

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Jamie Clover Adams, Secretary of Agriculture  
109 SW 9th Street  
Topeka, Kansas 66612-1280  
(785) 296-3558  
FAX: (785) 296-8389



Division of Water Resources  
David L. Pope, Chief Engineer  
109 SW 9th Street, 2nd Floor  
Topeka, KS 66612-1283  
(785) 296-3717 FAX: (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

March 20, 2002

JEAN GARVEY  
R H GARVEY BLDG  
8803 EAST DOUGLA  
WICHITA KS 67203

*Sub D10 -  
Independ School Add  
Drainage*

Floodplain Fi.  
WSN: LSG-02L  
Gypsum Creek Flo

*File - Garvey*

RECEIVED  
5 2002  
D  
6 2002

Dear Mr. or Mrs. Garvey:

On February 11, 2002, our office received information regarding the placing of fill in an area in or near a 100-yr floodplain area of Gypsum Creek. The location given is the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 20, Township:27 South, Range 2 East, Sedgwick County, Kansas. Some of this fill appears to be located on property on which you have control.

A search of our records shows that no approvals have been given for fill to be placed at this location, as required by K.S.A. 24-126. On March 11, 2002, a copy of a letter sent to an adjacent landowner, from the City of Wichita, was received in our office, stating that the fill is proposed to be placed at this location would be exempt our jurisdiction based on the depth and amount of fill, as per K.A.R. 5-45-17. The same letter also states that a final survey is being required from you to show that the amount of fill is indeed as described in previous information provided to the City of Wichita in regards to a floodplain development permit.

In conclusion, the proposed fill to be placed, as stated by the City of Wichita in the above March 11, 2002, letter, will not require any approval from this office, unless it is placed in a manner which would not allow the project to be exempted under K.A.R. 5-45-17. Please send us a copy of the final certification, as being required by the City of Wichita, to ensure that indeed the fill was placed accordingly. Please note that if this is not placed properly, you may be required to obtain the necessary approvals from this office. If there are any further questions or comments, please contact me at (785) 296-2937. Thank you in advance for your assistance in this matter.

Sincerely,

Edward E. Byrd, P.E.  
Water Structures Engineer

EEB

pc: Chris Carrier, Stormwater Engineer  
City of Wichita

Kansas Department of Health and Environment

Equal Opportunity in Employment and Services

(d) For a class C levee, the effect of the proposed levee on the design flood profile shall be calculated by the technique of equal conveyance reduction from the outer floodplain limits outside the channel, unless the applicant demonstrates that the applicant has obtained legal authorization from all landowners whose land would be unreasonably hydraulically affected by a greater encroachment toward the channel. (Authorized by and implementing K.S.A. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992; amended Sept. 22, 2000.)

**5-45-15. Floodplain fills; design criteria.** Floodplain fills shall meet or exceed the following design criteria: (a) the sideslopes shall not be steeper than one vertical to three horizontal, unless the applicant submits data and analysis to show that a steeper slope will be stable.

(b) Floodplain fills shall be adequately protected from erosion and undermining from floods up to the level of the base flood elevation and surface drainage by the use of vegetative cover, riprap or other means.

(c) Floodplain fills shall not unreasonably obstruct or divert the flow of surface water and other waters from the main stream and tributaries to the main stream to the detriment of adjacent or hydraulically affected property owners.

(d) Floodplain fills shall not obstruct utility or other easements without proper authorization.

(e) Floodplain fills shall not unreasonably affect the environment without adequate environmental mitigation.

(f) Floodplain fills, other than levees, for residential buildings, including manufactured housing, are required to be of adequate height to raise the lowest floor, including the basement, at least one foot above the base flood elevation, unless:

(1) an exception has been granted by the flood insurance administrator of the flood insurance administration within the FEMA for the allowance of a basement; or

(2) the chief engineer has approved a community standard at or above base flood elevation.

(g) Floodplain fills other than levees for sewage lagoons and sanitary landfills are required to have at least one foot of freeboard above the base flood.

(h) Except for fills for highways and roads, all other floodplain fills other than levees are required to have at least one foot of freeboard above the design flood.

(i) If subsequent to approval of the floodplain fill by the chief engineer, a letter of map revision or letter of amendment is obtained from FEMA removing an area of the approved or permitted fill from the floodplain, then any permit or approval issued by the chief engineer no longer applies to that area removed from the floodplain. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

**5-45-16. Floodplain fills; disapproval.** (a) A levee or floodplain fill should not have an unreasonable effect on adjacent landowners, be adverse to the public interest and environmental concerns or lack required environmental mitigation.

(b) Within six months of the disapproval, the applicant may make a written request to the chief engineer to rescind the disapproval by providing information or modifications of the plans requested by the chief engineer. (Authorized by and implementing K.S.A. 24-126 as amended by L. 1991, ch. 56, sec. 27; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

**5-45-17. Exemption—floodway fringe fills.** Floodway fringe fills are exempt from applying for and obtaining approval from the chief engineer if: (a) they are:

(1) up to 1600 cubic yards in size;

(2) with a maximum height of two feet;

- (3) more than 100 feet away from any other floodplain fills; and
- (4) constructed according to the design criteria in K.A.R. 5-45-15; or

(b) they are located in communities which have adopted local standards for floodway fringe fills approved by the chief engineer which meet or exceed the standards adopted by the chief engineer for individual floodway fringe fills. The standards shall include an appeal process, an environmental assessment and a review of local drainage. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

**K.A.R. 5-45-18. Floodplain fills; incidental to bridge and culvert replacement projects.** Each floodplain fill constructed incidental to a bridge or culvert replacement project that otherwise meets the requirements of K.A.R. 5-46-1 shall be considered to have the necessary approval of plans pursuant to K.S.A. 24-126, and amendments thereto, and article 45 of the rules and regulations adopted by the Kansas department of agriculture, division of water resources. (Authorized by and implementing K.S.A. 24-126; effective Sept. 22, 2000.)



March 6, 2002

Mr. Willard B. Thompson  
FLEESON, GOOING, COULSON & KITCH, L.L.C.  
Sixteenth Floor  
125 N. Market  
P.O. Box 997  
Wichita, Kansas 67201-0997

**RE: Dirt Placement in 100-Year Floodplain Area Just East and Upstream from  
the Cloisters  
Local Flood Plain Development Permit No. FLDP-2-2002**

Dear Mr. Thompson:

This is written to update you on recent developments regarding placement of approximately twelve (12) truckloads of dirt on property at 8801 and 8803 East Douglas, owned by Jean Garvey and the Independent School, that sits just west and upstream of residences in the Cloisters, located in the 8900 block of East Douglas.

This office investigated a complaint about these dirt piles during the first week of January, and subsequently notified the property owner (through their representatives) that a fill and/or floodplain development permit would have to be applied for immediately, or the dirt would have to be removed.

On January 8, 2002, the owner's representative (land surveyor M.S. Mitchell) submitted a flood plain development permit application to the Office of Central Inspection. From our preliminary review, and subsequent additional review by M.S. Mitchell, it appeared that the dirt piles are located outside both the FEMA floodway and the FEMA 100-year flood plain. However, the intent of the property owner is to spread this dirt over an area that includes portions of the FEMA 100-year flood plain, for which a local flood plain development permit is required.

Recently, this Office received all the information necessary for issuance of a permit for Flood plain development/fill in this area. This includes not only additional survey work and mapping work from the applicant, but information that has been received from the Kansas Division of Water Resources as well.

This morning, a local flood plain development permit was prepared for release that will allow this dirt to be spread over the permit application area. This area will include some areas in the 100-year flood plain, and will not include any floodway area.

**Office of Central Inspection**

City Hall • 7th Floor • 455 N. Main • Wichita, Kansas 67202-1600

T 316.268.4460 • F 316.268.4663

File -  
Garvey

The amount of fill and the depth of fill will meet the standards for exemption from State permitting. However, final approval of this local flood plain development permit is contingent or "conditioned" upon receipt of a final certification from the applicant's land surveyor that the work has been completed in accordance with the provisions requirements of the permit.

A copy of the permit along with some of the related permit application information is attached for your review. The reduced map section is only a part of the larger maps submitted with the application.

Please don't hesitate to contact me at 268-4460 should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt A. Schroeder", written in a cursive style.

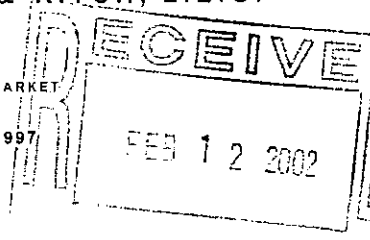
Kurt A. Schroeder  
Superintendent of Central  
Inspection

CC: Mr. Fred Berry  
Mr. Steve Lackey  
Mr. Edward Byrd  
Mr. Chris Carrier

FLEESON, GOOING, COULSON & KITCH, L.L.C.

