

CITY OF WICHITA

DEPARTMENT OF  
PUBLIC WORKS  
STORM WATER MANAGEMENT DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4498

April 20, 1998

Mr. Robert E. Buss  
Riggs Abney Neal Turpen Orison & Lewis  
502 West 6th Street  
Tulsa, OK 74119-1010

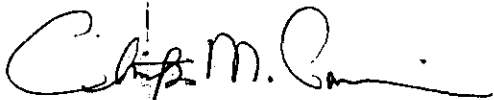
RE: Vacation of Flood Control Easement  
Crown Chase Apartments

Dear Mr. Buss:

Enclosed, for your records, is the receipt for the \$300 check for the filing fee on the above referenced matter. For your information, this application was taken to the Metropolitan Area Planning Commission Office on Friday April 17, 1998.

If you have any questions, please let me know.

Sincerely,



Christopher M. Carrier, P.E.  
Storm Water Engineer

CMC:ms  
Enclosure



CUSTOMER RECEIPT

Flood control

\$300.00

DESCRIPTION: Vacation easement AMOUNT DUE: \_\_\_\_\_

REVENUE CODE: 300210 SUB-OBJECT CODE: 9024

CUSTOMER NAME: Riggs Arney Neal PHONE NO.: 918 587 3161

ADDRESS: Turner OBpson + Lewis  
502 W 6th ST, TULSA OK 74119-1010  
STREET CITY STATE ZIP CODE

STAFF PERSON: J. Estrada

DATE: 4-17-98

PLEASE MAKE CHECK PAYABLE TO: City of Wichita  
MAIL REMITTANCE TO: Wichita-Sedgwick County  
Metropolitan Area Planning Department  
Tenth Floor, City Hall  
455 North Main  
Wichita, KS 67202  
BILL PAYABLE WITHIN 30 DAYS OF RECEIPT. THANK YOU.

WHITE - Customer  
YELLOW - Express Office  
PINK - Treasury  
GOLDENROD - Office

CG95137-01

CITY OF WICHITA  
04-17-98 13:39:27  
99999999999  
MISCELLANEOUS PAYMENT  
TERMINAL ID R0  
PAYMENTS  
NAPD7885  
TOTAL PAYMENTS: 300.00  
AMOUNT RECEIVED: 300.00  
CHANGE:

# RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

FRISCO BUILDING

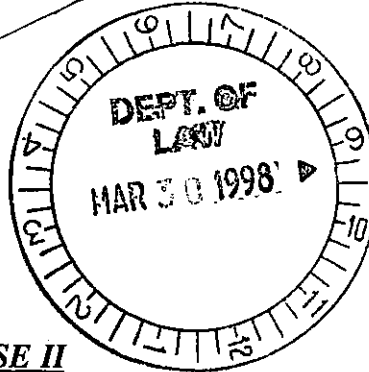
502 WEST SIXTH STREET

TULSA, OKLAHOMA 74119-1010

(918) 587-3161

FAX (918) 587-9708

March 26, 1998



JACK R. ANDERSON  
ADRIENNE H. BENAVIDEZ\*  
ANGELA G. BERKOWITZ  
DONALD M. BINGHAM  
CASEY L. BLACKWELDER\*  
CHRISTINA M. BRAY  
H. JAMES BRIGGS  
E. ROBERT BUSS\*\*  
CHRISTOPHER L. COYLE  
DEBORAH R. DAWSON  
ARTHUR T. DIMEO\*  
JANET S. DUMONT  
GEORGE M. EMERSON  
F. ANDREW FUGITT  
RICHARD A. GANN  
ANTHONY J. GARCIA\*\*\*  
RICHARD T. GARREN  
D. SHARON GENTRY  
MELVIN C. HALL  
WILLIAM T. HEARNEA  
CORNELIUS R. JOHNSON  
JENNIFER K. JOHNSON\*  
J. ERIC JONES  
STACEY M. KIRK

SCOTT P. KIRTLEY  
DAVID M. KNOLL\*  
KAREN E. LANGDON  
JOSEPH P. LENNART  
C.S. LEWIS, III  
MARY JEAN LITTLE  
JOHN D. LUTON  
PATRICK SEAMUS MCBRIDE\*  
JANET G. MALLOW  
SHIRLEY ANN MARZAN  
JEFFREY W. MAYO  
RICHARD A. MILDREN  
J. LYON MOREHEAD  
JANICE LOGAN MORROW  
ROBERT A. NANCE  
CATHERINE NAPIER  
GARY L. NEAL  
MARK L. NELMS  
JAMES C. ORBISON  
NICOLE M. PETERS  
JAMES R. POLAN\*\*  
RICHARD P. POORMON\*\*  
VICTORIA L. RACKLEY  
FRED RAHAL, JR.

BONNIE M. RICHARDSON  
LISA R. RIGGS\*  
M. DAVID RIGGS  
STEPHEN B. RILEY  
MATTHEW J. ROTH\*  
GRETCHEN M. SCHILLING  
MARK W. SCHILLING  
TED SHERWOOD  
KENNETH M. SMITH  
CHARLOTTE M. STACY\*\*  
JOHN P. STAPIRA  
BEVERLY A. STEWART  
WILLIAM P. STROUT  
STEPHANIE L. THEBAN  
HARLEY W. THOMAS  
MICHELLE A. THOMAS\*\*  
SHELLEY B. THOMAS  
R. SCOTT THOMPSON\*  
REX W. THOMPSON  
CHRISTOPHER L. TURESON\*  
MICHAEL C. TURPEN  
LINDA VAN ARKEL-GREUBEL  
KAREN CARDEN WALSH  
GARY L. WATTS

BRIAN S. WILKERSON  
DANNY C. WILLIAMS  
DOUGLAS A. WILSON  
  
OF COUNSEL  
BENJAMIN P. ABNEY  
C. PETER GOPLERUD, III\*  
E. BRYAN HENSON

Licensed in:  
\*\*Arkansas and Oklahoma  
\*California  
\*Colorado  
\*District of Columbia  
\*Kansas  
\*Maryland and Oklahoma  
\*\*Missouri and Oklahoma  
\*Minnesota and Oklahoma  
\*\*New Mexico  
\*\*New Mexico and Oklahoma  
\*New York  
\*\*New York and Oklahoma

Mr. Randall C. Luce  
Entrepreneurial Properties Corp.  
3400 Central Avenue, Suite 325  
Riverside, California 92506

RE: CROWN CHASE PHASE II

Dear Randy:

Enclosed you will find the following original documents for execution:

1. Two (2) Assignment of Contract of Purchase and Sale.
2. Two (2) Amendment of Contract of Purchase and Sale.
3. Three (3) Easement Agreements.
4. One (1) Declaration of Easement.

After signing the documents, please send one original Assignment and Amendment to me for further delivery.

All original Easement Agreements and the Declaration of Easement need to be sent to the City of Wichita in the enclosed prepaid overnight mailer. The City of Wichita will vote on the Easement Agreement and Declaration of Easement next Monday.

Call me if you have any questions.

Very truly yours,

E. Robert Buss  
FOR THE FIRM

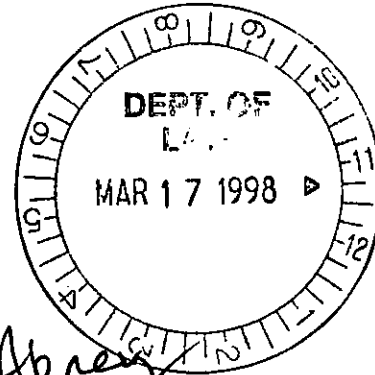
ERB/mjh  
Enclosure  
cc: Doug Moshier, Esq., w/o enc.

THE CITY OF WICHITA

WIT

4-5

DEPARTMENT OF  
PUBLIC WORKS  
STORM WATER MANAGEMENT DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4498



March 11, 1998

Mr. Ron E. Ross, P.E., President  
Ross Engineering Inc.  
645 "M" Street, Suite 201  
Lincoln, NE 68508

*Ruggis, Abney*

*Ph 918 587 - 3161*

*Bob Buss*

RE: Crown Chase Apartments - Phase II

Dear Mr. Ross:

*Fax*

*918-584-1603*

This is written in response to you February 11, 1998, letter concerning the use of the western 33 feet of an existing flood control easement for fill and parking lot purposes. As I understand your proposal, you will fill the west side of the existing levee to within approximately 1.5 feet of its top. Additionally, you will widen the top of levee from its present 12-14 foot width to a 20 foot width. Once all of this is completed, parking lots will be installed on the newly filled ground to approximately the edge of the top of levee location.

In reviewing your proposal, we feel that the width of the existing flood control easement can be adjusted since you are filling the west side of the levee and will provide us with ample emergency access to the drainage ditches by widening the area that is now the top of the levee to a width of 20 feet. In return for a reduction in the easement width, we would like an ingress and egress easement through your parking lots that would lie immediately adjacent to the top of levee. Although I wouldn't anticipate the need to utilize the parking lot all that often, it might be necessary should we ever get a major blockage in the channels below. Additionally, I would like to know whether or not you plan to install any fencing along the east side of the parking lot. Landscaping of the area between the parking lot and the top of levee could become an issue years from now if trees are planted or any other landscaping is done that it would ultimately obstruct part of the top of levee area

Mr. Ron E. Ross

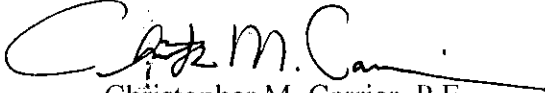
March 11, 1998

Page 2

Subsequent to a satisfactory resolution to the few items discussed in the paragraph above, I see no reason that the City could not reduce the width of the flood control easement as you have requested. If you still desire to pursue this option, I would suggest that your attorneys contact the City Attorney's Office concerning the preparation of the appropriate legal documents. Further, I believe that your surveyor should prepare a survey showing in detail the location of the new easement.

If you have any questions concerning the above, please let me know.

Sincerely,



Christopher M. Carrier, P.E.  
Storm Water Engineer

CMC:ms

cc: Steve Lackey, P.E., Director of Public Works  
Doug Moshier, Senior Assistant City Attorney  
Kurt Schroeder, Superintendent of Central Inspection  
Bob Jennings, Flood Control Supervisor

# City of Wichita



Office of the Law Department  
455 North Main Street  
Wichita, Kansas 67202-1635  
1-316-268-4681  
Fax: 1-316-268-4335

Date: 3/18/98  
To: Bob Buss  
Fax: (918) - 584 - 1603  
Sender: Doug Mashier

You should receive 2 Page(s), including this cover sheet. If you do not receive all the pages, please call 1-316-268-4681.

