreement for Respread
Assessment: Southborough
Estates Addition

The attached Agreement for respreading assessments in Southborough Estates Addition is approved as to form.


Douglas J. Moshier
Senior Attorney

DJM:cdh

Attachment



**AGREEMENT
BY AND BETWEEN**

**THE CITY OF WICHITA, KANSAS,
(Party of the First Part)**

And

**Southborough Partners
(Party of the Second Part)**

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

WHEREAS, Party of the Second Part is the landowner of the improvement districts; and

WHEREAS, Party of the Second Part desires that a reassessment be made, and desirous of accomplishing such a reassessment.

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

1. Part of Lot 1, Block 1, Southborough Estates Addition was the improvement district for the following projects:

Water supply line to serve part of Southborough Estates Addition
(448-88232).
 2. The Party agrees to make a reassessment for said project in the following manner:

That the total existing special assessments to Key Number D-42181 will be paid by Key Numbers D-42181-1-1 through D-42181-1-51 inclusive on an equal share basis.
 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. 12-6112(b) with respect to the reassessment herein described.
 4. The Party of the Second Part further waives its 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 it nor shall it 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 agreed that it 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.
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(See Page 29)

AIRPORT

OATVILLE

235

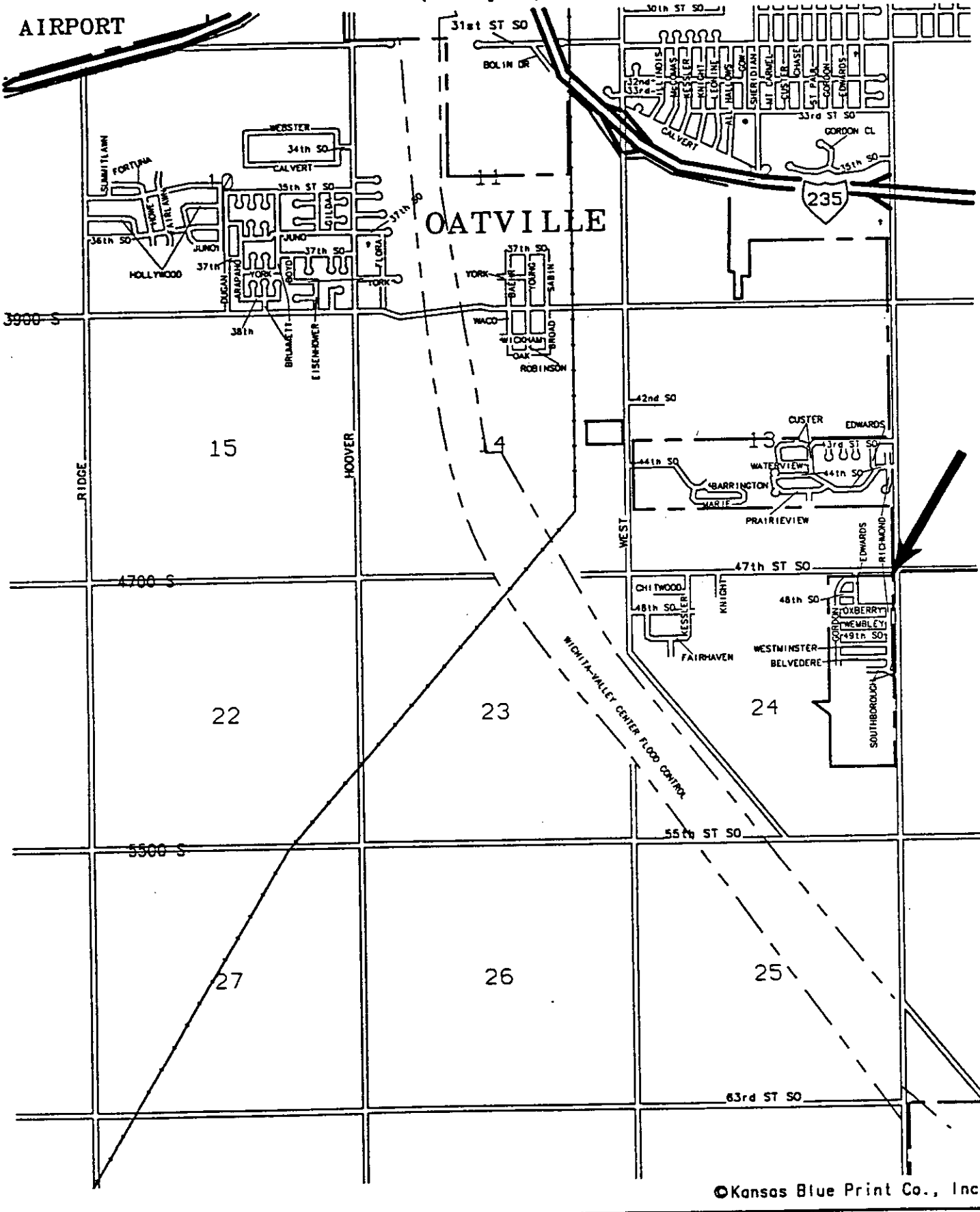
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36