LAWYERS

SIXTEENTH FLOOR • 125 NORTH MARKET  
POST OFFICE BOX 997  
WICHITA, KANSAS 67201-0997  
(316) 267-7361  
TELECOPIER  
(316) 267-1754



CARL A. BELL  
GERRIT H. WORMHOUDT  
WILLARD B. THOMPSON  
THOMAS D. KITCH  
J. ERIC ENGSTROM  
STEPHEN E. ROBISON  
RON CAMPBELL  
GREGORY J. STUCKY  
CHARLES E. MILLSAP  
EDWARD J. HEALY  
LINDA K. CONSTABLE  
CHARLES E. COLE, JR.  
WILLIAM P. TRETBAR

SUSAN P. SELVIDGE  
THOMAS J. LASATER  
DAVID G. SEELY  
MARY E. MAY  
STEPHEN M. STARK  
LYNDON W. VIX  
WILLIAM L. TOWNSLEY III  
SCOTT D. JENSEN  
JOHN R. GERDES  
KENT A. MEYERHOFF  
CHRISTOPHER M. MITCHELL  
BRIAN R. COLLIGNON  
AMY D. FELLOWS

DALE M. STUCKY  
PHILLIP MELLOR  
OF COUNSEL  
HOWARD T. FLEESON  
(1985-1987)  
HOMER V. GOOING  
(1994-1996)  
WAYNE COULSON  
(1910-1985)  
PAUL R. KITCH  
(1911-1987)  
DONALD R. NEWKIRK  
(1919-1997)

Sender's E-mail Address:  
wthompson@fleeson.com

February 8, 2002

Steve Lackey  
Director of Public Works  
City of Wichita  
455 North Main, 8<sup>th</sup> Floor  
Wichita, KS 67202

Edward Byrd, P.E.  
Water Structures Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> St., 2<sup>nd</sup> Floor  
Topeka, KS 66612-1283

Curt Schroeder, Superintendent  
Central Inspection Office  
City of Wichita  
455 North Main, 7<sup>th</sup> Floor  
Wichita, KS 67202

Ladies/Gentlemen:

Approximately twelve (12) truckloads of dirt have been placed in the flood plain on property upstream from the residences in The Cloister.

For your information, we are providing you a copy of a letter dated January 17, 2002, which was written to Mr. Todd Connell, attorney for the owner of the upstream property in respect to this matter and which expresses the concern of The Cloister homeowners.

To date, no removal of the dirt has occurred.

Should you have any questions, please let us know.

Sincerely,

FLEESON, GOOING, COULSON & KITCH, L.L.C.

*Willard B. Thompson*  
Willard B. Thompson

WBT/jm

Enclosure

cc: Mr. Todd Connell, Esq.  
Mr. Fred Berry

FLEESON, GOOING, COULSON & KITCH, L.L.C.

LAWYERS

CARL A. BELL  
GERRIT H. WORMHOUDT  
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OF COUNSEL  
HOWARD T. FLEESON  
(1995-1957)  
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(1994-1988)  
WAYNE COULSON  
(1910-1985)  
PAUL R. KITCH  
(1911-1987)  
DONALD R. NEWKIRK  
(1919-1997)

Sender's E-mail Address:  
wthompson@fleeson.com

January 17, 2002

Mr. Todd Connell, Esq.  
Heritage Group  
300 West Douglas, Suite 900  
Wichita, KS 67202

Dear Mr. Connell:

We believe there are twelve truckloads of dirt that have been placed on the Garvey property upstream from The Cloister.

The Cloister homeowners have had close calls in the past, with flood levels coming very near the main floor level of the homes. We feel our homes are very vulnerable to flood damage exposure, which exposure would be exacerbated by other dirt being dumped onto the flood plain.

We therefore voice an official objection to this dirt being transported to and left in the flood plain and ask that it be removed. We want to be good neighbors, but we have a legitimate concern and hope your client will be sensitive to it.

If the dirt is left on the flood plain, whether with or without a governmental permit, we wish your client to know that the same will be done at your client's own risk to The Cloister homeowners and to other owners north of Douglas who have sustained flood damage in the past.

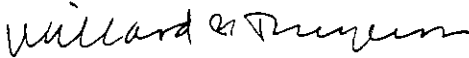
Your client should also know that the private roadway has sustained some damage where the trucks hauling the dirt exited off of the drive to the west. We have spent considerable money on the roadway this last year, and will expect that your client refrain from using it in any manner which causes damage to it.

Mr. Todd Connell, Esq.  
January 17, 2002  
Page 2

Lastly, would your client please provide to us a letter which outlines his/its intended long range plans for the property upstream of ours? Such a letter would be very much appreciated.

Very truly yours,

FLEESON, GOOING, COULSON & KITCH, L.L.C.

  
Willard B. Thompson

WBT/jm

cc: Mr. and Mrs. Fred Berry  
Mr. and Mrs. Jack Spines, Jr.  
Mr. and Mrs. Wilson Cadman  
Mr. and Mrs. Gerald Aaron  
Mr. Thomas Garretson  
Mrs. Willard Thompson

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Permit/Application # FLDP-2-2002 Date 7-MAR-2002

1. Name of Applicant Independent School

2. Address of Development Site 8801 East Douglas

3. Type of Development

Filling  Grading  Excavation  New Construction

Minor Improvement  Substantial Improvement  New Const.

(If Applicable)

Pre-improvement Value of Structure \_\_\_\_\_ Cost of Improvement \_\_\_\_\_

4. Description of Development Spreading dirt piled in flood plain of East Branch of Gypsum Creek south of Douglas in compliance with KSA 5-45-17

5. Property located in a designated Floodway? Yes  No

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.

6. Property located in a designated Floodway Fringe? Yes  No

a) Elevation of the Base (100-Year) Flood 1337 ±

MSL/NGVD

b) Elevation/floodproofing \_\_\_\_\_

MSL/NGVD

c) Elevation of the proposed development site (if known) Varies 1335 - 1339 MSL/NGVD

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NONRESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION.

(Continuation on Page 2 of 2)

7. Source of Base Flood Elevation Data if not available on FIRM. \_\_\_\_\_

Panel number of FIRM Panel 30

8. Other permits required?

Corps of Engineers 404 Permit: Yes \_\_\_\_\_ No X

State Permit: \* Exempt per K.S.A. 5-45-17 Yes \_\_\_\_\_ No X \*

Local Levee District: copy attached Yes \_\_\_\_\_ No X

Local Drainage District: Yes \_\_\_\_\_ No X

Other: \_\_\_\_\_

All provisions of the community of City of Wichita, Flood Damage Prevention Ordinance (Ordinance Number Title 27), shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_.

SIGNATURE OF OWNER: M. S. Mitchell 1/8/02  
Agent DATE

SIGNATURE OF CONTRACTOR: \_\_\_\_\_ DATE

SIGNATURE OF DEVELOPER: \_\_\_\_\_ DATE

\_\_\_\_\_  
AUTHORIZING OFFICIAL DATE

INSTRUCTIONS FOR COMPLETION:

- \* COMMUNITY OFFICIAL PROVIDES THIS INFORMATION
- \*\* DEVELOPER/CONTRACTOR/OWNER PROVIDES THIS INFORMATION

- |              |                                 |
|--------------|---------------------------------|
| #1 <u>**</u> | #5 <u>*</u>                     |
| #2 <u>**</u> | #6 <u>* a) &amp; b) / ** c)</u> |
| #3 <u>**</u> | #7 <u>*</u>                     |
| #4 <u>**</u> | #8 <u>* / **</u>                |

**FLOODPLAIN DEVELOPMENT PERMIT # FLDP-2-2002 . BLD PMT# BLD2002-01139**  
**\*\*\*CONDITIONAL ATTACHMENT "A" .**

BASED ON THE SITE PLAN AND OTHER DOCUMENTATION SUBMITTED, THIS **CONDITIONAL FLOODPLAIN DEVELOPMENT PERMIT (C-FLDP)** IS ISSUED WITH THE FOLLOWING CONDITIONS:

1.

THIS CONDITIONAL FLOODPLAIN DEVELOPMENT PERMIT IS ONLY FOR FILL PLACED TO AN AVERAGE HEIGHT OF **NOT MORE THAN ONE FOOT** ABOVE THE EXISTING GROUND ( THAT IS, THIS C-FLDP IS ONLY FOR FILL THAT IS LESS THAN "FLOODPLAIN FILL" AS DEFINED AT K.A.R. 5-45-1 (h), A REGULATION OF THE DIVISION OF WATER RESOURCES (D.W.R.), KANSAS DEPARTMENT OF AGRICULTURE.

THE "AS-BUILT" FILL PLACEMENT MUST BE CERTIFIED (BY A KANSAS LICENSED ENGINEER OR LAND SURVEYOR) AS BEING LESS THAN ONE FOOT IN AVERAGE HEIGHT ABOVE THE EXISTING GROUND, AND, THEREFORE LESS THAN "FLOODPLAIN FILL" AS DEFINED AT K.A.R. 5-45-1 (h). (SEE COPY ATTACHED).

2.

**FILL IS PROHIBITED IN THE FEMA "FLOODWAY"**. THIS FILL IS SPECIFICALLY NOT ALLOWED TO PENETRATE INTO THE FEMA FLOODWAY, AS THAT FLOODWAY IS SHOWN ON THE EFFECTIVE FEMA "FLOOD BOUNDARY AND FLOODWAY MAP", AS THAT MAP IS CURRENTLY AMMENDED AND/OR REVISED.

A SITE-PLAN SHALL BE PROVIDED TO THE OFFICE OF CENTRAL INSPECTION (OCI) SHOWING THE FINAL "AS-BUILT" FILL PLACEMENT EXTENT AND LOCATION, WITH A DIMENSION LINE SHOWING THE CLEAR DISTANCE BETWEEN THE FILL AND THE NEAREST POINT ON THE FEMA FLOODWAY BOUNDARY. ( THAT FLOODWAY BOUNDARY-LINE SHALL BE CLEARLY SHOWN ON THE SITE-PLAN AND LABELED "FEMA FLOODWAY BOUNDARY"). THAT SITE PLAN SHALL BE CERTIFIED BY THE PROFESSIONAL SEAL OF A KANSAS LICENSED ENGINEER OR LAND SURVEYOR.

3.

**NO MANHOLE IS TO BE COVERED BY FILL.** THE EXISTING CITY SEWER MANHOLES AS SHOWN ON YOUR PROPOSAL SITE-PLAN SUBMITTED TO OCI, ( AND BY SEWER BOOKS I-54, AND I-266 ), SHALL REMAIN EXPOSED AND VISIBLE AT GROUND SURFACE, FREE AND CLEAR OF FILL COVER.

4.

THIS CONDITIONAL FLOODPLAIN DEVELOPMENT PERMIT IS ONLY FOR A ONE-TIME MINOR FILL PROJECT ESTIMATED TO OCI AS APPROXIMATELY 225 CUBIC YARDS .