COMMENT:

\*\*\*\*\*  
*The information contained in this facsimile transmission is attorney PRIVILEGED AND CONFIDENTIAL and is intended for the sole use of the individual or entity named above. If you have received this transmission in error, please notify us by telephone immediately and return the original transmission to us by mail at the above address.*  
\*\*\*\*\*

CITY OF WICHITA, KANSAS

By \_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

\_\_\_\_\_  
Pat Burnett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

**RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS**

502 West Sixth Street  
Frisco Building

Tulsa, Oklahoma 74119-1010

Phone (918) 587-3161

Telefax (918) 584-1603

NAME	TELEFAX	TELEPHONE
TO: Doug Moshier - Legal Dept. City of Wichita	(316) 268-4335	
TO: Ron Ross - Ross Engineering	(402) 474-7678	
TO: Mike Case	<del>(602) 595-8871</del>	
TO:		

FROM: E. ROBERT BUSS Date/Time: March 23, 1998 Billing #:

Re: Crown Chase Phase II

Pages 5 Hard Copy      will X will not follow  
(including cover)

Doug:

I spoke with Chris Carrier and Ron Ross this morning and understand that sewer installation is subject to plans submitted by Ross to your utility department. As you requested, enclosed you will find a revised agreement omitting reference to sewer installation.

I will forward to you an original agreement and easement for next week's City Council agenda.

ERB\CAS\CROWN-C.AGR

**EASEMENT AGREEMENT**

*THIS EASEMENT AGREEMENT* is made and entered into this \_\_\_\_\_ day of March, 1998, by, between and among **FLOYD R. HARDESTY**, having a mailing address of 3500 Mid-Continent Tower, Tulsa, Oklahoma 74103 ("Owner"), **WATERFORD APARTMENTS, L.L.C.**, a Delaware limited liability company, having a mailing address of 4200 East Skelly Drive, Suite 800, Tulsa, Oklahoma 74135 ("Waterford"), and the **CITY OF WICHITA**, a municipal corporation, having a mailing address of 455 North Main Street, Wichita Kansas 67202 ("City").

**RECITALS**

*WHEREAS*, Owner is the owner of a tract of real property and premises situate in Sedgwick County, State of Kansas, described on *Exhibit "A"* attached hereto and made a part hereof (hereinafter called the "Waterford Property"); and

*WHEREAS*, Owner and Waterford have entered into that certain Contract of Purchase and Sale dated October 6, 1997, with respect to the purchase of the Waterford Property by Waterford from the Owner; and

*WHEREAS*, Waterford, upon purchasing the Waterford Property, shall construct a multi-family housing project on the Waterford Property and has requested from the City approval to construct parking spaces in that certain Flood Control Easement granted to the City and filed in the Office of the County Clerk, Book Misc 618, Page 124, Sedgwick County, Kansas (the "Flood Control Easement Area"), and lying within the Waterford Property; and

*WHEREAS*, City is responsible for inspecting and maintaining the Flood Control Easement Area and, as a condition to granting approval to Waterford to build such parking spaces and proceed with sewer installation on the Waterford Property before being granted a building permit, and as a condition to City vacating a portion of the Flood Control Easement Area (as described herein), City requires a vehicular and pedestrian access easement over that portion of the Waterford Property as more particularly, illustrated on *Exhibit "B"* (hereinafter called the "Levee Property"), attached hereto and made a part hereof, for purposes of insuring adequate vehicular and pedestrian access over the Levee Property to inspect and maintain the Flood Control Easement Area.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Owner shall grant City a private easement in the form of that certain Access Easement attached hereto and incorporated as *Exhibit "C"*, granting the City vehicular and pedestrian access over the Levee Property for purposes of inspecting and maintaining the Flood Control Easement Area.

2. Waterford shall fill, at Waterford's expense, the west side of the Levee Property to within 1.0 feet, more or less, of the top of the Levee Property, as more particularly illustrated on *Exhibit "B"*.
3. Waterford shall widen, at Waterford's expense, the top of the Levee Property from its present 12-14 foot width to a 20-foot width, as more particularly illustrated on *Exhibit "B"*.
4. Owner and Waterford agree not to construct a fence or place trees adjacent to the top of the Levee Property which will obstruct vehicular access thereto. Owner and/or Waterford may landscape the Levee Property so long as such landscaping does not restrict or impede vehicular access to the top of the Levee Property.

Once Waterford and Owner have satisfied, within the reasonable discretion of the City, conditions 1 through 3 above, the City shall be obligated to immediately file that certain Partial Vacation of Flood Control Easement in form as more particularly identified in *Exhibit "D"* attached hereto and made a part hereof. ~~Upon execution and delivery of this Agreement and its various attached exhibits, Waterford or its affiliates shall be issued sewer line, construction/building permits and shall proceed with sewer installation on the Waterford Property without further approval by the City.~~

This Agreement shall be binding on and inure to the benefit of the parties hereto, their successors and assigns. This Agreement may only be amended in writing and signed by Owner, Waterford and City. This Agreement may be executed in counterpart.

*IN WITNESS, WHEREOF*, the parties have executed this Agreement the date and year first above written.

**"OWNER"**

---

**FLOYD R. HARDESTY**

**"WATERFORD"**

**WATERFORD APARTMENTS, L.L.C.**  
a Delaware limited liability company

**BY ENTREPRENEURIAL MANAGEMENT CORPORATION**  
a California corporation  
its managing member

---

**RANDALL C. LUCE, President**

"CITY"

**CITY OF WICHITA, KANSAS**  
a municipal corporation

By

**BOB KNIGHT**, Mayor

Attest:

**PAT BURNETT**, City Clerk

Approved as to Form:

**GARY E. REBENSTORF**  
Director of Law

**RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS**

502 West Sixth Street  
Frisco Building

Tulsa, Oklahoma 74119-1010

Telefax (918) 584-1603

Phone (918) 587-3161

NAME	TELEFAX	TELEPHONE
TO: <u>Doug Moshier - Legal Dept. City of Wichita</u>	<u>(316) 268-4335</u>	
TO: <u>Ron Ross - Ross Engineering</u>	<u>(402) 474-7678</u>	
TO: _____	_____	_____
TO: _____	_____	_____

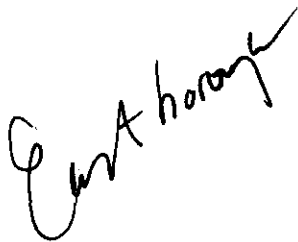
FROM: **E. ROBERT BUSS** Date/Time: March 19, 1998 Billing #:

Re: Crown Chase Phase II

Pages \_\_\_\_\_ Hard Copy \_\_\_\_\_ will  will not follow  
(including cover)

Doug:

For your review and comments, please find Easement Agreement and Declaration of Easement per our discussion.



ERBVCA\VCROWN-C.AGR

**EASEMENT AGREEMENT**

*THIS EASEMENT AGREEMENT* is made and entered into this \_\_\_\_\_ day of March, 1998, by, between and among **FLOYD R. HARDESTY**, having a mailing address of 3500 Mid-Continent Tower, Tulsa, Oklahoma 74103 ("Owner"), **WATERFORD APARTMENTS, L.L.C.**, a Delaware limited liability company, having a mailing address of 4200 East Skelly Drive, Suite 800, Tulsa, Oklahoma 74135 ("Waterford"), and the **CITY OF WICHITA**, a municipal corporation, having a mailing address of 455 North Main Street, Wichita Kansas 67202 ("City").

**RECITALS**

*WHEREAS*, Owner is the owner of a tract of real property and premises situate in Sedgwick County, State of Oklahoma, described on *Exhibit "A"* attached hereto and made a part hereof (hereinafter called the "Waterford Property"); and

*WHEREAS*, Owner and Waterford have entered into that certain Contract of Purchase and Sale dated October 6, 1997, with respect to the purchase of the Waterford Property by Waterford from the Owner; and

*WHEREAS*, Waterford, upon purchasing the Waterford Property, shall construct a multi-family housing project on the Waterford Property and has requested from the City approval to construct parking spaces in that certain Flood Control Easement granted to the City and filed in the Office of the County Clerk, Book Misc. 618, Page 124, Sedgwick County, Kansas (the "Flood Control Easement Area"), and lying within the Waterford Property; and

*WHEREAS*, City is responsible for inspecting and maintaining the Flood Control Easement Area and, as a condition to granting approval to Waterford to build such parking spaces and proceed with sewer installation on the Waterford Property before being granted a building permit, and as a condition to City vacating a portion of the Flood Control Easement Area (as described herein), City requires a vehicular and pedestrian access easement over that portion of the Waterford Property as more particularly illustrated on *Exhibit "B"* (hereinafter called the "Levee Property"), attached hereto and made a part hereof, for purposes of insuring adequate vehicular and pedestrian access over the Levee Property to inspect and maintain the Flood Control Easement Area.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Owner shall grant City a private easement in the form of that certain Access Easement attached hereto and incorporated as *Exhibit "C"*, granting the City vehicular and pedestrian access over the Levee Property for purposes of inspecting and maintaining the Flood Control Easement Area.

2. Waterford shall fill, at Waterford's expense, the west side of the Levee Property to within 1.0 feet, more or less, of the top of the Levee Property, as more particularly illustrated on *Exhibit "B"*.
3. Waterford shall widen, at Waterford's expense, the top of the Levee Property from its present 12-14 foot width to a 20 foot width, as more particularly illustrated on *Exhibit "B"*.
4. Owner and Waterford agree not to construct a fence or place trees adjacent to the top of the Levee Property which will obstruct vehicular access thereto. Owner and/or Waterford may landscape the Levee Property so long as such landscaping does not restrict or impede vehicular access to the top of the Levee Property.

Once Waterford and Owner have satisfied, within the reasonable discretion of the City, conditions 1 through 3 above, the City shall be obligated to immediately file that certain Partial Vacation of Flood Control Easement in form as more particularly identified in *Exhibit "D"* attached hereto and made a part hereof. Upon execution and delivery of this Agreement and its various attached exhibits, Waterford or its affiliates shall be issued sewer line, construction/building permits and shall proceed with sewer installation on the Waterford Property without further approval by the City.

This Agreement shall be binding on and inure to the benefit of the parties hereto, their successors and assigns. This Agreement may only be amended in writing and signed by Owner, Waterford and City. This Agreement may be executed in counterpart.

**OWNER**

**FLOYD R. HARDESTY**

**WATERFORD**

**WATERFORD APARTMENTS, L.L.C.**  
a Delaware limited liability company

**BY ENTREPRENEURIAL MANAGEMENT CORPORATION**

a California corporation  
its managing member

By

**RANDALL C. LUCE, President**

**CITY**

**CITY OF WICHITA, KANSAS**  
a municipal corporation

By

**BOB KNIGHT, Mayor**

Attest:

**PAT BURNETT, City Clerk**

Approved as to Form:

**GARY E. REBENSTORF**  
Director of Law

**EXHIBIT "A"**

**WATERFORD PROPERTY**

Lot 4, Block 1, SILVER SPRINGS, an Addition to the City of Wichita, Sedgwick County, Kansas, according to the recorded Plat filed April 30, 1981, in Plat Book 98, Pages 49 and 50.