To: Mike Lindebak, City Engineer
From: Debra Shauers, Address Committee Chair
Subject: Southborough Estates Lot Numbers
Date: 9/30/1999

I am sending this letter to you for approval regarding the lot numbers for Phase I of Southborough Estates. Phase I (attached page 4) was platted a number of years ago. They are in the process of moving Mobil homes into the park at this time. They are approximately 30 % occupied at this time. The numbering system does not follow any logical system. When I reviewed Phase II it came to my attention that Phase I lot numbers were not acceptable on their own merit and that with the addition to the park the numbering system could not be continued. Attached is my review for Phase II. I ran this issue by the Address Committee and it was unanimously voted that the existing Phase I would cause emergency response problems and that the numbering system should be changed as soon as possible. I spoke with Dale Miller today and he thought it would be best to cover this issue with you. With your permission, I will notify Welcome Home (Park name) that the lot numbers will have to be changed as indicated on Page 3.

Per Mike,
Engineering doesn't have
any jurisdiction or authority
re: street address numbers
in mobile home parks.
(called Deb Shauers 10/5/99
to let her know)
mjm.

To: Dale Miller, Planning
From: Debra Shauers, Fire Department
Subject: Southborough Estates
Date: 9/2/99

The lot numbers for Phase I of Southborough estates are unacceptable. If possible, we should require; as a condition for Phase II, that the lot numbers for Phase I be changed. If this is not possible we need to have Mike Lindebak look at requiring the changes. I have discussed this issue with Kenny Hill and Southborough representatives. I will wait to hear from you before moving forward on this issue.

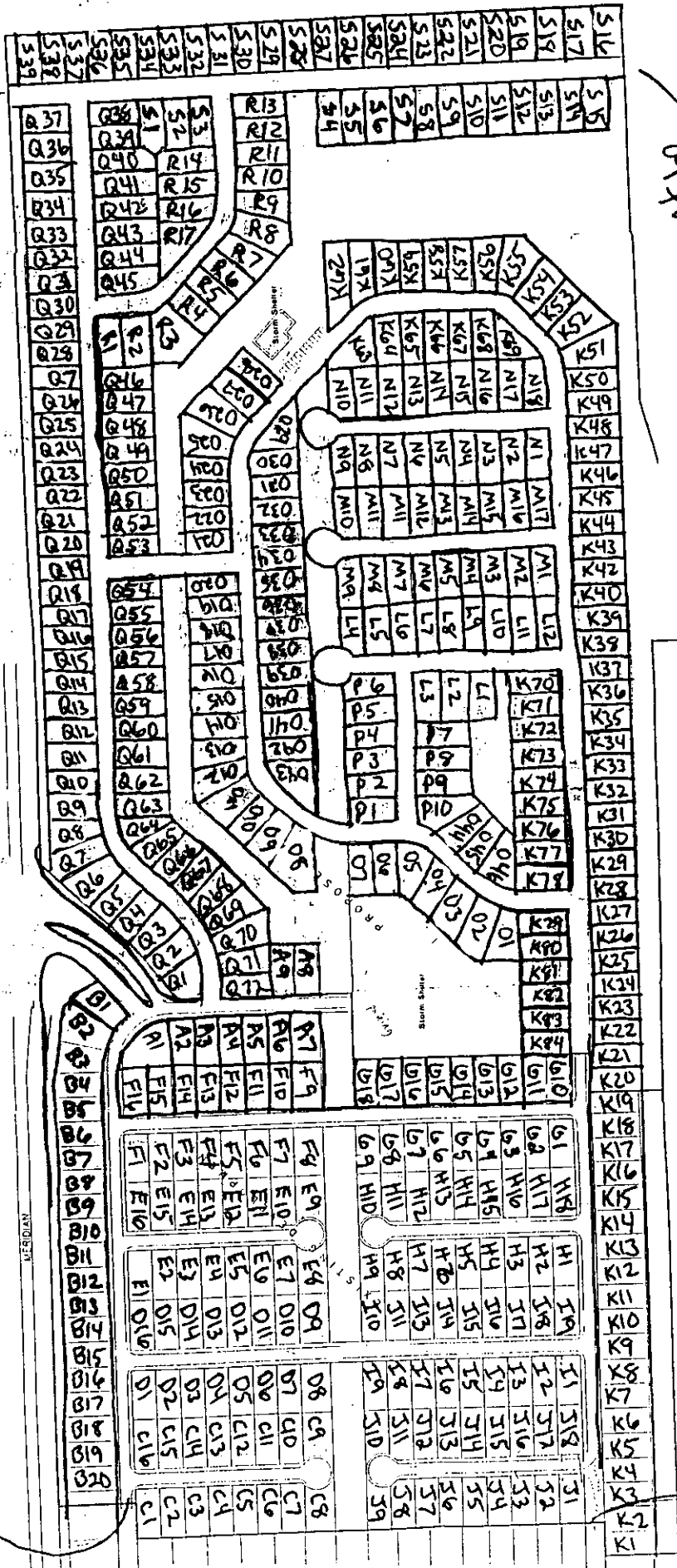
Taylor Levins of the building department should review Mobil home lot numbers. Since Taylor is on vacation, I have assigned acceptable lot numbers for Phase I and Phase II.

