

STAFF REPORT  
(PRELIMINARY PLAT)

**CASE NUMBER:** SUB 2002-40 -- ERIN SPRINGS ADDITION

**OWNER/APPLICANT:** Mark Springs, 3842 S. West St., Wichita, KS 67217

**SURVEYOR/ENGINEER:** Terra Tech Land Surveying, Attn: Michele Webster, 22200 W. 63rd St. South, Viola, KS 67149

**LOCATION:** East of West Street, North of MacArthur Road

**SITE SIZE:** 1.4 Acres

**NUMBER OF LOTS**

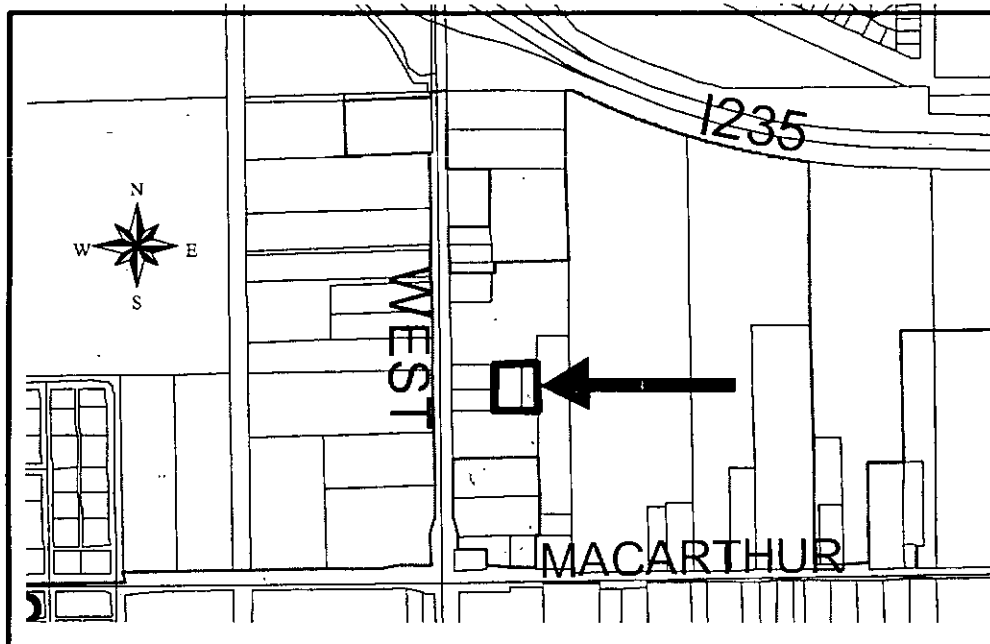
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

**MINIMUM LOT AREA:** 1.4 Acres

**CURRENT ZONING:** SF-20, Single-Family Residential

**PROPOSED ZONING:** LI, Limited Industrial

VICINITY MAP



**NOTE:** This is unplatted property located in the County adjoining Wichita's city limits and annexation is required. It is in an area designated as "2010 Urban Service Area" by the Wichita-Sedgwick County Comprehensive Plan. The applicant intends to request a zone change to LI, Limited Industrial.

**Planning Staff recommends approval of the plat.**

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. **A restrictive covenant is required that prohibits non-domestic uses on the site until public sewer is available.**
- B. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita. If the annexation is completed prior to the plat's submittal for City Council review, only City Council approval and not County approval will be necessary.
- C. Municipal water is available to serve the site. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer services.
- D. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. **County Engineering** needs to comment on the status of the applicant's drainage concept. **County Public Works notes area is extremely flat and development of an effective drainage plan will be nearly impossible.**
- G. **County Engineering** requests that the elevation be denoted at mean sea level.
- H. **County Engineering** has requested that the applicant verify that the existing drive across Lucas Springs Addition to the west was relocated within the 20' joint access easement. An additional private easement right of way may be needed or consideration given to construction of a public street.
- I. **County Engineering** has requested a revised preliminary plat that shows entrances and driveways.
- J. The drive serving Lot 1 will need to be installed prior to development in accordance with Fire Department specifications.