**EXHIBIT "B"**

**LEVEE PROPERTY**

*EXHIBIT "C"*

ACCESS EASEMENT

**"EXHIBIT "D"**

**PARTIAL VACATION OF  
FLOOD CONTROL EASEMENT**

ERB\CAS\CROWN-C.EAS

## DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT made and entered into this \_\_\_\_\_ day of March, 1998, by, between and among **FLOYD R. HARDESTY** having a mailing address of 3500 Mid-Continent Tower, Tulsa, Oklahoma 74103 ("Owner"), **WATERFORD APARTMENTS, L.L.C.**, a Delaware limited liability company, having a mailing address of 4200 East Skelly Drive, Suite 800, Tulsa, Oklahoma 74135 ("Waterford"), and the **CITY OF WICHITA**, a municipal corporation, having a mailing address of 455 North Main Street, Wichita, Kansas 67202 ("City"), with respect to the following:

### RECITALS

A. Owner is the owner of a tract of real property and premises situate in Sedgwick County, State of Oklahoma, described on **Exhibit "A"** attached hereto and made a part hereof (hereinafter called the "Waterford Property"); and

B. Owner and Waterford have entered into that certain Contract of Purchase and Sale dated October 6, 1997, with respect to the purchase of the Waterford Property by Waterford from the Owner; and

C. Waterford, upon purchasing the Waterford Property, shall construct a multi-family housing project on the Waterford Property and has requested from the City approval to construct parking spaces in that certain Flood Control Easement granted to the City and filed in the Office of the County Clerk, Book Misc. 618, Page 124, Sedgwick County, Kansas (the "Flood Easement Area"), and lying within the Waterford Property; and

D. City is responsible for inspecting and maintaining the Flood Easement Area and, as a condition to granting approval to Waterford to build such parking spaces and for the City to vacate a portion of the Flood Control Easement, City requires a vehicular ~~and pedestrian~~ access easement over that portion of the Waterford Property identified on **Exhibit "B"** attached hereto and made a part hereof (hereinafter called the "Levee Property") for purposes of insuring adequate vehicular ~~and pedestrian~~ access over the Levee Property to inspect and maintain the Flood Easement Area.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby covenant and agree as follows:

1. Owner does hereby dedicate, create, establish and declare a private easement (hereinafter called "Access Easement") over, through, upon and across the Levee Property, to serve as means of vehicular ~~and pedestrian~~ access and way

of ingress and egress to and from the Flood Easement Area, for the use and benefit of the City, its employees and contractors.

- 2. It is specifically understood and agreed that this Access Easement cannot be released, terminated, modified, supplemented, amended or waived except pursuant to an instrument in writing, executed by Owner, Waterford and City. Any instrument purporting to ~~so release~~ terminate, modify, supplement, amend or waive this Agreement or the Access Easement shall be of no force and effect until and unless the written consent and acceptance of the City is obtained in a written instrument and filed of record in the office of the County Clerk of Sedgwick County, Kansas.
- 3. The Access Easement and the rights herein dedicated are neither public nor exclusive.
- 4. The easements herein created and other rights, benefits, duties and obligations created and established herein shall be deemed covenants running with the land and shall be binding upon the parties hereto and their respective successors and assigns, forever.

**EXECUTED** the day and year first written hereinabove.

**"OWNER"**

**FLOYD R. HARDESTY**

**"WATERFORD"**

**WATERFORD APARTMENTS, L.L.C.**  
a Delaware limited liability company

**BY ENTREPRENEURIAL MANAGEMENT CORPORATION**  
a California corporation  
its managing member

By **RANDALL C. LUCE**, President

"CITY"

**CITY OF WICHITA, KANSAS**  
municipal corporation

By

**BOB KNIGHT, Mayor**

Attest:

**PAT BURNETT, City Clerk**

Approved as to Form:

**GARY E. REBENSTORF**  
Director of Law

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF TULSA )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1998 by *Floyd R. Hardesty*.

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

My Commission Expires:  
\_\_\_\_\_

STATE OF KANSAS )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1998 by *Bob Knight*, as Mayor of the *CITY OF WICHITA*, a *municipal corporation*.

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

My Commission Expires:  
\_\_\_\_\_

**EXHIBIT "A"**

**WATERFORD PROPERTY**

**LEGAL DESCRIPTION**

Lot 4, Block 1, SILVER SPRINGS, an Addition to the City of Wichita, Sedgwick County, Kansas, according to the recorded Plat filed April 30, 1981, in Plat Book 98, Pages 49 and 50.

**EXHIBIT "B"**  
**LEVEE PROPERTY**

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 01-Apr-1998 04:41pm

**From:** Gary E. Rebenstorf

**Dept:** Law

**Tel No:** 268-4681

**To:** DOUG MOSHIER

**Subject:** Vacation of Portion of Flood Control Easement Green Sheet

Do we have to get approval from the State or Army Corps of Engineers on this?

Exhibits ?  
Easements Signed ?

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 01-Apr-1998 05:03pm

**From:** Christopher Carrier

**Dept:** Public Works

**Tel No:** 268-4498

**To:** Douglas J. Moshier

**CC:** Steve Lackey

**Subject:** 4/7/98 Agenda - Hardesty Vacation

What you sent me on EM looked okay. Could we see a copy of the actual legal documents - I just want to be sure they are what we want. Thanks!!

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL  
09:59am

**Date:** 01-Apr-1998

**From:** Douglas J. Moshier  
**Dept:** Law  
**Tel No:** 4681

**To:** Christopher Carrier  
**CC:** Steve Lackey  
**CC:** Gary E. Rebenstorf

**Subject:** 4/7/98 Agenda - Hardesty Vacation

Attached is an agenda report on the flood control easement vacation that you and I have been involved with for the area north of Central on the west side of the ditch.

This has been submitted for the consent agenda next Tuesday. Let me know if there is any problem. I am not the person to respond to questions from the Manager, Council, etc. if there are any so I wanted you to know that I had gone ahead and sent this along for approval.

**City of Wichita  
City Council Meeting**

April 7, 1998

**Agenda Report #** \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** Vacation of Portion of Flood Control Easement (Dist. 5)

**INITIATED BY:** Law Department

**AGENDA:** Consent

---

**Recommendation:** Approve vacation of portion of flood control easement adjacent to Silver Springs Addition in exchange for the developer's dedication of an access easement.

**Background:** The developer of land located north of Central, between Silver Spring Blvd. and the Big Ditch, intends to construct a multi-family housing project on the land and has asked the City for the right to use a portion of the adjacent flood control easement for parking lots (the west 33 feet). In return, the developer will add fill to the west side of the levee; widen the top of the levee to a 20 foot width; and grant the City an ingress and egress easement over the development for access to the flood control project area.

**Analysis:** Stormwater Management staff have evaluated this request and believe that the proposal by the developer would not interfere with the operation of the flood control project and that the improvements proposed by the developer will improve the City's access to the levee. In addition, the developer has agreed that it will not construct any fence or place any landscaping along the vacated section which would in any way interfere with the City's right to access the levee.

**Financial Considerations:** This reconfiguration will be accomplished without the expenditure of City funds. The vacated property will be part of the development and will be returned to the tax rolls.

**Legal Considerations:** The Law Department has approved the Easement Agreement, Declaration of Easement and Partial Vacation of Flood Control Easement as to form.

**Recommendations/Actions:** Approve the partial vacation of the flood control easement and authorize the Mayor to sign the same and the related documents necessary to complete the transaction.

## TRANSACTION REPORT

Transmission

Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
354	MAR. 16 15:20	4024747678	0' 00' 48"	002	OK	Normal

WICHITA

**DEPARTMENT OF  
PUBLIC WORKS**  
STORM WATER MANAGEMENT DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 288-4498

March 11, 1998

Mr. Ron E. Ross, P.E., President  
Ross Engineering Inc.  
645 "M" Street, Suite 201  
Lincoln, NE 68508

RE: Crown Chase Apartments - Phase II

Dear Mr. Ross:

This is written in response to you February 11, 1998, letter concerning the use of the western 33 feet of an existing flood control easement for fill and parking lot purposes. As I understand your proposal, you will fill the west side of the existing levee to within approximately 1.5 feet of its top. Additionally, you will widen the top of levee from its present 12-14 foot width to a 20 foot width. Once all of this is completed, parking lots will be installed on the newly filled ground to approximately the edge of the top of levee location.

In reviewing your proposal, we feel that the width of the existing flood control easement can be adjusted since you are filling the west side of the levee and will provide us with ample emergency access to the designed ditch by providing the easement...

# WICHITA

**DEPARTMENT OF  
PUBLIC WORKS**  
STORM WATER MANAGEMENT DIVISION  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
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In reviewing your proposal, we feel that the width of the existing flood control easement can be adjusted since you are filling the west side of the levee and will provide us with ample emergency access to the drainage ditches by widening the area that is now the top of the levee to a width of 20 feet. In return for a reduction in the easement width, we would like an ingress and egress easement through your parking lots that would lie immediately adjacent to the top of levee. Although I wouldn't anticipate the need to utilize the parking lot all that often, it might be necessary should we ever get a major blockage in the channels below. Additionally, I would like to know whether or not you plan to install any fencing along the east side of the parking lot. Landscaping of the area between the parking lot and the top of levee could become an issue years from now if trees are planted or any other landscaping is done that it would ultimately obstruct part of the top of levee area.

Mr. Ron E. Ross

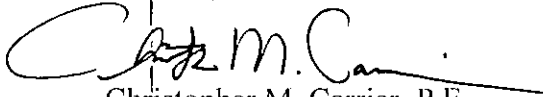
March 11, 1998

Page 2

Subsequent to a satisfactory resolution to the few items discussed in the paragraph above, I see no reason that the City could not reduce the width of the flood control easement as you have requested. If you still desire to pursue this option, I would suggest that your attorneys contact the City Attorney's Office concerning the preparation of the appropriate legal documents. Further, I believe that your surveyor should prepare a survey showing in detail the location of the new easement.

If you have any questions concerning the above, please let me know.

Sincerely,

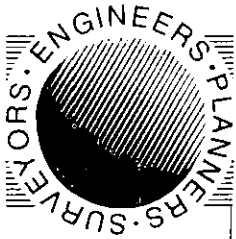


Christopher M. Carrier, P.E.

Storm Water Engineer

CMC:ms

cc: Steve Lackey, P.E., Director of Public Works  
Doug Moshier, Senior Assistant City Attorney  
Kurt Schroeder, Superintendent of Central Inspection  
Bob Jennings, Flood Control Supervisor



**ROSS**  
**E**ngineering,  
**I**nc.

February 11, 1998

Mr. Christopher M. Carrier  
Storm Water Engineer  
Storm Water Management  
City Hall, 8<sup>th</sup> Floor  
455 No. Main Street  
Wichita, KS 67202

**RECEIVED**  
**FEB 13 1998**

*Dictated Letter to  
FAX to Ron  
Ross.  
C.M.C.  
2-10-98*

Re: Crown Chase Apartments: Phase II  
Wichita, Kansas  
REI Project No. 988-2D

Dear Mr. Carrier:

As discussed with you on Tuesday, February 10, 1998, we are requesting your consideration to be allowed to fill a portion of the area within the Flood Control Easement and construct a parking lot. The area included would be generally the western 33 feet of the existing Flood Control Easement as noted on the enclosed Site Plan for Crown Chase Apartments: Phase II. For your information, I have included the existing two-foot contours that were developed based upon actual topographic field surveys. As you can see from the existing ground elevations, the existing earthen dike is approximately 12 to 14 feet in width and is generally located 40 to 44 feet east of the limits of the existing Flood Control Easement.