Additional Requirements :

1. Provide an approved turnaround for the dead end east-west road to the far south of the development.
2. Provide approved signage for Phase I and Phase II that will indicate street lettering. A street sign plan shall be submitted to Capt. Shauers of Fire Prevention (268-4441).

Debra Shauers
Wichita Fire Department
Plans Examiner

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Provide approved turnaround

Southborough Estates
Welcome Home MHP

Permanently
locked

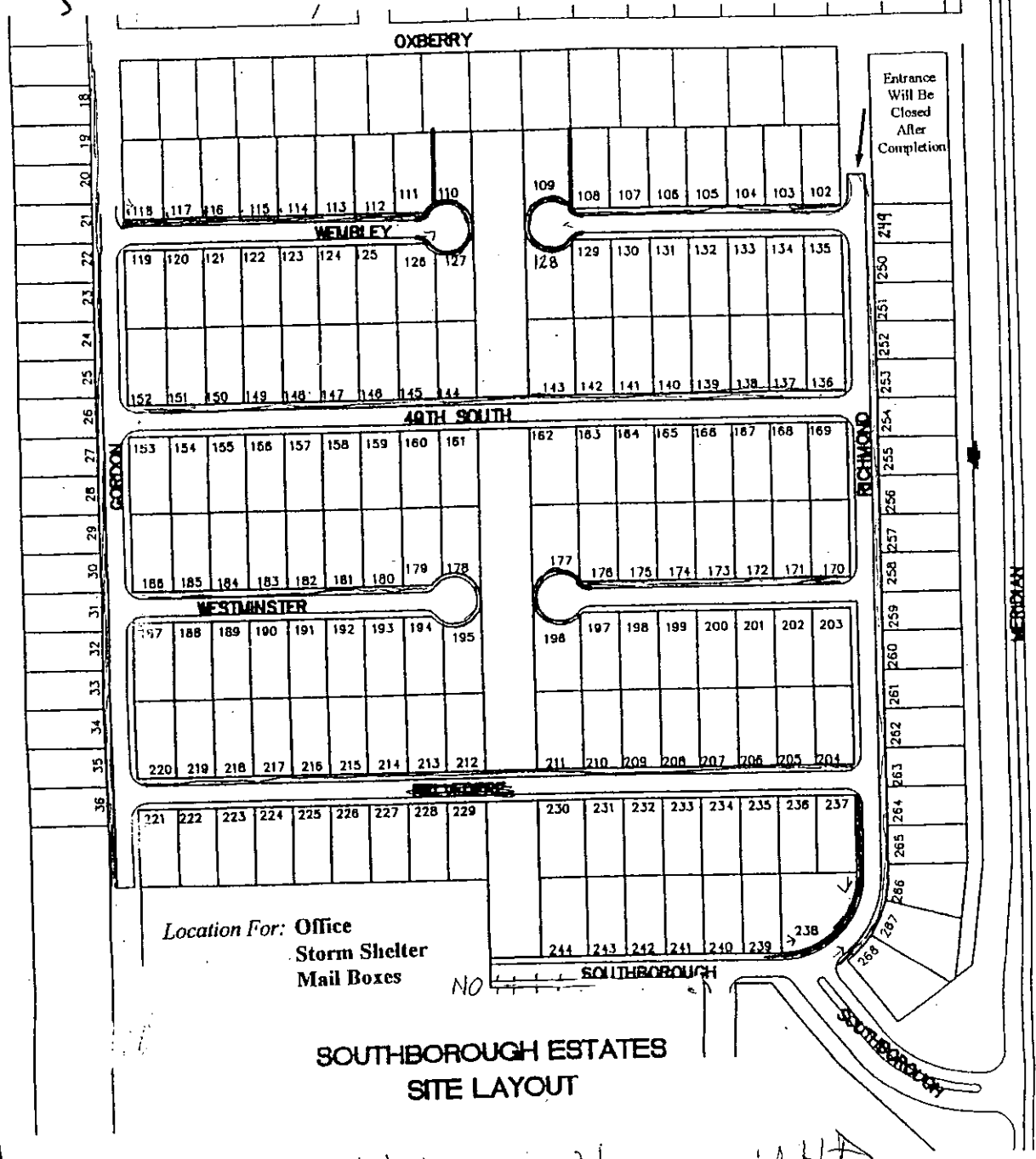
Emergency
Access

3



Proposed to
add

Existing Numbering



Entrance Will Be Closed After Completion

Welcome Home MHA

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