- K. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- L. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- 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. (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.)
- 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
  
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 3  
JUNE 27, 2002**

**STAFF REPORT**

**(PRELIMINARY PLAT; DEFERRED 6/13/02)**

**CASE NUMBER:** SUB 2002-40 -- ERIN SPRINGS ADDITION

**OWNER/APPLICANT:** Mark Springs, 3842 S. West Street, Wichita, KS 67217

**SURVEYOR/ENGINEER:** Terra Tech Land Surveying, Attn: Michele Webster, 22200 W. 63rd Street South, Viola, KS 67149

**LOCATION:** East of West Street, North of MacArthur Road

**SITE SIZE:** 1.4 Acres.

**NUMBER OF LOTS**

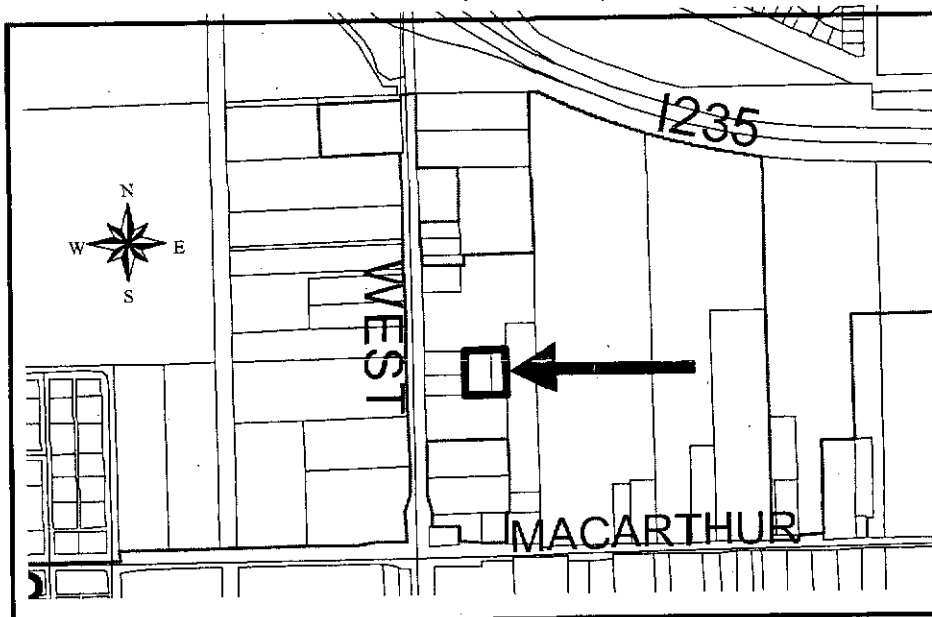
Residential:	
Office:	
Commercial:	
Industrial:	<u>1</u>
Total:	<u>1</u>

**MINIMUM LOT AREA:** 1.4 Acres

**CURRENT ZONING:** SF-20, Single-Family Residential

**PROPOSED ZONING:** LI, Limited Industrial

**VICINITY MAP**



**NOTE:** This is unplatted property located in the County adjoining Wichita's city limits and annexation is required. It is in an area designated as "2010 Urban Service Area" by the Wichita-Sedgwick County Comprehensive Plan. The applicant intends to request a zone change to LI, Limited Industrial.

**PLANNING STAFF RECOMMENDS APPROVAL OF THE PLAT.**

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. ***A restrictive covenant is required that prohibits non-domestic uses on the site until public sewer is available.***
- B. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita. If the annexation is completed prior to the plat's submittal for City Council review, only City Council approval and not County approval will be necessary.
- C. Municipal water is available to serve the site. City Water and Sewer Department requests a petition for future extension of sanitary sewer services.
- D. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. County Engineering needs to comment on the status of the applicant's drainage concept. County Engineering needs information for the drainage plan as to sufficient easement for the driveway.
- G. County Engineering requests that the elevation be denoted at mean sea level.
- H. County Engineering has requested that the applicant verify that the existing drive across Lucas Springs Addition to the west was relocated within the 20-foot joint access easement. An additional private easement right-of-way may be needed or consideration given to construction of a public street.
- I. County Fire Department has required 20 feet of drivable surface designed to withstand the weight of fire apparatus in inclement weather, which needs to be provided the entire length of the access drive.
  1. To meet fire department specifications, the surface needs to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete.
  2. It is to be applied a minimum of four inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).