We would propose to widen the top width of the existing dike to 20 feet in width, and fill in the remaining area west of the dike, to allow construction of a parking lot. This would allow for an improved top dike width and elimination of ponding water along the west side of the dike.

We would appreciate your assistance in obtaining the necessary approval in order to be allowed to fill in this area to an elevation approximately 1.5 feet lower than the top of the dike and to use the west 33 feet of the Easement for parking lot purposes. In the event that you would prefer that the 33-foot portion of the Easement be vacated, please advise me of the procedures to follow to make the necessary formal request to vacate the Easement.

Sincerely,

ROSS ENGINEERING, INC.

Ron E. Ross, P.E.  
President

Cc: Mike Case  
Larry Kester  
Taylor King

RER:clp  
98802L04.DOC

*2-24-98: Easement is staked -  
unfortunately follows levee -  
30ft± west of it. There is room  
but still need plan.*

*C.M.C.*

The Cotswold  
645 "M" Street  
Suite 201  
Lincoln, NE 68508  
Ph. (402) 474-7677  
Fx. (402) 474-7678

TRANSACTION REPORT

Transmission  
Transaction(s) completed

NO.	TX DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
913	JAN. 23 11:05	4024747678	0' 01' 11"	003	OK	Normal

FAX TRANSMITTAL COVER SHEET

CITY OF WICHITA

DEPARTMENT OF

PUBLIC WORKS

455 North Main, 8th Floor  
Wichita, Kansas 67202.

TO: Name: Ron Ross  
 Company: Ross Eng.  
 Phone: \_\_\_\_\_  
 Fax Number: 402 474 7678

FROM: Name: Steve Lasbley  
 Phone: 316 268 4624  
 Fax Number: (316) 337-9027

Date: 1-23-98

Number of pages including cover sheet: 3

COMMENTS: Flood control Easement  
silver springs Addition

EASEMENT

The undersigned hereby grant and convey unto the appropriate governing body and it's successors an easement for flood control purposes over and across the following described lands situated in Sedgwick County, Kansas to-wit:  
EASEMENT DESCRIPTION:

A tract of land in the Southwest 1/4 of Section 15, T27S, R1W of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at a point N89°29'00"E 1734.46' and N12°05'45"W 72.34' from the Southwest corner of said Southwest 1/4; said point being on the west line of K.G.&E. easement; thence continuing on a bearing of N12°05'45"W to a point on a line 70.00' normally distant and parallel to the west line of said K.G.&E. easement; thence along said parallel line 1775.98' to the point of curvature of a 170.00' radius curve to the left; thence along said curve 243.10' to the point of tangency of said curve; thence northwesterly 1268.81' to a point 50.00' east and 43.00' south of the northwest corner of said southwest 1/4; thence north parallel to and 50.00' east of the west line of said southwest 1/4 43.00' to a point on the north line of said southwest 1/4; thence east along said north line to its intersection with the west line of said K.G.&E. easement; thence southeasterly along said west line of the K.G.&E. easement to the point of beginning.

with the right of ingress and egress to and from the same. The said grantors, their heirs or assigns, to fully use and enjoy the said premises except for and subject to the rights of the grantee for the purposes hereinbefore granted.

Dated this 12th day of March, 1968.

*Hershel B. Cook*  
Hershel B. Cook

*Myrnon C. Wilbur*  
Myrnon C. Wilbur

*Vera Arlene Cook*  
Vera Arlene Cook

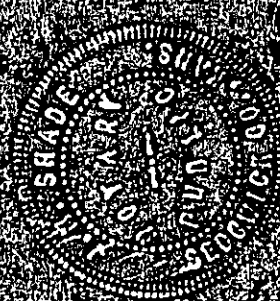
*Sylvia B. Wilbur*  
Sylvia B. Wilbur

STATE OF KANSAS, Sedgwick County, SS:

I hereby certify that on this 12th day of March, 1968, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Myrnon C. Wilbur and Sylvia B. Wilbur, his wife, and Hershel B. Cook and Vera Arlene Cook, his wife, to me personally known to be the same persons who signed and executed the above instrument and they each duly acknowledged the execution of the same.

WITNESS my hand and Notarial Seal on the day and date last above written.

*J. M. Stase*  
J. M. Stase Notary Public  
My commission expires: May 8, 1969



STATE OF KANSAS F.S.S.  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
8 50 4 M

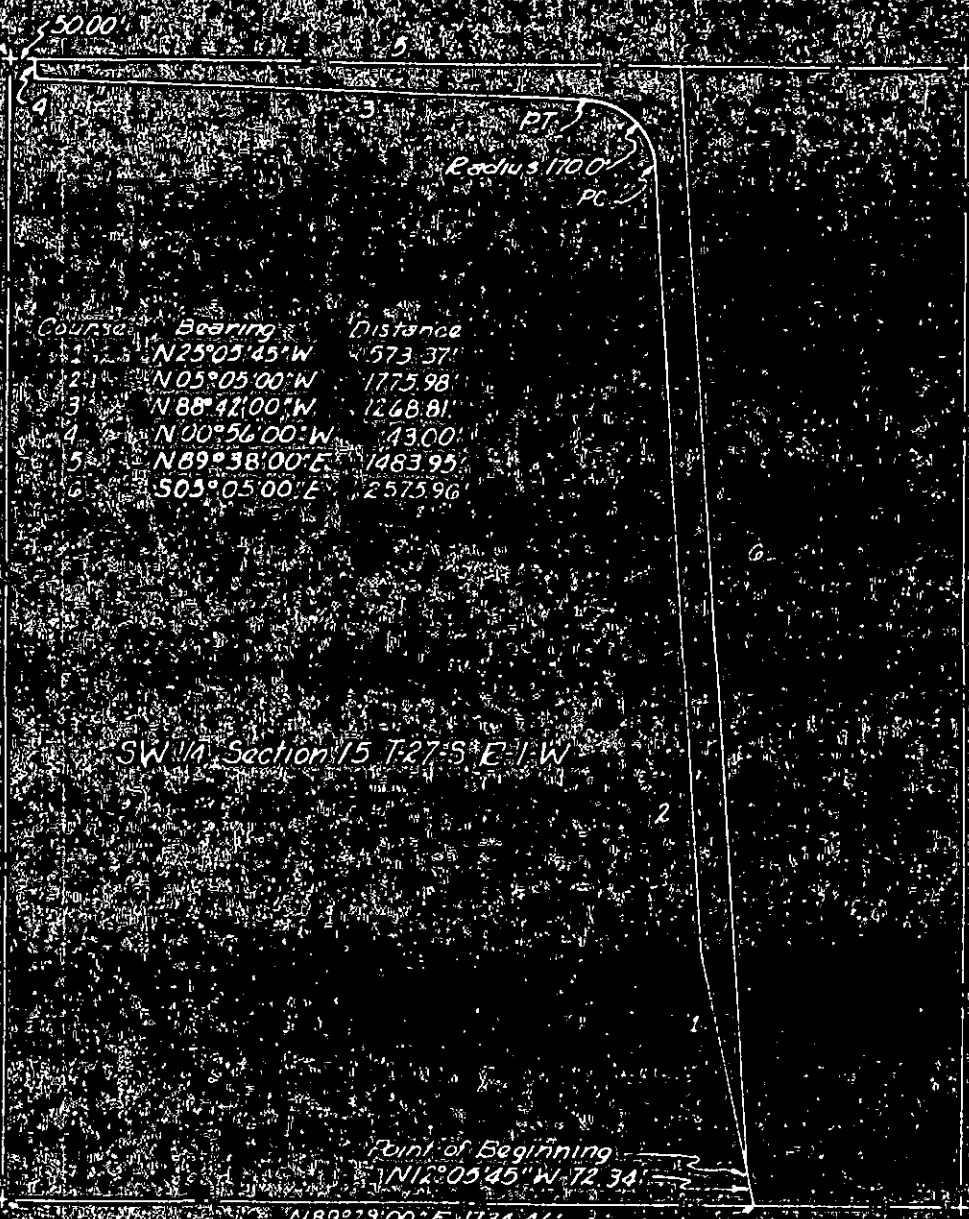
APR 1 1968

6575

DAVID E. DEERING  
Notary Public

City Clerk  
Room 104 - City Hall

NW corner SW 1/4  
Section 15  
T-27-S E-1-W



Course	Bearing	Distance
1	N25°05'45"W	573.37'
2	N05°05'00"W	1775.98'
3	N88°42'00"W	1268.81'
4	N00°56'00"W	4300'
5	N89°38'00"E	1483.95'
6	S05°05'00"E	2575.96'

SW 1/4 Section 15 T-27-S E-1-W

Point of Beginning  
N12°05'45"W 72.34'

N89°29'00"E 1134.46'

SW corner SW 1/4  
Section 15 T-27-S E-1-W

Scale 1" = 400'

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ON THIS 11 DAY OF AUGUST, 1958, THE COUNTY COMMISSIONERS BEING IN REGULAR SESSION AND RECEIVING FROM RUFUS S. KIRK, COUNTY ENGINEER, AN EASEMENT, WITH RIGHT OF IMPRESS AND EGRESS, FOR LOCATING, CONSTRUCTING AND MAINTAINING A DRAINAGE DITCH FOR COUNTY ROAD 811-0 ON LAND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NW CORNER OF THE SW $\frac{1}{4}$  SEC 15,  
T 27 S, R 1 W, OF THE 6TH PRINCIPAL MERIDIAN;  
THENCE E. ON THE NORTH LINE OF SAID SW $\frac{1}{4}$  TO BIG  
SLOUGH CREEK, A DISTANCE OF APPROXIMATELY 1480  
FEET; THENCE S. 25 FT.; THENCE W. TO THE WEST  
LINE OF SAID SW $\frac{1}{4}$ ; THENCE N. 25 FT TO THE POINT  
OF BEGINNING.

SAID EASEMENT IS REPORTED BY THE COUNTY ENGINEER TO BE NEEDED FOR PROPER DRAINAGE OF SAID ROAD 811-0 AND DEDICATED TO SEDGWICK COUNTY, KANSAS BY MYRON C. WILBUR AND SYLVIA B. WILBUR, HIS WIFE AND IT IS RECOMMENDED THAT THE DEDICATION BE ACCEPTED BY THE COUNTY AND THE DONORS BE THANKED FOR THEIR CO-OPERATION IN THE IMPROVEMENT OF SAID ROAD.

IT IS SO ORDERED AND RESOLVED AND THE COUNTY ENGINEER IS DIRECTED TO CONVEY THE THANKS OF THE COUNTY COMMISSIONERS AND SEE TO PROPER ENTRY OF THE ACTION ON THE COUNTY RECORDS.