WHEN THE PROPOSED FILL PLACEMENT IS COMPLETED, AND CERTIFICATION OF COMPLIANCE FOR EACH OF THE LISTED CONDITIONS IS PROVIDED TO, AND APPROVED BY, OCI, THE FULL FLOODPLAIN DEVELOPMENT PERMIT CAN BE ISSUED.

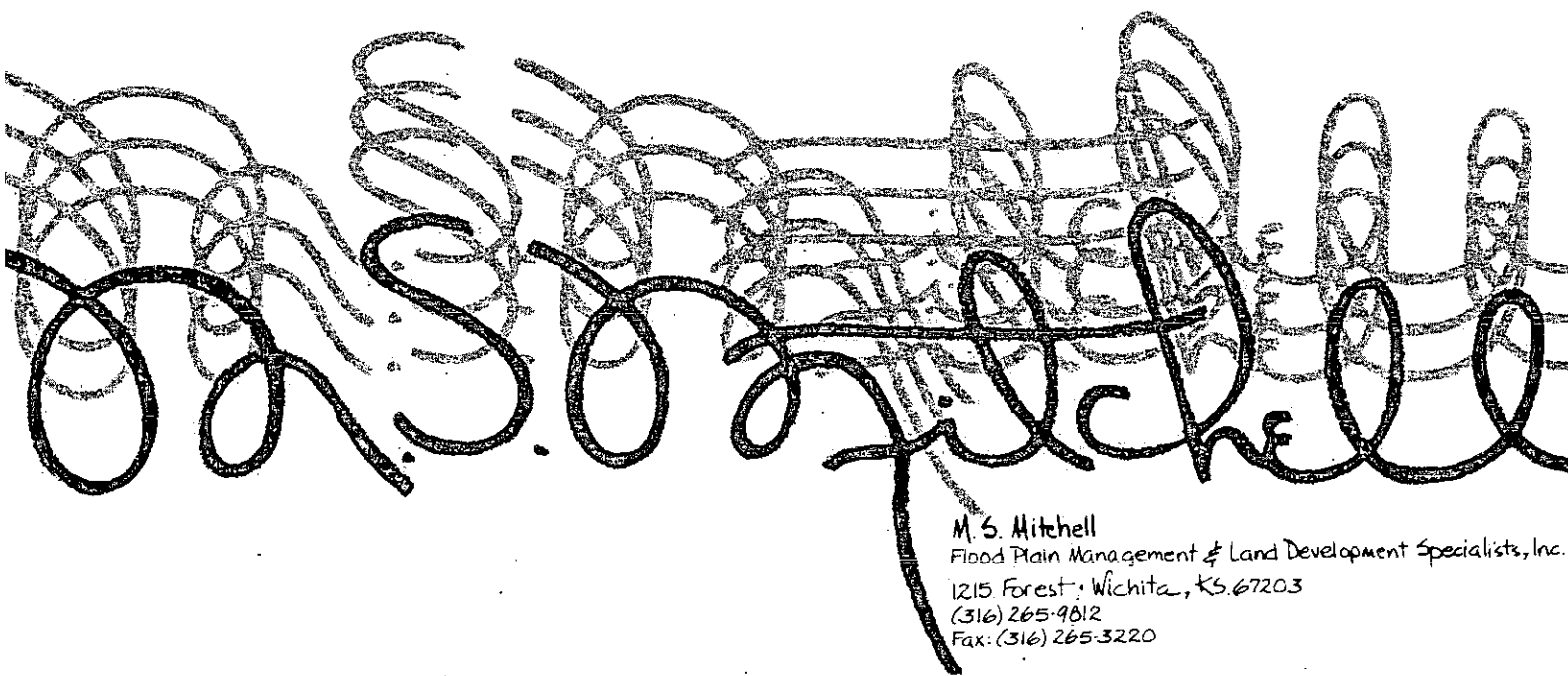
Office of Central Inspection  
City of Wichita

Attention: Mr. Robin Riddel

Reference is made to my Flood Plain Development Application dated January 8, 2002 and your FAX transmitting a Location Certificate-FEMA Floodway Boundary form dated January 18, 2002.

Enclosed with this letter is the following information which I trust will satisfy your needs and let you issue the Flood Plain Development Permit which will permit the dirt pile to be spread in accordance with DWR Regulation K.S.A. 5-45-17, a copy of which is provided:

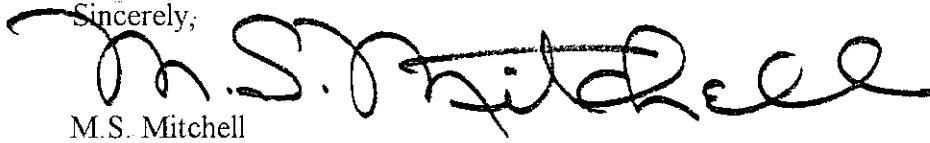
1. A copy of your FAX TRANSMITTAL dated Jan 16, 2002 with a reference to K.S.A. 5-45-17.
2. The FEMA Floodway Boundary Form complete with Legal Description of the land to which the Flood Plain Development Application applies and a professional certification of the information requested. A copy of the legal descriptions of the two properties on which the dirt is piled is attached.
3. A copy of the attachment to your FAX on which I have written answers to the three questions asked.
4. A copy of the Flood Plain Development Application dated January 8, 2002
5. An excerpt from FIRM Panel 30 on which the approximate location of the Dirt Pile is marked.
6. A print of a topographic Work Map on which the two property boundaries are drawn in red and on which the approximate location of the dirt pile is marked.
7. Six photographs of the dirt pile taken in January, 2002 with descriptions.



M. S. Mitchell  
Flood Plain Management & Land Development Specialists, Inc.  
1215 Forest • Wichita, KS. 67203  
(316) 265-9812  
Fax: (316) 265-3220

Please advise what other steps, if any, need to be taken so that the contractor can spread the dirt and resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M.S. Mitchell". The signature is written in a cursive style with a large, sweeping initial "M" and a long, trailing flourish at the end.

M.S. Mitchell  
President

# LOCATION CERTIFICATE - FEMA FLOODWAY BOUNDARY

## OFFICE OF CENTRAL INSPECTION

NOTE: THIS FORM IS USED TO PROVIDE LOCATION AND ELEVATION INFORMATION NECESSARY TO ENSURE COMPLIANCE WITH APPLICABLE COMMUNITY FLOODPLAIN ORDINANCES

Independent School & Jean Garvey (See legal descriptions)

PROPERTY OWNER'S NAME:

8801 & 8803 East Douglas

STREET ADDRESS: (Of Project)

Wichita

KS

67203

CITY:

STATE:

ZIP CODE:

See attached descriptions

LEGAL DESCRIPTION: LOT: \_\_\_\_\_

BLOCK: \_\_\_\_\_

ADDITION: \_\_\_\_\_

FULL I.D. NUMBER OF THE FLOOD INSURANCE RATE MAP (F.I.R.M.)

Panel 30

THE BASEFLOOD ELEVATION (BFE) FOR THIS SITE IS 1337 ± FEET NGVD (REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929) AS INDICATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAP (FIRM) SYSTEM AS CURRENTLY AMENDED BY ANY "LETTER OF MAP REVISION" (LOMR) OR "LETTER OF MAP AMENDMENT" (LOMA). (CASE NUMBER: \_\_\_\_\_)

THE BOUNDARY OF THAT BASE FLOOD (AS AMENDED BY ANY LOMR/LOMA) IS SHOWN AND IDENTIFIED ON THE ATTACHED SITE PLAN, AND IT'S ELEVATION IS SHOWN IN FEET NGVD. Yes

THE FLOODWAY BOUNDARY IS SHOWN AND IDENTIFIED ON THE ATTACHED SITE PLAN, AS INDICATED BY F.E.M.A.'S FLOOD BOUNDARY/FLOODWAY MAP (FBFM) SYSTEM AS CURRENTLY AMENDED BY ANY LOMR OR LOMA (CASE NUMBER: \_\_\_\_\_). Yes

BASED ON FEMA'S FLOOD BOUNDARY AND FLOODWAY MAP (FBFM), AS CURRENTLY AMENDED BY ANY LOMR OR LOMA (CASE NUMBER: \_\_\_\_\_) THE PROPOSED FILL IS OUTSIDE OF THE FEMA FLOODWAY, AND IS SO SHOWN BY THE ATTACHED SITE PLAN. Yes

THE DISTANCE BETWEEN THE FILL (OUTSIDE OF THE FEMA FLOODWAY) AND THE NEAREST POINT ON THE CURRENT FEMA FLOODWAY BOUNDARY IS 65 ± FEET, AND IS SO SHOWN ON THE ATTACHED SITE PLAN.

OCI-LC- 20 SHEET 1 OF 3  
(PAGE 3 IS TO BE THE SITE PLAN)

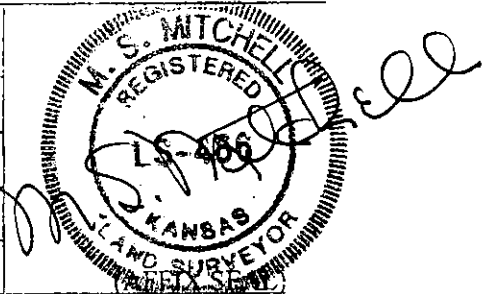
REGISTER OF DEEDS: RETURN THIS DOCUMENT TO WICHITA'S OFFICE OF CENTRAL INSPECTION,  
7TH FLOOR, CITY HALL  
REV 1/2002

I certify that the information on this certificate represents my best efforts to interpret the data available.