- J. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- K. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- L. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- M. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that 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.)
- O. 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.
- P. 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- V. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

STAFF REPORT

(FINAL PLAT, PRELIMINARY PLAT APPROVED 6/27/02, DEFERRED 6/13/02)

CASE NUMBER: SUB 2002-40 -- ERIN SPRINGS ADDITION

OWNER/APPLICANT: Mark Springs, 3842 S. West St., Wichita, KS 67217

SURVEYOR/ENGINEER: Terra Tech Land Surveying, Attn: Michele Webster, 22200 W. 63rd St. South, Viola, KS 67149

LOCATION: East of West Street, North of MacArthur Road

SITE SIZE: 1.4 acres

NUMBER OF LOTS

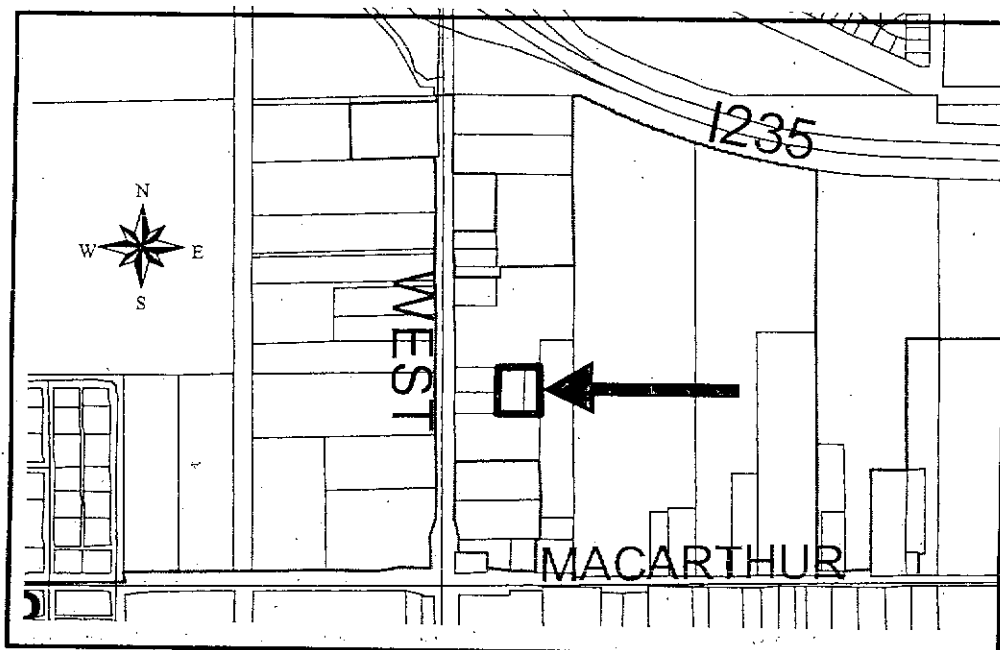
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

MINIMUM LOT AREA: 1.4 acres

CURRENT ZONING: SF-20, Single-Family Residential

PROPOSED ZONING: LI, Limited Industrial

VICINITY MAP



**NOTE:** This is unplatted property located in the County within three miles of Wichita's city limits. It is in an area designated as "2010 Urban Service Area" by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (ZON2002-37) to LI, Limited Industrial.

**Planning Staff recommends approval of the plat.**

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. ***A restrictive covenant is required that prohibits non-domestic uses on the site until public sewer is available.***
- B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer services.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the *Planning Department* for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. ***County Engineering needs information for the drainage plan as to sufficient easement for the driveway.***
- E. The access easement extending to West Street shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- F. On the final plat tracing, the MAPC signature block needs to reference "Michael E. Lindebak, Acting Secretary".
- G. **Sedgwick County Fire Department** requests 20 feet of drivable surface be provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
  - The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
  - An approved turnaround is provided that allows the turning of apparatus in no more than two maneuvers.
  - 13' 6" vertical clearance is maintained the entire length of the access drive.
- H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with

specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.

- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. 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.)
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- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

TERRA TECH

LAND SURVEYING INC.