DONE IN THE COURTHOUSE IN THE CITY OF WICHITA, KANSAS ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

CHAIRMAN OF THE BOARD OF COUNTY  
COMMISSIONERS

COMMISSIONER

ATTEST:

COUNTY CLERK

COMMISSIONER

FILED FOR RECORD AT  
AUG 15 1958

NO. 20997  
RUFUS S. KIRK

*Rufus S. Kirk*

Richmond Sedgewick County, Kansas  
July 31, 1958

We **WYRON C. WILBUR AND SMYLA B. WILBUR**, hereby dedicate the following easement with right of ingress and egress for construction and maintenance purposes to Sedgewick County, Kansas, for drainage purposes. Beginning at the SW corner of the SW 1/4 of Sec. 16, T-27-S, R-1-E of the 6th Range, Thence east along the north line of said SW 1/4 Sec. to Elm Slough creek a distance of approximately 1450 feet; thence south 25 feet; thence west to the west line of said SW 1/4 Sec.; thence north 25 feet to point of beginning.

RECORDED IN  
MIST BOOK  
AUG 15 1958

29998  
RUFUS E. DEERING  
REGISTERED

*[Handwritten signature]*

State of Kansas, County of Sedgewick, Kas.  
Sworn to and Subscribed before me, Notary Public in and for said county and state, this 31st day of August, 1958.

(SEAL) *[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

*[Handwritten signature]*  
Notary Public

Commission expires 3-21-1960

*[Handwritten note]*

# SILVER SPRINGS

AN ADDITION TO THE CITY OF WICHITA, BEING A SUBDIVISION OF A PART OF THE SW/4 OF SECTION 15, T-27-S, R-1-W, SEDGWICK COUNTY, KANSAS.

OWNER:

ENGINEER:

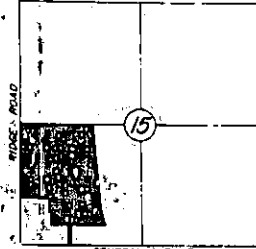
FLOYD R. HARDESTY & JOHN T. ARNOLD ASSOCIATES, INC.  
4606 SOUTH GARNETT ROAD  
PHONE (918) 622-3600  
TULSA, OKLAHOMA

TULSA ENGINEERING & PLANNING ASSOCIATES, INC.  
8209 EAST 63rd PLACE SOUTH  
PHONE (918) 252-9621  
TULSA, OKLAHOMA 74133



SCALE: 1" = 100'

R-1-W



T 27 S  
R 1 W

LOCATION MAP  
74.81 ACRES



"BENCH MARK"  
IN NORTHEAST CORNER OF R.C.B.C.  
(LOCATED APPROXIMATELY 65 WEST OF THE  
WORTH ST. CORNER OF LOT 1, BLOCK 1.)  
ELEVATION = 1319.15 (U.S.G.S. DATUM)

LOT-1

RESERVE "A"  
(DRAINAGE CONTROL LAKE)

LOT-2

LOT-3

LOT-4

UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED

NOTE: MINIMUM BUILDING PAD ELEVATION TO BE 1315 (U.S.G.S. DATUM) OR AS APPROVED BY THE "CITY OF WICHITA" ENGINEERING DEPARTMENT.

C.U.P No. DP-26  
**SILVER SPRINGS**

"AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS"

CIVIL ENGINEER'S CERTIFICATE

I, ALAN R. BORSON, REGISTERED CIVIL ENGINEER IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED "SILVER SPRINGS", AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, AND THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 15, T-27-S, R-1-W, SEDGWICK COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SW CORNER OF SAID SW 1/4; THENCE DUE NORTH ALONG THE WEST LINE THEREOF A DISTANCE OF 1070.00 FEET TO THE POINT OF BEGINNING; THENCE DUE NORTH ALONG SAID WEST LINE A DISTANCE OF 1612.51 FEET TO THE NW CORNER OF SAID SW 1/4; THENCE S-89°26'30"W ALONG THE NORTH LINE OF SAID SW 1/4 A DISTANCE OF 1537.60 FEET; THENCE S-4°26'03"E A DISTANCE OF 1000.00 FEET; THENCE S-11°59'28"E A DISTANCE OF 1414.53 FEET; THENCE N-89°35'30"W A DISTANCE OF 741.15 FEET; THENCE S-0°24'30"W A DISTANCE OF 376.89 FEET TO THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE; THENCE S-89°50'06"W ALONG SAID LINE A DISTANCE OF 70.00 FEET; THENCE N-0°24'30"E A DISTANCE OF 377.41 FEET; THENCE N-89°35'30"W A DISTANCE OF 351.69 FEET TO THE EAST LINE OF BOTTENBURG 2ND ADDITION, AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE DUE NORTH ALONG SAID EAST LINE A DISTANCE OF 294.28 FEET TO THE NE CORNER OF SAID BOTTENBURG 2ND ADDITION; THENCE DUE WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 19.20 FEET; THENCE DUE NORTH A DISTANCE OF 300.00 FEET; THENCE DUE WEST A DISTANCE OF 580.80 FEET TO THE POINT OF BEGINNING, CONTAINING 74.81 ACRES, MORE OR LESS. THIS DESCRIPTION INCLUDES ALL OF QUEELEN'S LIME ADDITION TO WICHITA, KANSAS WHICH IS HEREBY VACATED BY VIRTUE OF K.S.A. 12-512(B). SEWER EASEMENTS AS GRANTED BY SEP. INST. IN MISC. BOOK 618 PAGE 128 AND MISC. BOOK 630 PAGE 428 ARE ALSO VACATED BY VIRTUE OF K.S.A. 12-512(B).

WITNESS MY HAND AND SEAL THIS 14TH DAY OF APRIL 1981.

*Alan R. Borson*  
ALAN R. BORSON, REGISTERED CIVIL ENGINEER

STATE OF OKLAHOMA )  
COUNTY OF TULSA )

BE IT REMEMBERED THAT ON THIS 14th DAY OF April 1981, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME ALAN R. BORSON TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

(SEAL)  
MY APPOINTMENT EXPIRES: 5-2-82 NOTARY PUBLIC

OWNERS STATEMENT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, FLOYD R. HARDESTY, AN INDIVIDUAL AND JOHN T. ARNOLD ASSOCIATES, INC., A CORPORATION HAVING JOHN T. ARNOLD AS ITS PRESIDENT, ARE THE OWNERS IN FEE SIMPLE TITLE OF ALL OF THE REAL PROPERTY AS DESCRIBED IN THE CIVIL ENGINEER'S CERTIFICATE ABOVE AND HAVE CAUSED THE SAME TO BE PLATTED INTO LOTS, ONE BLOCK AND A RESERVE TO BE KNOWN AS "SILVER SPRINGS", AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, AND DEVELOPED IN ACCORDANCE WITH THE PROVISIONS AND RESTRICTIONS AS STATED IN COMMUNITY UNIT PLAN NO. DP-26. UTILITY EASEMENTS AS INDICATED ON THE PLAT ARE HEREBY GRANTED FOR CONSTRUCTION AND MAINTENANCE OF ALL PUBLIC UTILITIES. THE RIGHTS-OF-WAY INDICATED FOR RIDGE ROAD AND CENTRAL AVENUE ARE HEREBY DEDICATED TO AND FOR USE OF THE PUBLIC. COMPLETE ACCESS CONTROL FOR THE WEST LINE OF LOT 1 AND ACCESS CONTROL EXCEPT FOR ONE OPENING TO BE DETERMINED BY THE CITY ENGINEER OF THE CITY OF WICHITA, KANSAS, FOR THE WEST LINE OF LOT 2 IS HEREBY GRANTED TO THE CITY OF WICHITA.

NOW, THEREFORE, THE UNDERSIGNED OWNERS, FOR THE PURPOSE OF PROVIDING AN ORDERLY DEVELOPMENT OF THE PROPERTY AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE SAID OWNERS, THEIR SUCCESSORS, GRANTEEES, AND ASSIGNS, DO HEREBY IMPOSE THE FOLLOWING COVENANTS, CONDITIONS AND RESTRICTIONS:

- 1. MINIMUM PAD ELEVATION FOR DWELLING UNITS SHALL BE 1335 OR AS APPROVED BY THE CITY OF WICHITA ENGINEERING DEPARTMENT.
- 2. A HOMEOWNERS ASSOCIATION SHALL BE FORMED AND INCORPORATED IN ACCORDANCE WITH THE LAWS OF THE STATE OF KANSAS FOR THE PURPOSE OF OWNING, MAINTAINING, AND ADMINISTERING THE COMMON AREA KNOWN AS RESERVE "A".
- 3. "RESERVE "A" AS REFLECTED ON THE RECORDED PLAT OF SILVER SPRINGS ADDITION, SHALL BE USED AS COMMON AREA ONLY, AND SAID COMMON AREA HAS BEEN GRANTED BY OWNERS AS A PERPETUAL EASEMENT FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM THE LOTS WITHIN SILVER SPRINGS. ALSO RESERVE "A" SHALL BE USED FOR ACCESS AND ROADWAY PURPOSES (FOR OPEN SPACE) AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES. DRAINAGE FACILITIES CONSTRUCTED IN SAID COMMON AREA SHALL BE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF WICHITA AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF WICHITA. SAID DRAINAGEWAY AREA AND FACILITIES SHALL BE MAINTAINED BY THE OWNERS OR THE ASSOCIATION IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF WICHITA. IN THE EVENT SAID OWNERS OR ASSOCIATION SHOULD FAIL TO ADEQUATELY AND PROPERLY MAINTAIN SAID DRAINAGEWAY AREA AND FACILITIES, THE CITY OF WICHITA MAY ENTER UPON SAID AREA, PERFORM SAID MAINTENANCE, AND THE COST OF PERFORMING SAID MAINTENANCE SHALL BE ASSESSED IN THE SAME MANNER AS SPECIAL ASSESSMENTS.
- 4. THE FLOOD CONTROL AND DRAINAGE EASEMENTS ARE GRANTED FOR DRAINAGE PURPOSES. THEY SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THE LOTS ON WHICH THEY ARE LOCATED UNTIL SUCH TIME AS THE GOVERNING BODY EXERCISING JURISDICTION ELECTS TO ASSUME RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF DRAINAGE PROVIDED FURTHER THAT NO OBSTRUCTION SHALL BE PLACED ON OR WITHIN SAID EASEMENTS, NOR SHALL ANY FILL, CHANGE OF GRADE, CREATION OR CHANNEL, OR OTHER WORK BE CARRIED ON WITHOUT PERMISSION OF THE CITY OF WICHITA, DEPARTMENT OF ENGINEERING.

OWNERS:  
*Floyd R. Hardesty*  
FLOYD R. HARDESTY  
*John T. Arnold*  
JOHN T. ARNOLD ASSOCIATES, INC.  
BY: *John T. Arnold*  
JOHN T. ARNOLD, PRESIDENT

STATE OF OKLAHOMA )  
COUNTY OF TULSA )

BE IT REMEMBERED THAT ON THIS 14th DAY OF April 1981, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME FLOYD R. HARDESTY TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

(SEAL)  
MY APPOINTMENT EXPIRES: June 26, 1982 NOTARY PUBLIC

STATE OF KANSAS )  
COUNTY OF SEDGWICK )

BE IT REMEMBERED THAT ON THIS 15th DAY OF April 1981, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME JOHN T. ARNOLD TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT AS ITS PRESIDENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF JOHN T. ARNOLD ASSOCIATES, INC., A KANSAS CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

(SEAL)  
MY APPOINTMENT EXPIRES: Notary Public

COMMISSION APPROVALS

THIS PLAT OF "SILVER SPRINGS" HAS BEEN SUBMITTED TO AND APPROVED BY THE WICHITA-SEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS, DATED THIS 9th DAY OF April 1981.