M.S. Mitchell LS 486  
 CERTIFIER'S NAME LICENSE NUMBER  
President Flood Plain Management & Land Development Specialists, Inc  
 TITLE COMPANY NAME  
1215 Forest Wichita KS 67203  
 ADDRESS CITY STATE ZIP  
M.S. Mitchell 2/27/02 265-9812  
 SIGNATURE DATE PHONE

TYPE OR PRINT NAME BELOW SIGNATURE AND AFFIX PROFESSIONAL SEAL IN BOX BELOW-----

COMMENTS:

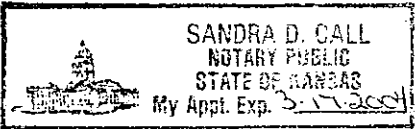


THE STATE OF KANSAS, SEDGWICK COUNTY, ss,

BE IT REMEMBERED, That on this 27<sup>th</sup> day of February A.D. 2002, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came M.S. Mitchell personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) 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.

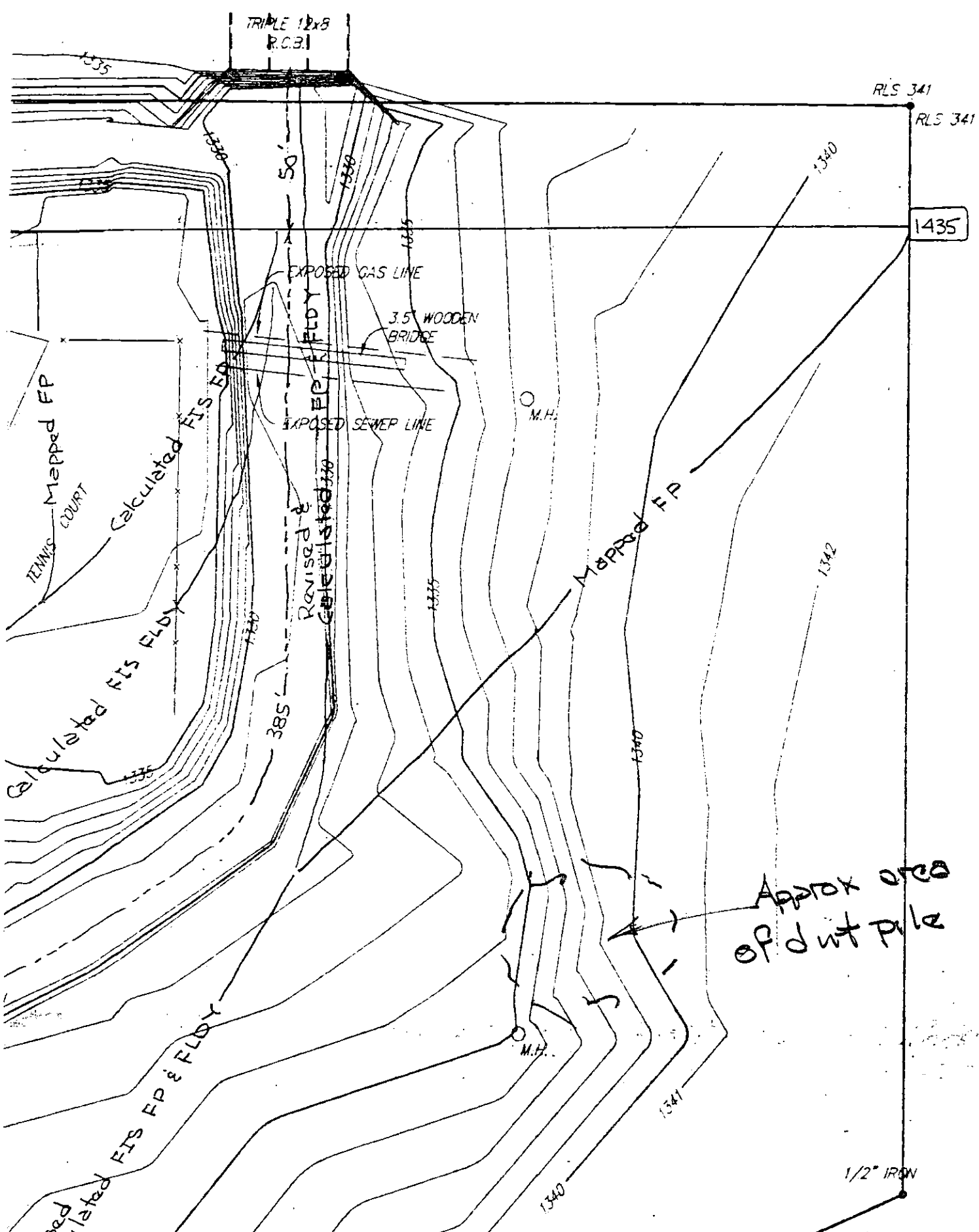
My appointment expires: 3-17, 2004  
Sandra D. Call



FOR REGISTER OF DEEDS USE

Beginning at the NW corner of the SE 1/4, Sec. 20, Township 20 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence East along the North line of said SE 1/4, Section 20, a distance of 393.00 feet; thence South with an interior angle of 90 degrees 08 minutes a distance of 439.64 feet; thence Southwest with an interior angle of 114 degrees 28 minutes 30 seconds, a distance of 299.34 feet; thence southwest with an interior angle of 172 degrees 01 minutes, a distance of 125.62 feet to the West line of said Southeast Quarter, Section 20; thence North 600 feet to the point of beginning.

Part of Lot 1, PHI Addition to the City of Wichita, Sedgwick County, Kansas, beginning at the Northwest corner of said Lot 1; thence East along the North line of said Lot 1, a distance of 100.00 feet; thence South a distance of 343.48 feet; thence Southwest with an interior angle of 114 degrees 28 minutes 30 seconds, a distance of 109.88 feet; thence North 389.26 feet to the point of beginning.



TRIPLE 12x8  
R.C.B.I

RLS 341

RLS 341

1435

50'

EXPOSED GAS LINE

3.5' WOODEN  
BRIDGE

EXPOSED SEWER LINE

M.H.

Revised &  
Calculated

Mapped FP

Approx area  
of dirt pile

M.H.

1/2" IRON

P. O. Box 829  
3223 N. Hydraulic  
Wichita, KS 67201-0829  
Phone: 316-858-8106  
Fax: 316-832-1055

**BERRY COMPANIES,  
INC.**

File -  
Willard Garvey

# Fax

**To:** Steve Lackey **From:** Fred Berry

---

**Fax:** 337-9027 **Date:** January 15, 2002

---

**Phone:** [Click here and type phone number] **Pages:** 2

---

**Re:** Cloister-Garvey Issue **CC:** [Click here and type name]

---

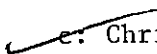
Urgent  For Review  Please Comment  Please Reply  Please Recycle

**•Comments:** Steve, here is the letter Willard's in-house lower sent us today. *We intend to respond,* and cannot believe that we do not have a legitimate concern about his filling in the flood plane above us. I will appreciate your opinion.

We will write Willard, but want to copy the appropriate State agency, with a personal name if possible. Could you please help us with that?

I will try you at the office early in the morning, before an 8:00 a.m. breakfast. I will then be in the office, and will check in with your office.

Thanks, Fred

 e. Chris Carrier

JAN 15 '02 14:41 FLEESON, GOOING

TODD M. CONNELL, ATTORNEY  
SUITE 900 • 300 WEST DOUGLAS • WICHITA, KANSAS 67202 • (316) 261-5369 • FAX (316) 261-5336

January 14, 2002

Mr. Willard Thompson  
Cloisters Homeowners Association  
8907 E. Douglas Avenue  
Wichita, KS 67207

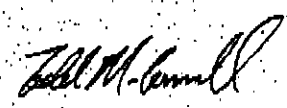
Dear Mr. Thompson:

I apologize for my delay in responding to your inquiry regarding the dirt piles. Mitch Mitchell has informed me that there are no permits required from the state. The city will approve a development permit which allows the dirt to be spread in the location of the piles to a depth of no more than two feet. The work will be performed within those guidelines in the near future. The city will, of course, monitor the work.

It is my understanding that the city has been in contact with Mr. Berry regarding this matter.

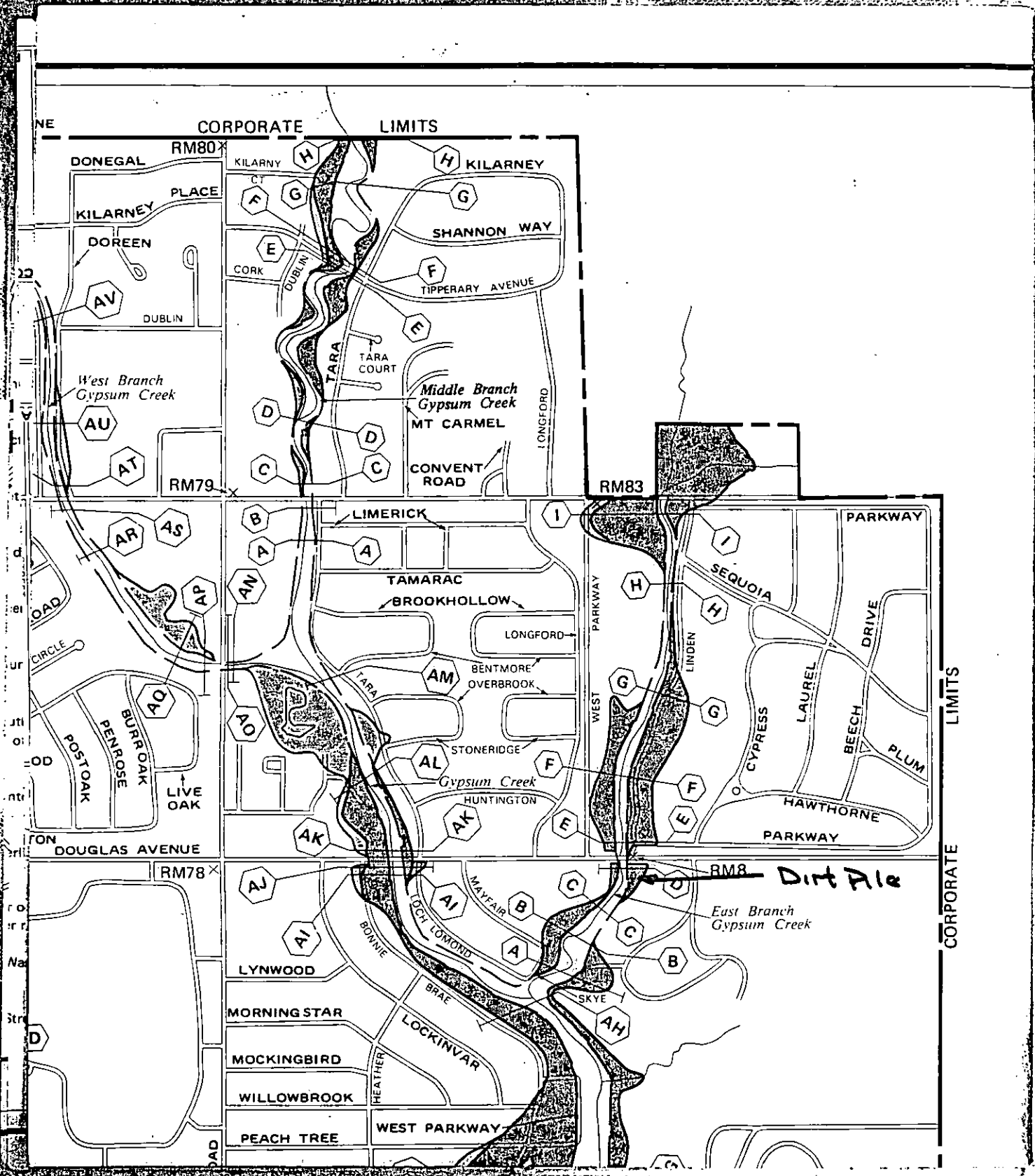
If you have any questions, please give me a call.