22200 W. 63rd St. South  
Viola, KS 67149-9525  
(316) 794-2863  
Fax (316) 794-3274  
E-mail: TTLSI@Southwind.net

June 13, 2003

Blind Copy to Vickey Huang

Mark Springs  
c/o Country Pawn and Antique  
3842 S. West Street  
Wichita, Kansas 67217

Re: "ERIN SPRINGS ADDITION", Sedgwick County, KS

Dear Mark,

I spoke with Vickey Huang, with the City Engineer's Office, earlier this week concerning your position of not wanting to provide a petition for the extension of sanitary sewer to the plat referenced above. The petition that I sent to you for your signature was in the amount of \$30,000 and covered a main and manholes from West Street to the Northeast corner of your new plat, a distance of 462.15 feet. Ms. Huang has agreed to compromise accepted city policy and allow the petition to cover only the amount necessary to extend the sewer main to a point twenty feet into the new plat (252.00 feet). This compromise allows the petition amount to be reduced to \$16,000. I am enclosing a copy of this petition for your consideration.

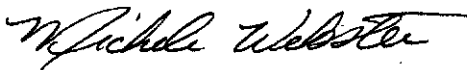
You stated to me in an earlier conversation that you didn't want to provide any petition for the extension of sanitary sewer because you didn't have to give one with your earlier plat of "LUCAS SPRINGS ADDITION". I went through that file folder and found that you did provide such a petition (enclosed). It covers the extension of a sanitary sewer main across your entire frontage on West Street.

If you do not wish to provide the City with a petition, your alternatives are to either ask for an extension of time to re-submit your plat to include all of the property contained within "LUCAS SPRINGS ADDITION" and plat it as one large lot; or do nothing and lose your zoning change on the property being platted as "ERIN SPRINGS ADDITION". The deadline for having that plat recorded is September 11, 2003. After that date you are considered to be out of compliance with City Code and subject to fines and penalties. Keep in mind, that if you do re-submit your plat as one large lot, you will be annexed into the City immediately.

I do not believe that sanitary sewer will be coming to your property any time soon. When it does, the part that will be built initially is the main along West Street. The City has no interest in building the second line to your new plat at the present time because the adjoining properties are not dependent on it for their future development. The only reason that you are being asked to provide for this extension is because you are creating a building site which can be sold as a stand-alone site when the sewer is extended. The City wants this site served by a municipal main and not a private service line that crosses an adjoining property. I think that the offer from Ms. Huang is very generous and one that should not be considered lightly.

Very truly yours,

TERRA TECH LAND SURVEYING, INC.



Michele Webster, LS

**PETITION - SANITARY SEWER**

To the Mayor and City Council  
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

**ERIN SPRINGS ADDITION**  
Lot 1

do hereby petition, pursuant to the provisions of K.S.A. 1980 Supp. 12-6a01 et seq., as follows:

- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas
- (b) That the estimated and probable cost of the foregoing improvements being Sixteen Thousand Dollars (\$16,000), 100% payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after June 1, 2003.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on square foot basis.

- 2. (a) It is requested that the improvements hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 12-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signature attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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**Lot 1:**

\_\_\_\_\_  
Mark W. Springs

\_\_\_\_\_  
Kelley J. Springs

**AN ABTRACTOR'S CERTIFICATE OF OWNERSHIP MUST ACCOMPANY THIS PETITION**

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
City Clerk

CERTIFICATE

CITY OF WICHITA            )  
COUNTY OF SEDGWICK ) SS  
STATE OF KANSAS         )

We, Mark W. Springs and Kelley J. Springs, owners of "ERIN SPRINGS ADDITION", Sedgwick County, Kansas, do hereby certify that a petition for the following improvements have been submitted to the City Council of the City of Wichita, Kansas.

1.     Lateral Sanitary Sewer

As a result of the above-mentioned petition for improvements, lots or portions thereof within "ERIN SPRINGS ADDITION", Sedgwick County, Kansas, may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Mark W. Springs

\_\_\_\_\_  
Kelley J. Springs

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Mark W. Springs and Kelley J. Springs.