WICHITA-SEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION  
BY: *Alvin J. Kennedy, Jr.* CHAIRMAN  
*Robert A. Lakin* SECRETARY  
ROBERT A. LAKIN

THIS PLAT APPROVED AND ALL DEDICATIONS SHOWN HEREON, IF ANY, ACCEPTED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WICHITA, KANSAS, THIS 11th DAY OF April 1981.

*Robert Brown* MAYOR  
*Donald C. Giesick* CITY CLERK  
DONALD C. GIESICK

THIS PLAT APPROVED AND ALL DEDICATIONS SHOWN HEREON, IF ANY, ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THIS 11th DAY OF April 1981.

CHAIRMAN: DONALD E. CHAFF  
COMMISSIONERS: JACK SPRATT, TIM SCOTT

RECORDING DATA

ENTERED IN CHARGE OF THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

CLERK: JENNIFER K. WHITE

STATE OF KANSAS )  
COUNTY OF SEDGWICK )

THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE, AT \_\_\_\_\_ A.M. - P.M., ON \_\_\_\_\_ 19\_\_\_\_

REGISTER OF DEEDS: \_\_\_\_\_  
CLERK: \_\_\_\_\_

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 15, T-27-S, R-1-W, SEDGWICK COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SW CORNER OF SAID SW 1/4, THENCE DUE NORTH ALONG THE WEST LINE THEREOF A DISTANCE OF 210.30.00 FEET, TO THE POINT OF BEGINNING; THENCE DUE NORTH ALONG SAID WEST LINE A DISTANCE OF 1612.51 FEET TO THE NW CORNER OF SAID SW 1/4, THENCE S 89° 26' 30" E ALONG THE NORTH LINE OF SAID SW 1/4 A DISTANCE OF 1537.60 FEET, THENCE S 4° 26' 00" E A DISTANCE OF 1800.00 FEET, THENCE S 11° 59' 28" E A DISTANCE OF 614.53 FEET, THENCE N 89° 35' 30" W A DISTANCE OF 711.15 FEET, THENCE S 0° 24' 30" W A DISTANCE OF 376.89 FEET TO THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE; THENCE S 89° 59' 06" W ALONG SAID LINE A DISTANCE OF 70.00 FEET; THENCE N 0° 26' 30" E A DISTANCE OF 377.41 FEET; THENCE N 89° 35' 30" W A DISTANCE OF 351.69 FEET TO THE EAST LINE OF BOTTEBURG 2ND ADDITION, AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE DUE NORTH ALONG SAID EAST LINE A DISTANCE OF 294.28 FEET TO THE NE CORNER OF SAID BOTTEBURG 2ND ADDITION; THENCE DUE WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 19.20 FEET; THENCE DUE NORTH A DISTANCE OF 300.00 FEET; THENCE DUE WEST A DISTANCE OF 580.80 FEET TO THE POINT OF BEGINNING, CONTAINING 77.81 ACRES, MORE OR LESS. THIS DESCRIPTION INCLUDES ALL OF QUEEN'S LAKE ADDITION TO WICHITA, KANSAS WHICH IS HEREBY VACATED BY VIRTUE OF K.S.A. 12-512(B) SEWER EASEMENTS AS GRANTED BY SEP. INST. IN MISC. BOOK 618 PAGE 128 AND MISC. BOOK 630 PAGE 428 ARE ALSO VACATED BY VIRTUE OF K.S.A. 12-512(B).

WITNESS MY HAND AND SEAL THIS 14TH DAY OF April 1981

*Alan R. Borson*  
 ALAN R. BORSON, REGISTERED CIVIL ENGINEER

STATE OF OKLAHOMA  
 COUNTY OF TULSA

BE IT REMEMBERED THAT ON THIS 14th DAY OF April 1981, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME ALAN R. BORSON, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

*Doreen*  
 DOREEN, NOTARY PUBLIC

MY APPOINTMENT EXPIRES 5-2-83

OWNERS STATEMENT  
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED FLOYD R. HARDESTY AN INDIVIDUAL AND JOHN T. ARNOLD ASSOCIATES, INC. A CORPORATION HAVING JOHN T. ARNOLD AS ITS PRESIDENT ARE THE OWNERS IN FEE SIMPLE TITLE OF ALL OF THE REAL PROPERTY AS DESCRIBED IN THE CIVIL ENGINEER'S CERTIFICATE ABOVE AND HAVE CAUSED THE SAME TO BE PLATTED INTO LOTS, ONE BLOCK AND A RESERVE TO BE KNOWN AS SILVER SPRINGS. IN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, AND DEVELOPED IN ACCORDANCE WITH THE PROVISIONS AND RESTRICTIONS AS STATED IN COMMUNITY UNIT PLAN NO. DP-267, THE UTILITY EASEMENTS AS INDICATED ON THE PLAT, ARE HEREBY GRANTED FOR CONSTRUCTION AND MAINTENANCE OF ALL PUBLIC UTILITIES. THE RIGHTS OF WAY INDICATED FOR RIDGE ROAD AND CENTRAL AVENUE ARE HEREBY DEDICATED TO AND FOR USE OF THE PUBLIC. COMPLETE ACCESS CONTROL FOR THE WEST LINE OF LOT 1 AND ACCESS CONTROL HERETO FOR ONE OPENING TO BE DETERMINED BY THE CITY ENGINEER OF THE CITY OF WICHITA, KANSAS, FOR THE WEST LINE OF LOT 2 IS HEREBY GRANTED TO THE CITY OF WICHITA, KANSAS.  
 NOW, THEREFORE, THE UNDERSIGNED OWNERS, FOR THE PURPOSE OF PROVIDING AN ORDERLY DEVELOPMENT OF THE PROPERTY AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE SAID OWNERS, THEIR SUCCESSORS, GRANTEES, AND ASSIGNS, DO HEREBY IMPOSE THE FOLLOWING COVENANTS, CONDITIONS AND RESTRICTIONS:  
 1. MINIMUM PAD ELEVATION FOR DWELLING UNITS SHALL BE 1315 OR AS APPROVED BY THE CITY OF WICHITA ENGINEERING DEPARTMENT.  
 2. HOMEOWNERS ASSOCIATION SHALL BE FORMED AND INCORPORATED IN ACCORDANCE WITH THE LAWS OF THE STATE OF KANSAS FOR THE PURPOSE OF OWNING, MAINTAINING AND ADMINISTERING THE COMMON AREA KNOWN AS RESERVE "A".  
 3. RESERVE "A" AS REFLECTED ON THE RECORDED PLAT OF SILVER SPRINGS ADDITION SHALL BE USED AS COMMON AREA ONLY, AND SAID COMMON AREA HAS BEEN GRANTED BY OWNERS AS A PERPETUAL EASEMENT FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM THE LOTS WITHIN SILVER SPRINGS. RESERVE "A" SHALL BE USED FOR ACCESS AND ROADWAY PURPOSES FOR OPEN SPACE AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES DRAINAGE FACILITIES. CONSTRUCTED IN SAID COMMON AREA SHALL BE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF WICHITA AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY ENGINEER OF THE CITY OF WICHITA. SAID DRAINAGE AREA AND FACILITIES SHALL BE MAINTAINED BY THE OWNERS OF THE ASSOCIATION IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF WICHITA. IN THE EVENT SAID OWNERS OR ASSOCIATION SHOULD FAIL TO ADEQUATELY AND PROPERLY MAINTAIN SAID DRAINAGE AREA AND FACILITIES, THE CITY OF WICHITA MAY ENTER UPON SAID AREA, PERFORM SAID MAINTENANCE AND THE COST OF PERFORMING SAID MAINTENANCE SHALL BE ASSESSED IN THE SAME MANNER AS SPECIAL ASSESSMENTS.  
 4. THE FLOOD CONTROL AND DRAINAGE EASEMENTS ARE GRANTED FOR DRAINAGE PURPOSES. THEY SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THE LOTS ON WHICH THEY ARE LOCATED, UNTIL SUCH TIME AS THE GOVERNING BODY EXERCISING JURISDICTION ELECTS TO ASSUME RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF DRAINAGE PROVIDED FURTHER THAT NO OBSTRUCTION SHALL BE PLACED ON OR WITHIN SAID EASEMENTS NOR SHALL ANY FILL, CHANGE OF GRADE, CREATION OF CHANNEL, OR OTHER WORK BE CARRIED ON WITHOUT PERMISSION OF THE CITY OF WICHITA DEPARTMENT OF ENGINEERING.  
 OWNERS

TABULATIONS

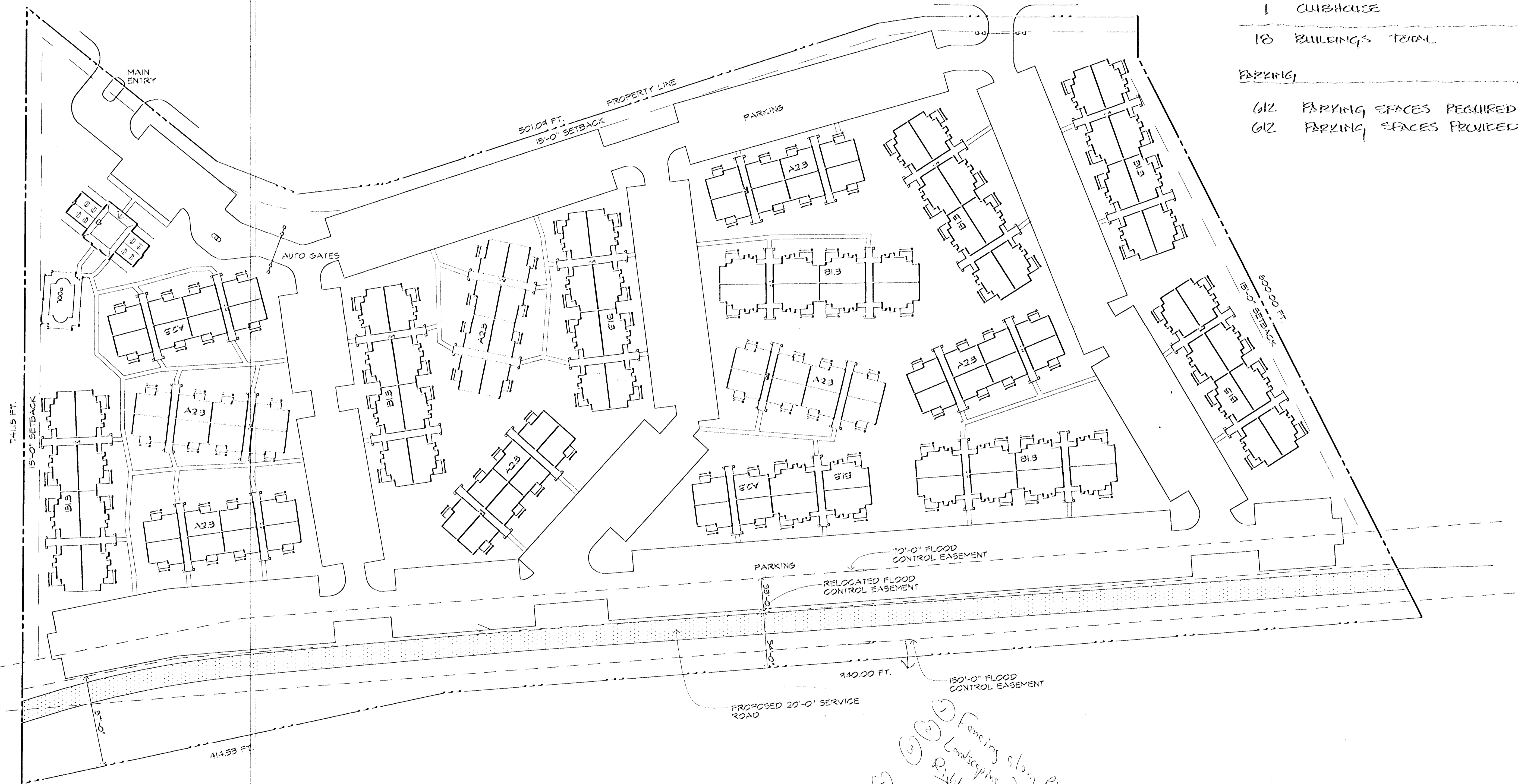
204 UNITS A2 (1 BD. RM)  
204 UNITS B1 (2 BD. RM)  
408 UNITS TOTAL