Sincerely,



Todd M. Connell

TMC:tw



CORPORATE LIMITS

CORPORATE LIMITS

Dirt Ale

RM80

RM79

RM83

RM78

RM8

DONEGAL

KILARNY

KILARNEY

KILARNEY PLACE

CORK

SHANNON WAY

DOREEN

DUBLIN

TIPPERARY AVENUE

DUBLIN

TARA

TARA COURT

Middle Branch Gypsum Creek

MT CARMEL

CONVENT ROAD

LONGFORD

LIMERICK

TAMARAC

BROOKHOLLOW

LONGFORD

BENTMORE OVERBROOK

STONERIDGE

Gypsum Creek

HUNTINGTON

SEQUOIA

LINDEN

CYPRESS

LAUREL

BEECH

PLUM

HAWTHORNE

PARKWAY

CIRCLE

POSTOAK

BURROCK

PENROSE

LIVE OAK

DOUGLAS AVENUE

LYNWOOD

MORNING STAR

MOCKINGBIRD

WILLOWBROOK

PEACH TREE

LOCKINVAR

WEST PARKWAY

MAYFAIR

TECH

TOMOND

BONNIE

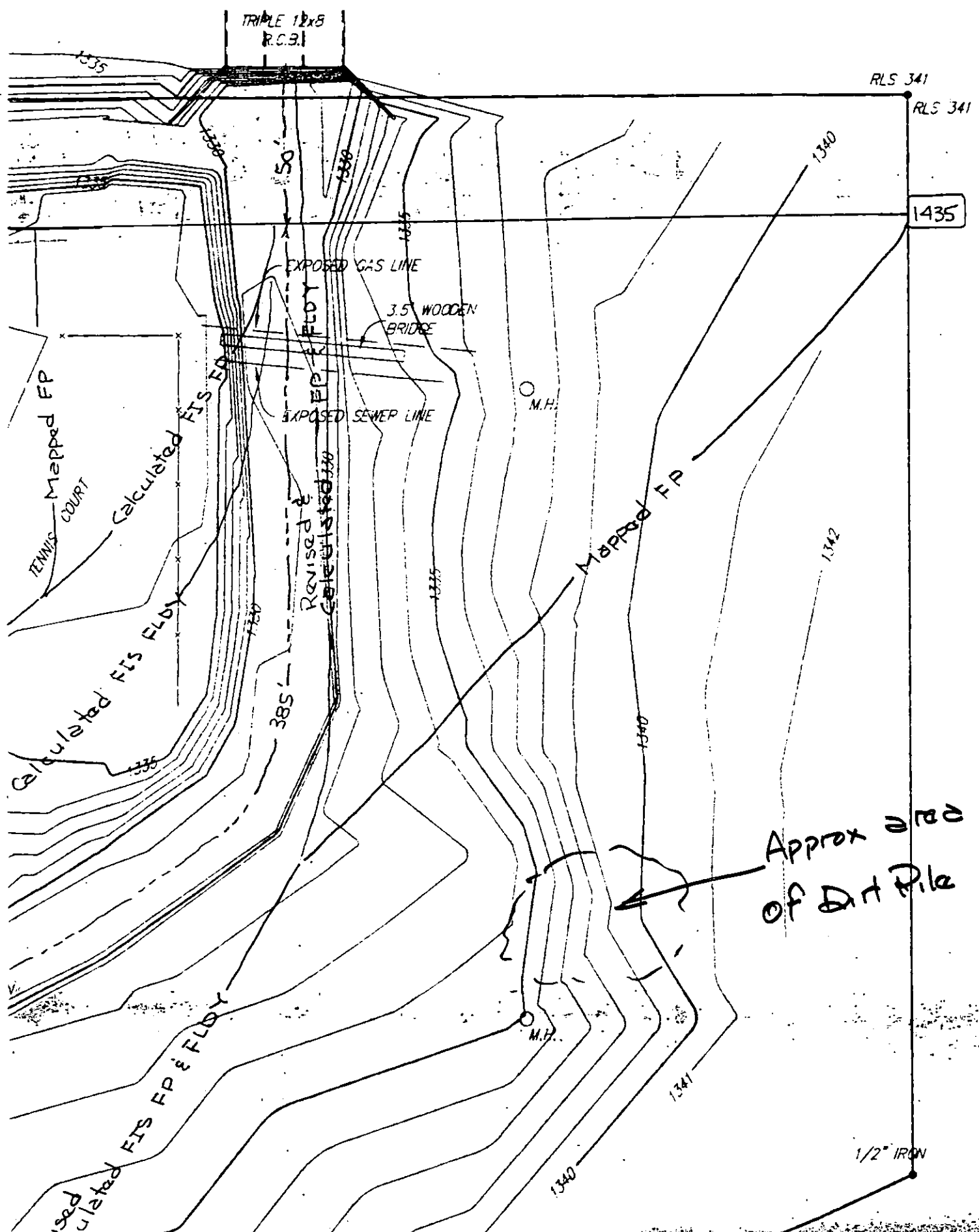
BRAE

HEATHER

SKYE

PARKWAY

East Branch Gypsum Creek



TRIPLE 12x8  
R.C.B.

RLS 341  
RLS 341

1435

EXPOSED GAS LINE

3.5' WOODEN  
BRIDGE

EXPOSED SEWER LINE

M.H.

TENNIS  
COURT

Calculated FIS FLO

Revised &  
Calculated FIS FLO

Mapped FP

Approx area  
of dirt pile

1/2" IRON

Calculated FIS FLO

Calculated FIS FP & FLO

M.H.



DIRT PILE EAST OF EAST BRANCH GYP CREEK



DIRT PILE EAST OF EAST BRANCH GYP CREEK



DIRT PILE LOOKING WEST FROM CLOISTERS DRIVE



DIRT PILE LOOKING TOWARD CLOISTERS DRIVE



DIRT PILE LOOKING TOWARD CLOISTERS DRIVE



DIRT PILE LOOKING TOWARD CLOISTERS DRIVE

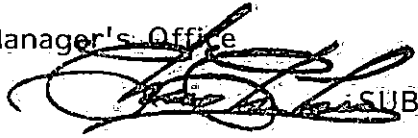


THE CITY OF WICHITA

DATE: June 5, 1986

TO: Steve Lackey

FROM: City Manager's Office



SUBJECT: Independent School  
8301 East Douglas

Attached is a copy of a letter from Lawrence Wells regarding a concern of his client, Mrs. Jean Garvey.

According to the letter, the problem they are concerned about is the relocation of the "jungle gym" as shown in the attached photo.

A request has been made for a meeting, to discuss this matter, with the City Manager, to include Mr. Wells and Mrs. Garvey.

Please hold off on the removal of the "jungle gym" until we can view the site and meet with Mr. Wells and Mrs. Garvey.

I will have Margo call you when a date and time has been set for this meeting.

CC: mp  
Attachment  
cc: John Dekker w/a

*Who gets this?*

*6*  
*File - Willard Garvey*

*Sawyer: Ed Leamed*

**RECEIVED**  
JUN 5 1986  
DEPT. OF OPERATIONS  
& MAINTENANCE

**LAWRENCE E. WELLS**

*Architect*

254 LAURA - SUITE 205  
WICHITA, KANSAS 67211  
PHONE (316) 262-3649

Office of the City Manager	
<input type="checkbox"/> CEC _____	<input type="checkbox"/> SH _____
<input type="checkbox"/> RGF _____	<input type="checkbox"/> JA _____
<input type="checkbox"/> RT _____	<input type="checkbox"/> _____
JUN 4 1986	
<input type="checkbox"/> Copies To _____	
<input type="checkbox"/> Send To _____	
<input type="checkbox"/> File _____	

4 June 1986

Mr. Chris Cherches, City Manager  
City of Wichita  
13th Floor, City Building  
455 No. Main Street  
Wichita, KS 67202

Re: Independent School  
8301 E. Douglas

Dear Mr. Cherches:

Please review this letter received by a client of mine, Mrs. Jean Garvey. As you will see the contents are cold and harsh and extreme.