Seal or Stamp

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

My appointment expires: \_\_\_\_\_

**PETITION - SANITARY SEWER**

To the Mayor and City Council  
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

**LUCAS SPRINGS ADDITION**

Lot 1

do hereby petition, pursuant to the provisions of K.S.A. 1980 Supp. 12-6a01 et seq., as follows:

- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas
- (b) That the estimated and probable cost of the foregoing improvements being Ten Thousand Dollars (\$10,000), 100% payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after February 1, 1998.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

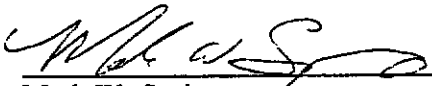
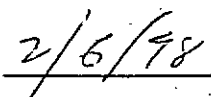
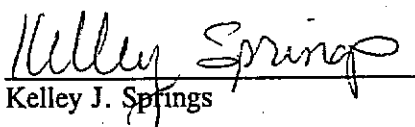
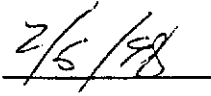
If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the city of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on square foot basis.

2. (a) It is requested that the improvements hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A, 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 12-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.
3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to accept and hold this petition for future construction of the sanitary sewer when one or more of the conditions as set forth under 1(a) occur and at that time to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signature attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
LUCAS SPRINGS ADDITION Lot 1	 _____ Mark W. Springs	 _____ 2/5/98
	 _____ Kelley J. Springs	 _____ 2/5/98

AN ABTRACTOR'S CERTIFICATE OF OWNERSHIP MUST ACCOMPANY THIS PETITION

CERTIFICATE

CITY OF WICHITA            )  
COUNTY OF SEDGWICK    ) SS  
STATE OF KANSAS         )

We, Mark W. Springs and Kelley J. Springs, owners of (give name of proposed plat, if appropriate) "LUCAS SPRINGS ADDITION", Sedgwick County, Kansas do hereby certify that petitions for the following improvements have been submitted to the City Council of the City of Wichita, Kansas.

1. Future extension of municipal sanitary sewer

As a result of the above-mentioned petitions for improvements, lots or portions thereof within "LUCAS SPRINGS ADDITION" may be subject to special assessments assessed thereto for the cost of constructing the above described improvements.

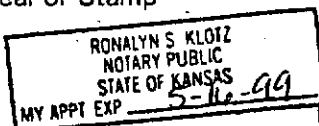
Signed this 2<sup>nd</sup> day of FEBRUARY, 1998.

Mark W. Springs  
Mark W. Springs

Kelley Springs  
Kelley J. Springs

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of February, 1998 by Mark W. Springs and Kelley J. Springs.

Seal or Stamp



Ronalyn S. Klotz, Notary Public

My appointment expires: May 16, 1999

MICROFILMED  
OF RECORD

STATE OF KANSAS ) ss  
SEDGWICK COUNTY )

SEP 17 4 07 PM '02

BILL MEEK  
REGISTER OF DEEDS



COVENANT

*Linda Baker*

Deputy

Know all men by these presents that the undersigned, Mark W. Springs and Kelly J. Springs, are the owners of the following described real estate to wit:

Lot 1, "LUCAS SPRINGS ADDITION", Sedgwick County, Kansas.

AND

Lot 1, "ERIN SPRINGS ADDITION", Sedgwick County, Kansas.

NOW THEREFOR, in consideration of approval of the plat of "ERIN SPRINGS ADDITION", Sedgwick County, Kansas, the undersigned agrees and covenants that the aforementioned lots shall be retained, held and bound together as one building site until such time as the property is annexed by the City of Wichita, and sanitary sewer and municipal water service is extended to each Lot. At the time public sanitary sewer becomes available to these properties the existing septic systems will be abandoned and connection to the sewer system will be established as required by Sedgwick County Health Code.

It is understood that this covenant shall be binding upon the undersigned, their successors and assigns, and shall run with the land until such time as the said properties are replatted. The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deed for Sedgwick County, Kansas.

Dated this 12<sup>th</sup> day of AUGUST, 2002.

*Mark W. Springs*  
Mark W. Springs

*Kelley Springs*  
Kelley J. Springs

STATE OF KANSAS ) ss  
SEDGWICK COUNTY)

Be it remembered, that on this 12<sup>th</sup> day of AUGUST, 2002, personally appeared before me, a Notary Public in and for the County and State aforesaid, Mark W. Springs and Kelley J. Springs, to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution thereof.

*Cherryl K Bauer*, Notary Public

My Appointment Expires: 7/18/05



8.00  
cc

Terra Tech Land Surveying  
22200 W. 63rd St S  
Viola, KS 67149