BUILDINGS

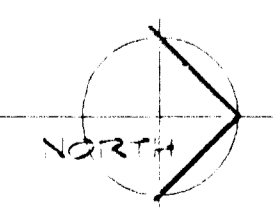
8 A2.3 (3-STORY)  
8 B1.3 (3-STORY)  
1 A2/B1.3 (3-STORY)  
17 APARTMENT BUILDINGS  
1 CLUBHOUSE  
18 BUILDINGS TOTAL

PARKING

612 PARKING SPACES REQUIRED  
612 PARKING SPACES PROVIDED



SITE PLAN  
1" = 30'-0"



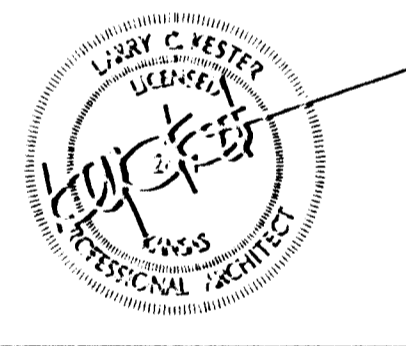
1 Fencing along PKing way  
2 Landscaping  
3 Right of way  
4 Get w/ legal  
5 Sewer to furnish plot  
6 Shading revised easement on property.

CROWNE CHASE PHASE II

WICHITA, KANSAS  
CASE & ASSOCIATES

PROJECT LOCATION  
CLIENT

SEAL



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Architects  
Collective  
4200 EAST SKELLY DRIVE SUITE 750  
TULSA, OKLAHOMA 74135  
918/492-2987

PROJECT NUMBER:  
DATE:  
SHEET TITLE:  
SITE PLAN  
SHEET NUMBER:

PRELIMINARY  
NOT FOR CONSTRUCTION

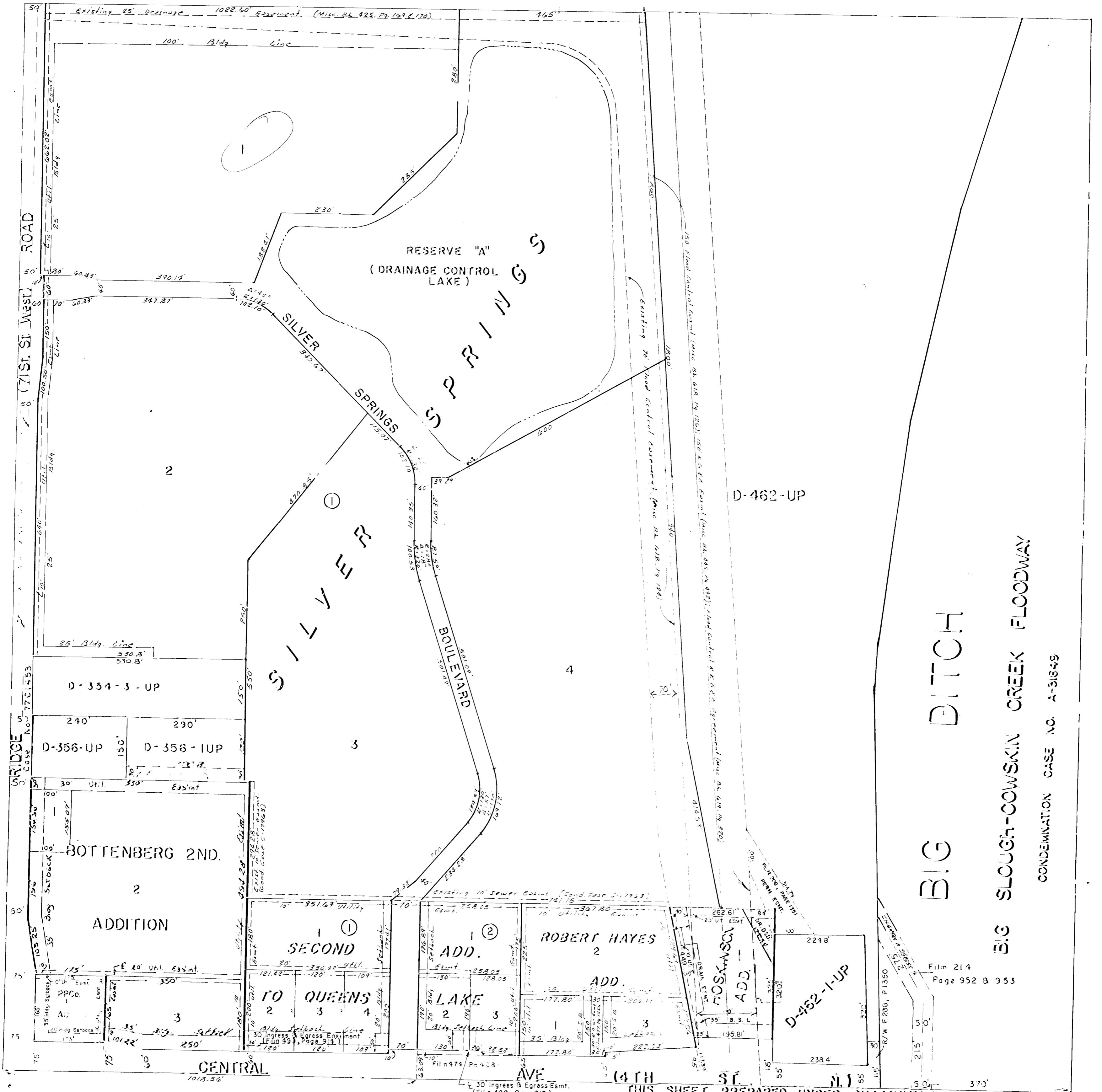
MAR 05 1998

P1





# SILVER SPRINGS TWP. 37 N. R. 13 W.



D-462-UP

BIG DITCH  
 BIG SLOUGH-COWSKIN CREEK FLOODWAY  
 CONDEMNATION CASE NO. A-31849

Film 214  
 Page 952 & 953

THIS SHEET PREPARED UNDER SUPERVISION OF  
 SEDGWICK COUNTY CLERK

S Line SW 1/4 is 2643.25'

30' Ingress & Egress Esmt.  
 (Film 499, Page 916)

FILM 474, PAGE 433

FILM 474, PAGE 433

FILM 474, PAGE 434

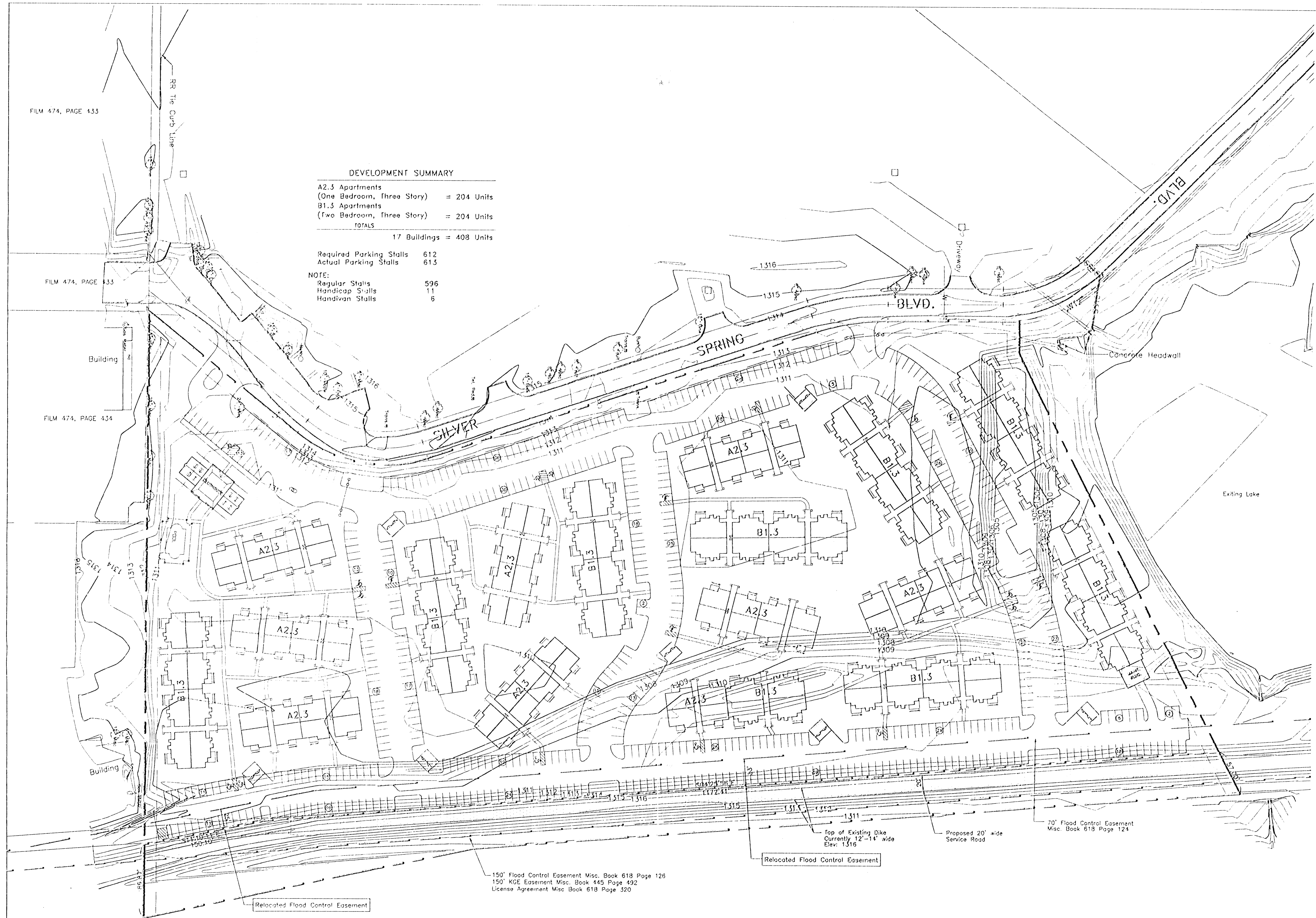
DEVELOPMENT SUMMARY

A2.3 Apartments (One Bedroom, Three Story)	= 204 Units
B1.3 Apartments (Two Bedroom, Three Story)	= 204 Units
<b>TOTALS</b>	<b>17 Buildings = 408 Units</b>