I must admit that I have mixed emotions in this matter. I believe that I see and understand the legalistic right of the City of Wichita to request (demand) the removal of the "jungle-gym" that has been installed on a drainage easement. I can also see the humanistic side of the situation which indicates to me that somewhere there is a miscarriage of justice and fairness.

Quickly in review. The Garveys originally dedicated a drainage channel to the City. Later, to get a replat they gave an additional easement to service the drainage channel. This "jungle gym" was relocated from their previous school location and installed without full realization that there was a problem. Both Mrs. Garvey and I have been in conversation with Mr. Rath and Mr. Jennings at various times on the situation. Mrs. Garvey had indicated to Mr. Rath that she would relocate the equipment. She had a crew come out to move the equipment, but found it so solidly installed that they could not relocate it without getting large and heavy equipment. The relocation was then abandoned. Mrs. Garvey was and is frustrated.

Attached is a photograph taken from the Douglas Avenue bridge that shows the "jungle gym location." I just do not agree with the concept that this installation is in the road of City Maintenance crews. I hope this photo and letter will give you enough interest to agree to the request outlined below.

Please set up a time when Mrs. Garvey and I can come to your office and visit with you on this matter. I have a series of pictures that show the complete installation from different perspectives. I also have plats and drawings to assist in a discussion. As the time is short, please indicate an expression of your consent to meet as soon as possible. And, in the meantime, please call off the removal plans until we can meet and realistically discuss this matter. Please help us in this problem which I feel has been caused by putting aside basic common sense, sound reasoning and justice. For your information, I have not tried to appeal to Mr. Rath or Mr. Jennings. They both have tried to be understanding, but seem to feel that there is no other way but "to follow the book."

Sincerely,

*Lawrence E. Wells*  
Lawrence E. Wells, Architect

LEW:iw  
Attachment: Photo  
cc: Jean Garvey

# THE CITY OF WICHITA



DEPARTMENT OF  
OPERATIONS AND MAINTENANCE  
ENVIRONMENTAL MAINTENANCE DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4597

June 2, 1986

Ms. Jean K. Garvey  
The Independent School  
8301 E. Douglas  
Wichita, Kansas 67207

Dear Ms. Garvey:

On June 2, 1986 I observed that the "jungle-gym" located within the drainage easement had not been moved. This is a violation of the platting requirements and my letter to you dated February 6, 1986. It is also contrary to the message you left on May 16, that you would start moving the equipment on Monday afternoon, May 19, 1986.

Be advised that you have 10 days from the date of this letter to remove the "jungle-gym" from the drainage easement or the City will remove it and charge you for the expense of removal.

If you have any questions, please contact me.

Sincerely,

Gene Rath, P.E.  
Environmental Maintenance  
Engineer

cc: Bob Jennings, Flood Control/Landfill Supervisor

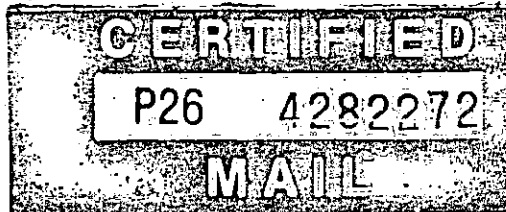
THE CITY OF WICHITA RETURN RECEIPT  
REQUESTED

DEPARTMENT OF  
OPERATIONS AND MAINTENANCE  
ENVIRONMENTAL MAINTENANCE DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

668853

HOLD

DATE



Ms. Jean K. Garvey  
The Independent School  
8301 E. Douglas



















STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Jamie Clover Adams, Secretary of Agriculture  
109 SW 9th Street  
Topeka, Kansas 66612-1280  
(785) 296-3558  
FAX: (785) 296-8389



Division of Water Resources  
David L. Pope, Chief Engineer  
109 SW 9th Street, 2nd Floor  
Topeka, KS 66612-1283  
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

October 31, 2000

FLOOD PLAIN MANAGEMENT &  
LAND DEVELOPMENT SPECIALISTS INC  
C/O M S MITCHELL  
1215 FOREST  
WICHITA KS 67203

Re: Permit Determination  
Channel Change  
East Branch Gypsum Creek  
WSN: CSG-0192-Z

Dear Mr. Mitchell:

You recently requested a determination of whether an approval or permit would be required from this office for a project located in the East Branch of Gypsum Creek, more particularly described as being located at 8801 East Douglas Avenue, Wichita, Kansas. The project as described by you involves excavating silt from the creek bottom, pond and outlet channel and placing the excavated material outside of the floodplain boundary.

The project has been reviewed against the requirements of the Obstruction in Streams Act, K.S.A. 82a-301 to 305a and the Levee Law, K.S.A. 24-126. The review has determined that an **approval or permit will not be required** under the Obstructions in Stream Act, *if the project is limited to excavating only the accumulated silt, which would restore the stream channel to its original cross section.* Furthermore, an **approval of plans for a floodplain fill will not be required** under the Levee Law, *if the material is placed outside of the defined floodplain boundary.*

If you have any further questions about this letter or the proposed activity, please feel free to contact me at the address on this letterhead, or by telephone at (785) 296-2513.

Sincerely,

RECEIVED *Eugene J. Morgenthaler*  
NOV 02 2000 Eugene J. Morgenthaler  
Water Structures Section

EJM  
pc: City of Wichita, Floodplain Administrator  
Willard Garvey

Chris Carrier

**Schroeder, Kurt**

---

**From:** Schroeder, Kurt  
**Sent:** Tuesday, September 26, 2000 7:51 AM  
**To:** Lackey, Stephen ; Carrier, Christopher  
**Subject:** RE: Garvey and Independent School Excavation  
**Sensitivity:** Private

His proposal just indicates that the excavated dirt will be placed outside the flood plain.

-----Original Message-----

**From:** Lackey, Stephen  
**Sent:** Tuesday, September 26, 2000 7:49 AM  
**To:** Schroeder, Kurt ; Carrier, Christopher  
**Subject:** RE: Garvey and Independent School Excavation  
**Sensitivity:** Private

What are the planning to do with the spoil?

-----Original Message-----

**From:** Schroeder, Kurt  
**Sent:** Tuesday, September 26, 2000 7:48 AM  
**To:** Lackey, Stephen ; Carrier, Christopher  
**Cc:** Cherches, Chris  
**Subject:** Garvey and Independent School Excavation  
**Sensitivity:** Private

M:S. Mitchell told us last week that he had been contacted by Garvey about the City's stop-work order on Garvey's excavation of the East Branch of Gypsum Creek, east of Independent School and just west of the Cloisters. Yesterday, Mitchell picked up a flood plain development permit application from OCI, turned in the initial application with a project cover letter, and told us he was going to take the proposed project to DWR for their consideration/approval. Per Mitchell's proposal, Garvey just wants to clean out silt deposits in the bottom of the creek, an "off-channel" pond and in the man-made channel which connects the pond to the creek.

I'll send you a copy of what Mitchell submitted yesterday.

RECEIVED :  
SEP 28 2000

Blessed  
Sac

## PROJECT DESCRIPTION

Willard Garvey, owner of the land south of Douglas Avenue and either side of the East Branch of Gypsum Creek wants to clean out silt deposits in the bottom of the Creek, an 'off-channel' pond and the man-made channel which connects the pond to the Creek.

That work began without first having obtained a Development Permit from the Office of Central Inspection-City of Wichita, without checking with the Stormwater Utility about the impact of the work on the rights of the City with respect to a platted drainage easement along the Creek, and without a determination by the Water Structures Section of the Division of Water Resources, Kansas Department of Agriculture.

## PROGRESS TO DATE

Work began on the East Branch of Gypsum immediately upstream from the concrete weir (pre-dates the FIRM) and consisted of using a backhoe to dip silt deposits from the bottom of the Creek and piling them on the left bank of the Creek adjacent to the excavation.

Neighbors complained and the OCI issued a Stop Work Notice on September 1.

## PROPOSED ACTIONS

Enclosed with this memorandum is a City of Wichita Development Form filled out to request approval of excavation of a portion of the East Branch of Gypsum Creek upstream from the concrete weir, excavation and reshaping of the outlet channel from the pond, and excavation of the bottom of the pond. Part of the work is located in a designated Regulatory Floodway; however the material excavated from the Creek will be permanently placed outside the Floodplain, and will have no effect on the Base Flood profile. No structures are planned.

A request is being made to the Stormwater Engineer for approval of the Proposed Work with the requirement that material excavated from the Creek, channel and pond be permanently placed outside the Floodplain boundary, on property owned by Garvey.

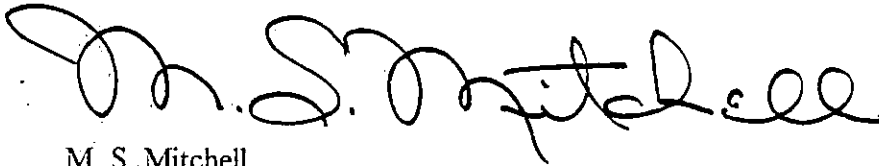
A copy of this report is being sent to the Water Structures Program Manager of DWR with a request that he provide a letter advising that the Proposed Work does not require a permit under K.S.A. 82a-301 to 305a, the Obstructions to Streams Act.

A request has been made to the State Conservationist's Office for assistance and advice on a proposed 'Bio-Engineering' project by students of Independent School to protect the banks of the outlet channel and pond from erosion after the Proposed Work is completed.

## SUPPORTING MATERIALS

An excerpt from a topographic work map I prepared in connection with a hydraulic analysis of conditions along East Branch of Gypsum Creek in 1996 is provided on which is shown the location and direction of photographs of the Proposed Work areas. Also, on that map are notations for the areas where excavation is being proposed and areas where the excavated material will be permanently placed.

Prints of the photographs with descriptions of their location and view are provided.

A handwritten signature in black ink, appearing to read "M. S. Mitchell". The signature is written in a cursive style with large, sweeping loops.

M. S. Mitchell

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Permit/Application # \_\_\_\_\_ Date 9/22/2000

1. Name of Applicant Willard Garvey/Agent M.S. Mitchell

2. Address of Development Site 8801 East Douglas

3. Type of Development

Filling  Grading \_\_\_\_\_ Excavation  New Construction \_\_\_\_\_

Minor Improvement \_\_\_\_\_ Substantial Improvement \_\_\_\_\_ New Const. \_\_\_\_\_

(If Applicable)

Pre-improvement Value of Structure \_\_\_\_\_ Cost of Improvement \_\_\_\_\_

4. Description of Development Excavate silt from bottom of Creek, pond & outlet channel. Place excavated material outside flood plain boundary

Property located in a designated Floodway? Yes  Part No \_\_\_\_\_

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.

6. Property located in a designated Floodway Fringe? Yes  Part No \_\_\_\_\_

a) Elevation of the Base (100-Year) Flood 1330

MSL/NGVD

b) Elevation/floodproofing Not Applicable

MSL/NGVD

c) Elevation of the proposed development site (if known) Varies MSL/NGVD

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NONRESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION.

(Continuation on Page 2 of 2)

Source of Base Flood Elevation Data if not available on FIRM. \_\_\_\_\_

Panel number of FIRM 30 B

Other permits required?

Corps of Engineers 404 Permit: Yes \_\_\_\_\_ No X

State Permit: Yes \_\_\_\_\_ No X

Local Levee District: Yes \_\_\_\_\_ No X

Local Drainage District: Yes \_\_\_\_\_ No X

Other: \_\_\_\_\_

All provisions of the community of City of Wichita, Flood Damage Prevention Ordinance (Ordinance Number Title 27), shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this \_\_\_\_\_ Day of \_\_\_\_\_,

SIGNATURE OF OWNER: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF CONTRACTOR: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF DEVELOPER: \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_  
AUTHORIZING OFFICIAL DATE \_\_\_\_\_

INSTRUCTIONS FOR COMPLETION:

- \* COMMUNITY OFFICIAL PROVIDES THIS INFORMATION
- \*\* DEVELOPER/CONTRACTOR/OWNER PROVIDES THIS INFORMATION

- |              |                                 |
|--------------|---------------------------------|
| #1 <u>**</u> | #5 <u>*</u>                     |
| #2 <u>**</u> | #6 <u>* a) &amp; b) / ** c)</u> |
| #3 <u>**</u> | #7 <u>*</u>                     |
| #4 <u>**</u> | #8 <u>* / **</u>                |

**This building located at**

is in violation of the provisions of the  
the City of Wichita, Ks.

**STOP WORK**

**BUILDING**

**This building**

and not occupied until

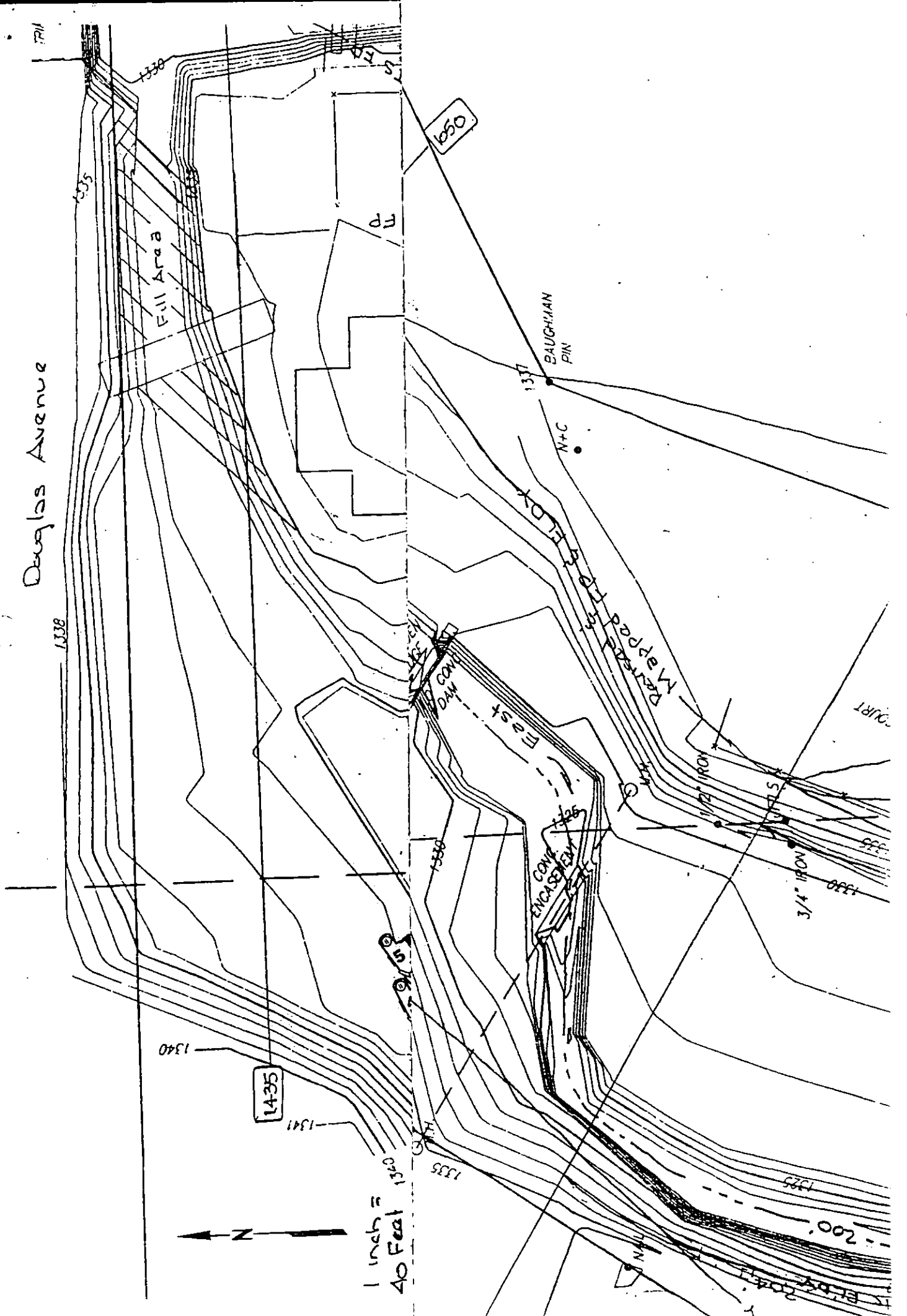
Placard Issued By

Central Inspection  
435 North Main

345-027

DIVISION  
PHONE 268

Douglas Avenue



Full Area

FD

1650

BAUGHMAN PIN

N+C

CONCRETE DAM

ENCASEMENT

Marpad

1/2" IRON

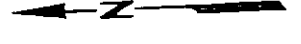
3/4" IRON

1340

1425

1341

1 inch = 40 Feet



1335

1330

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1711

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1333

1332

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1305

1304

200'

1/2" IRON

1/4" IRON

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1/4" IRON

1/2" IRON

Douglas Avenue

1338

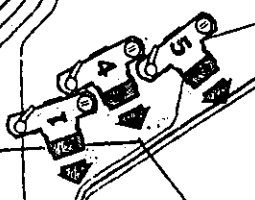
1335

Fill Area

1435



1050



BUILDING

TENNIS COURT

Excavate

Excavate

Fill Area

Don't

Calculated & Mapped Bottom

Calculated FIS FP

Calculated FIS FLOY

1340

1337

1339

1338

1337

1339

1338

1337

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1337

1339

1338

1337

Channel

HOUSE

FIS FP

Calculated FIS FP

Calculated FIS FLOY

Excavate Creek Bed

Gypsum

Mapped & Revised Calculated FIS FP & FLOY

3/4" IRON

300' Branch

3/4" IRON

1335

1338

1337

WOODEN BRIDGE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

CONCRETE

3/4" IRON

1338

1337

COURT

BAUGHMAN PIN

N+C

1050

1335

1337

1339

1338



## PROJECT DESCRIPTION

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## PROGRESS TO DATE

Work began on the East Branch of Gypsum immediately upstream from the concrete weir (pre-dates the FIRM) and consisted of using a backhoe to dip silt deposits from the bottom of the Creek and piling them on the left bank of the Creek adjacent to the excavation.

Neighbors complained and the OCI issued a Stop Work Notice on September 1.

## PROPOSED ACTIONS

Enclosed with this memorandum is a City of Wichita Development Form filled out to request approval of excavation of a portion of the East Branch of Gypsum Creek upstream from the concrete weir, excavation and reshaping of the outlet channel from the pond, and excavation of the bottom of the pond. Part of the work is located in a designated Regulatory Floodway; however the material excavated from the Creek will be permanently placed outside the Floodplain, and will have no effect on the Base Flood profile. No structures are planned.

A request is being made to the Stormwater Engineer for approval of the Proposed Work with the requirement that material excavated from the Creek, channel and pond be permanently placed outside the Floodplain boundary, on property owned by Garvey.

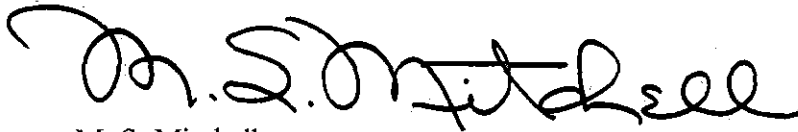
A copy of this report is being sent to the Water Structures Program Manager of DWR with a request that he provide a letter advising that the Proposed Work does not require a permit under K.S.A. 82a-301 to 305a, the Obstructions to Streams Act.

A request has been made to the State Conservationist's Office for assistance and advice on a proposed 'Bio-Engineering' project by students of Independent School to protect the banks of the outlet channel and pond from erosion after the Proposed Work is completed.