Required Parking Stalls	612
Actual Parking Stalls	613

NOTE:

Regular Stalls	596
Handicap Stalls	11
Handivan Stalls	6



150' Flood Control Easement Misc. Book 618 Page 126  
 150' KOE Easement Misc. Book 445 Page 492  
 License Agreement Misc Book 618 Page 520

Top of Existing Dike  
 Currently 12'-14' wide  
 Elev: 1316

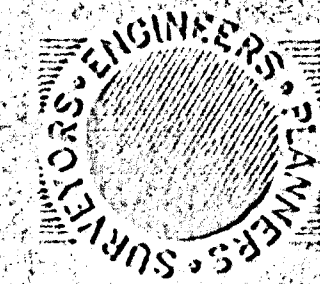
Proposed 20' wide  
 Service Road

70' Flood Control Easement  
 Misc. Book 618 Page 124

Relocated Flood Control Easement

Relocated Flood Control Easement

# FLOOD CONTROL EASEMENT EXHIBIT



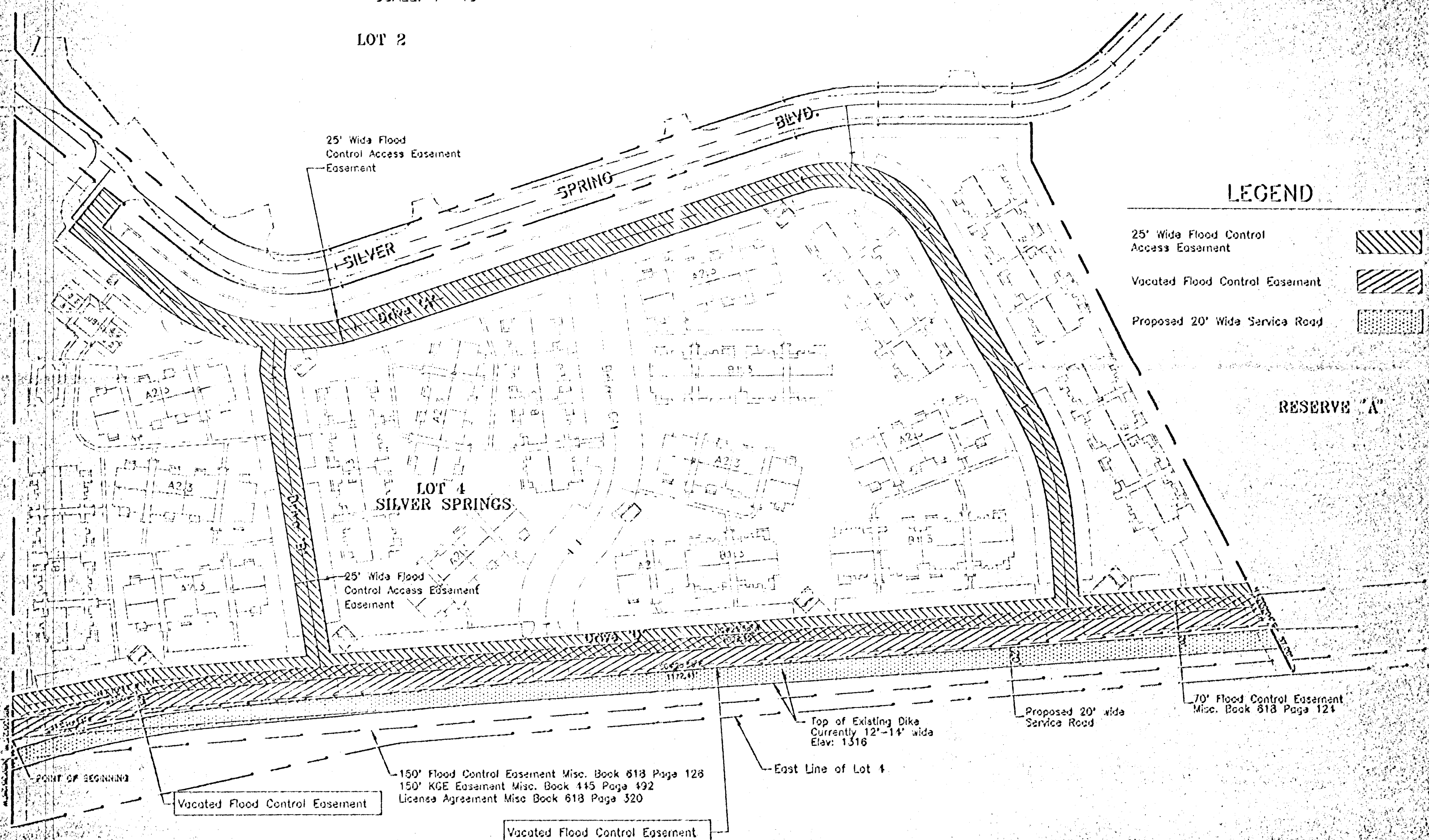
**ROSS**  
Engineering  
Co.

The Cotswold  
645 M Street, Suite 201  
Lincoln, NE 68503  
Phone: 402-474-7811  
FAX: 402-474-7813



SCALE: 1" = 40'

LOT 2



## LEGEND

- 25' Wide Flood Control Access Easement
- Vacated Flood Control Easement
- Proposed 20' Wide Service Road

RESERVE "A"

POINT OF BEGINNING

Vacated Flood Control Easement

150' Flood Control Easement Misc. Book 618 Page 128  
150' KGE Easement Misc. Book 445 Page 492  
License Agreement Misc Book 618 Page 320

Vacated Flood Control Easement

Top of Existing Dike  
Currently 12'-14' wide  
Elev: 1316

East Line of Lot 4

Proposed 20' wide  
Service Road

70' Flood Control Easement  
Misc. Book 618 Page 124

# FLOOD CONTROL EASEMENT EXHIBIT

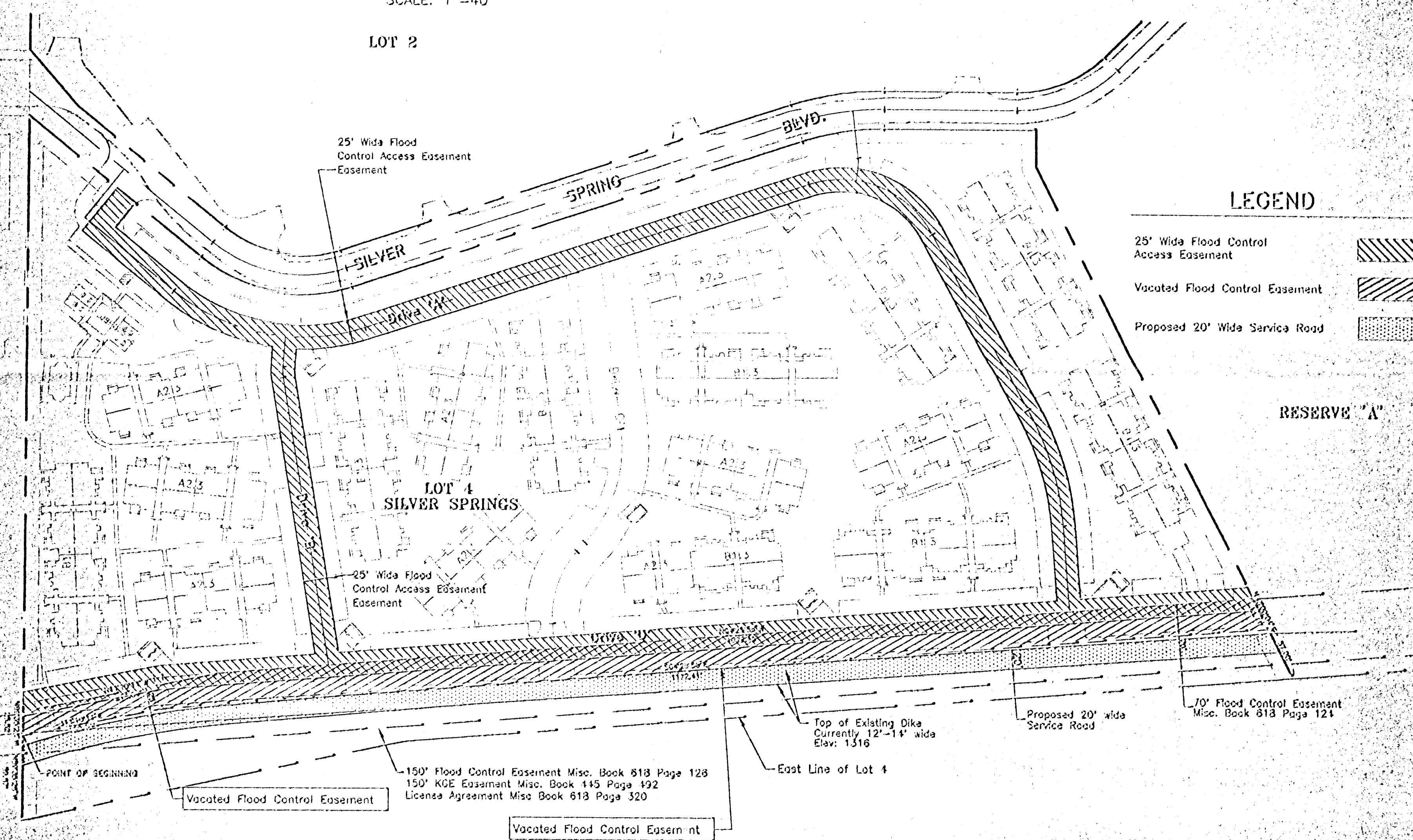


The Cotswold  
 845 M Street, Suite 201  
 Lincoln, NE 68508  
 Phone: 402-474-1511  
 FAX: 402-474-1513



SCALE: 1" = 40'

LOT 2



## LEGEND

- 25' Wide Flood Control Access Easement
- Vacated Flood Control Easement
- Proposed 20' Wide Service Road

RESERVE "A"

POINT OF BEGINNING

Vacated Flood Control Easement

150' Flood Control Easement Misc. Book 618 Page 128  
 150' KGE Easement Misc. Book 445 Page 192  
 License Agreement Misc. Book 618 Page 320

Vacated Flood Control Easement

Top of Existing Dike  
 Currently 12'-14' wide  
 Elev: 1316

Proposed 20' wide  
 Service Road

70' Flood Control Easement  
 Misc. Book 618 Page 124

East Line of Lot 4