## SUPPORTING MATERIALS

An excerpt from a topographic work map I prepared in connection with a hydraulic analysis of conditions along East Branch of Gypsum Creek in 1996 is provided on which is shown the location and direction of photographs of the Proposed Work areas. Also, on that map are notations for the areas where excavation is being proposed and areas where the excavated material will be permanently placed.

Prints of the photographs with descriptions of their location and view are provided.

A handwritten signature in black ink, appearing to read "M. S. Mitchell". The signature is written in a cursive, flowing style with some loops and flourishes.

M. S. Mitchell

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Permit/Application # \_\_\_\_\_ Date 9/22/2000

1. Name of Applicant Willard Garvey / Agent M.S. Mitchell

2. Address of Development Site 3801 East Douglas

3. Type of Development

Filling  Grading \_\_\_\_\_ Excavation  New Construction \_\_\_\_\_

Minor Improvement \_\_\_\_\_ Substantial Improvement \_\_\_\_\_ New Const. \_\_\_\_\_

(If Applicable)

Pre-improvement Value of Structure \_\_\_\_\_ Cost of Improvement \_\_\_\_\_

4. Description of Development Excavate silt from bottom of Creek, pond & outlet channel. Place excavated material outside floodplain boundary

Property located in a designated Floodway? Yes  Part No \_\_\_\_\_

IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE FLOOD (100-YEAR) ELEVATION.

6. Property located in a designated Floodway Fringe? Yes  Part No \_\_\_\_\_

a) Elevation of the Base (100-Year) Flood 1330

MSL/NGVD

b) Elevation/floodproofing Not Applicable

MSL/NGVD

c) Elevation of the proposed development site (if known) Varies MSL/NGVD

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NONRESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED NOT LESS THAN 1 FOOT ABOVE THE BASE FLOOD ELEVATION.

(Continuation on Page 2 of 2)

Source of Base Flood Elevation Data if not available on FIRM. \_\_\_\_\_

Panel number of FIRM 30 B

Other permits required?

Corps of Engineers 404 Permit: Yes \_\_\_\_\_ No X

State Permit: Yes \_\_\_\_\_ No X

Local Levee District: Yes \_\_\_\_\_ No X

Local Drainage District: Yes \_\_\_\_\_ No X

Other: \_\_\_\_\_

All provisions of the community of City of Wichita, Flood Damage Prevention Ordinance (Ordinance Number Act 27), shall be complied with.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Plans and Specifications Approved this \_\_\_\_\_ Day of \_\_\_\_\_,

SIGNATURE OF OWNER: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF CONTRACTOR: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF DEVELOPER: \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_  
AUTHORIZING OFFICIAL DATE \_\_\_\_\_

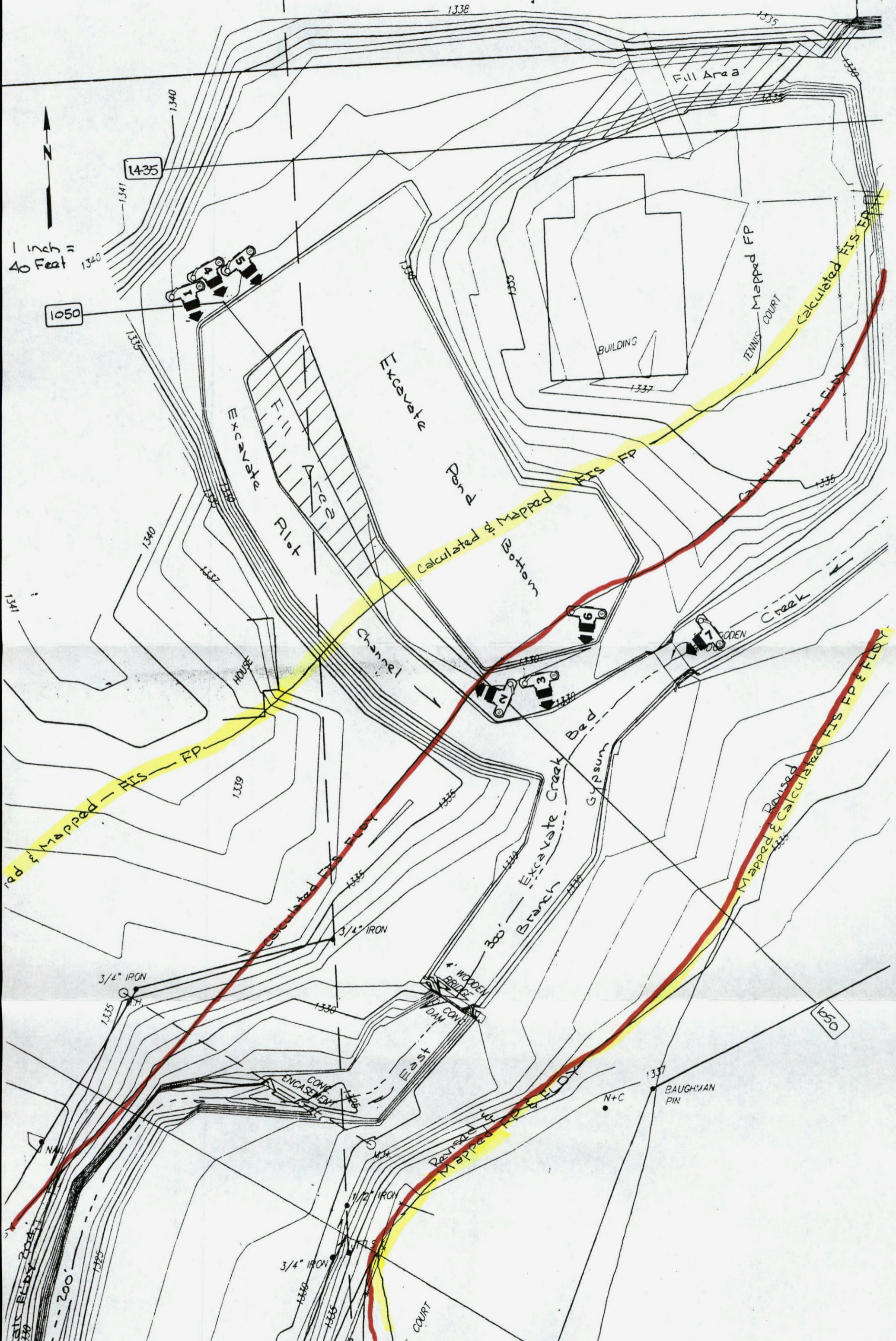
INSTRUCTIONS FOR COMPLETION:

- \* COMMUNITY OFFICIAL PROVIDES THIS INFORMATION
- \*\* DEVELOPER/CONTRACTOR/OWNER PROVIDES THIS INFORMATION

- |              |                                 |
|--------------|---------------------------------|
| #1 <u>**</u> | #5 <u>*</u>                     |
| #2 <u>**</u> | #6 <u>* a) &amp; b) / ** c)</u> |
| #3 <u>**</u> | #7 <u>*</u>                     |
| #4 <u>**</u> | #8 <u>* / **</u>                |

Douglas Avenue

TR11



1050

1435

1338

1335

1338

Fill Area

1340

1341

1340

1335

1338

1335

1337

1336

Excavate  
Fill Area  
Pilot

Excavate

Pond

Calculated of Mapped  
Bottom

TENNIS MAPPED FP

Calculated FIS FP

1340

1337

Channel

HOUSE

1339

1338

1338

WOODEN

Creek

Bed

Excavate Creek

Gypsum

30' Branch

3/4" IRON

3/4" IRON

1335

1336

WOODEN BRIDGE  
DAM

1336

East

CONCRETE ENCASUREMENT

1335

1335

1/2" IRON

3/4" IRON

1340

1335

COURT

1337

N+C

BAUGHMAN PIN

1050

200'  
200'  
200'

1335

1335

1335

200'

200'

200'



1. VIEW OF POND OUTLET CHANNEL  
LOOKING DOWNSTREAM



2. VIEW OF POND OUTLET CHANNEL  
LOOKING UPSTREAM



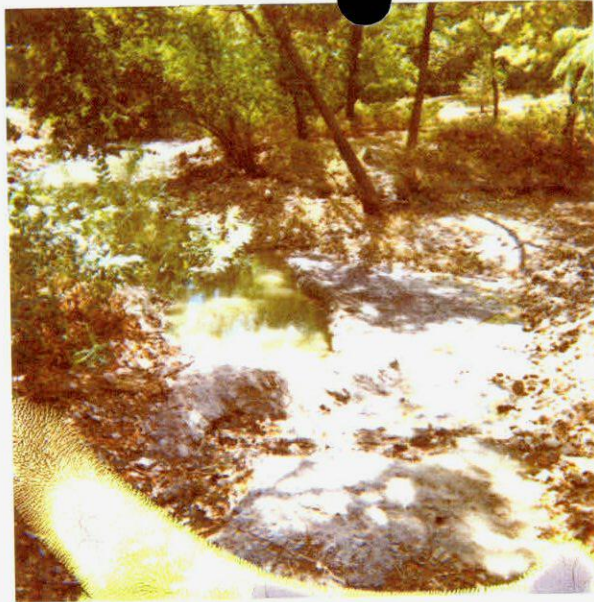
3. VIEW OF POND OUTLET CHANNEL  
LOOKING DOWNSTREAM AT  
CONFLUENCE WITH EAST BRANCH  
OF GYPSUM CREEK



5. VIEW IS WEST SIDE OF POND  
LOOKING SOUTH



4. VIEW IS PENINSULA BETWEEN  
POND AND OUTLET CHANNEL



6. VIEW IS RECENT EXCAVATION  
OF EAST BRANCH OF GYPSUM  
CREEK WITH POND OUTLET  
CHANNEL ON RIGHT



7. VIEW IS RECENT EXCAVATION  
OF EAST BRANCH OF GYPSUM  
CREEK AT CONFLUENCE WITH  
POND OUTLET CHANNEL