

I N T E R O F F I C E M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 28-Dec-1994 11:42am CST  
From: Suzanne Loomis  
LOOMIS\_S  
Dept: Public Works  
Tel No: 268-4498

TO: Barry Lane Carroll ( CARROLL\_B )  
CC: Steve Lackey ( LACKEY\_S )  
CC: Larry D. Henry ( HENRY\_L )  
CC: Kurt Schroeder ( SCHROEDER\_K )  
CC: Marvin Krout ( KROUT\_M )

Subject: CPO Inquiry

I assume the location you/Ben Huie is inquiring about is on the east side of Cowskin Creek, west of Seville St., and north of US-54 highway. If so, to the best of my knowledge, the status of the floodway fringe fill is as follows:

On August 17, 1994, O.C.I. issued a stop-work permit at the site ordering all filling activities to cease. The property owner was notified in writing that the filling operation must cease until all appropriate State and local permits were obtained, including submittal of an engineer's soil report for local officials to review.

Upon request, on August 29, 1994, local officials met with the applicant's representative, Mr. M.S. Mitchell, to discuss the case. Local officials directed the applicant to proceed immediately with State permits, begin performing soil analysis at the site, and block-off the site to prevent further dumping of material.

In September of 1994, there was evidence additional material was present at the site. The applicant's representative was contacted by O.C.I. (because they are the City enforcers for violations of this nature) after each incident and he stated it was unauthorized by the owner and the area would be barricaded once again. The Police Department has been helping O.C.I. keep an eye out for additional filling activities since early September.

On September 13, 1994, the owners representatives performed soil analysis tests at the site to determine the type and condition of the previously placed fill material.

The owner submitted an application for approval of the floodway fringe fill to the State Division of Water Resources. The application went on public notice on October 24, 1994. I am unaware of DWR's determination, perhaps Mr. Schroeder has that information.

On November 5, 1994, M.S. Mitchell wrote to Mr. Schroeder with the

results of the Sept. 13, 1994 soil tests. He also referred to correspondence with Mr. Phillip Frick concerning a City Land Use Restriction, considering the fill material. Any restrictions would be subject to obtaining the appropriate State permits.

In closing, sometime in the past month or two, I received a call from DWR inquiring about the site. I relayed the above information to them, but they did not give any indication when they would make their decision about the fill. And it is my understanding that O.C.I. is waiting to hear DWR's determination before making their decision on the future of the site, and the legality of the fill material. I believe the Planning Dept. has also been involved with some planning issues at the same site. And I am sure they can better relay their involvement with the case than I. Therefore, I would recommend you direct any planning questions to Marvin Krout, and any questions which I have not already covered in the above to Kurt Schroeder when he returns since O.C.I. has the authority in this case.

I hope this answers the initial question. If I need to clarify anything in the above, please give me a call.

INTEROFFICE MEMORANDUM

Printed by: Suzanne Loomis  
Date: 28-Dec-1994 11:02am CST  
From: Barry Lane Carroll  
CARROLL\_B  
Dept: CPO  
Tel No: (316) 268-4516

TO: Suzanne Loomis ( LOOMIS\_S )  
TO: Larry D. Henry ( HENRY\_L )  
TO: Steve Lackey ( LACKEY\_S )

Subject: CPO NW Inquiry

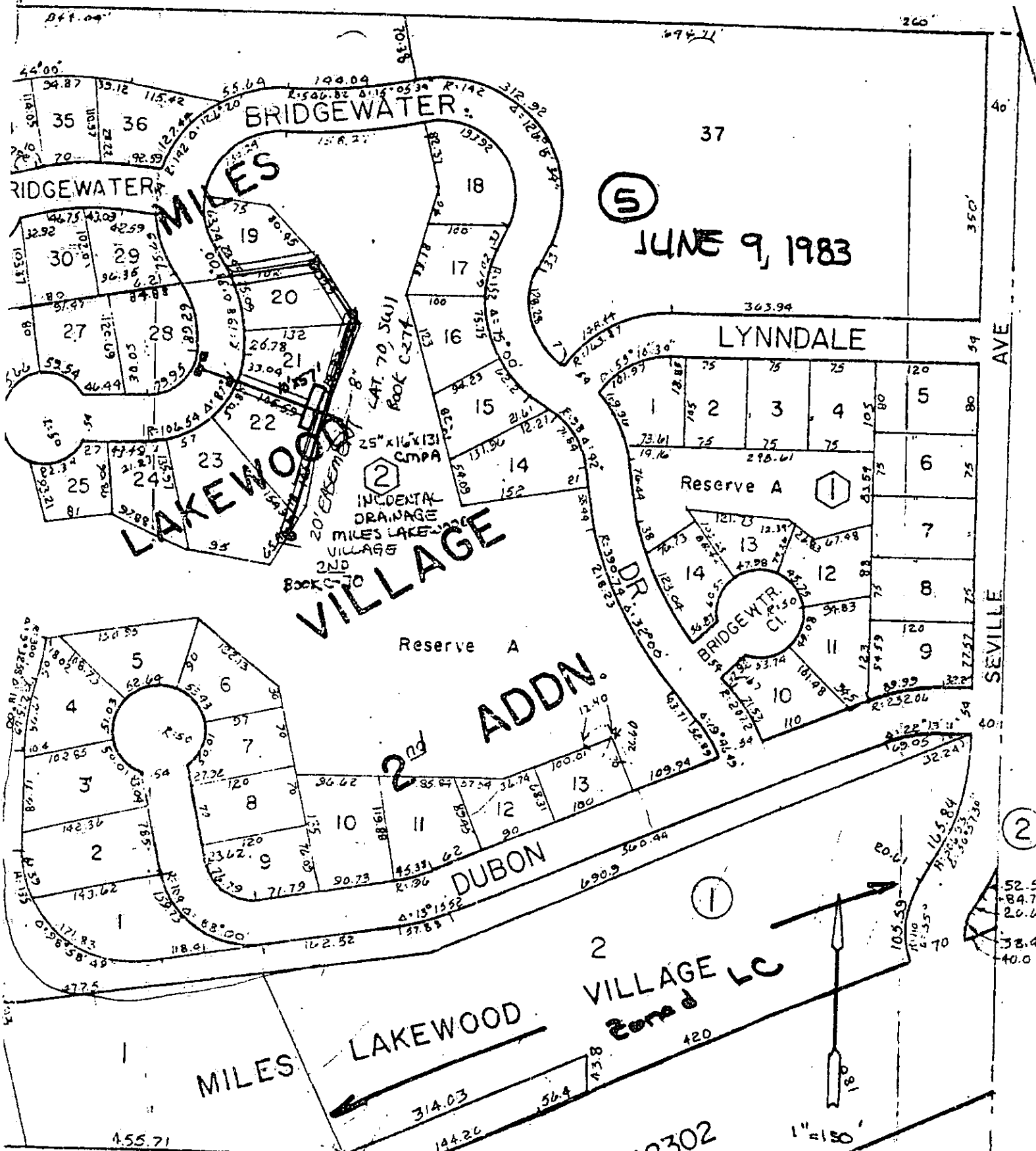
Ben Huie (CPO NW Member) would like to have a "status report" regarding the dumping in an area new W. Kellogg & Seville.

Kurt Schroeder, OCI, is on leave.

Is the dumping legal?

Please provide (short) reply for tonight's meeting (want to come along?).

Thanks!



5

JUNE 9, 1983

2nd ADDN

Reserve A

1

2 VILLAGE LC

CONDEMNATION CASE NO. A-38302

RECEIVED AUG 29 1994

BORROW EASEMENT  
11-21-51

75'

November 5, 1994

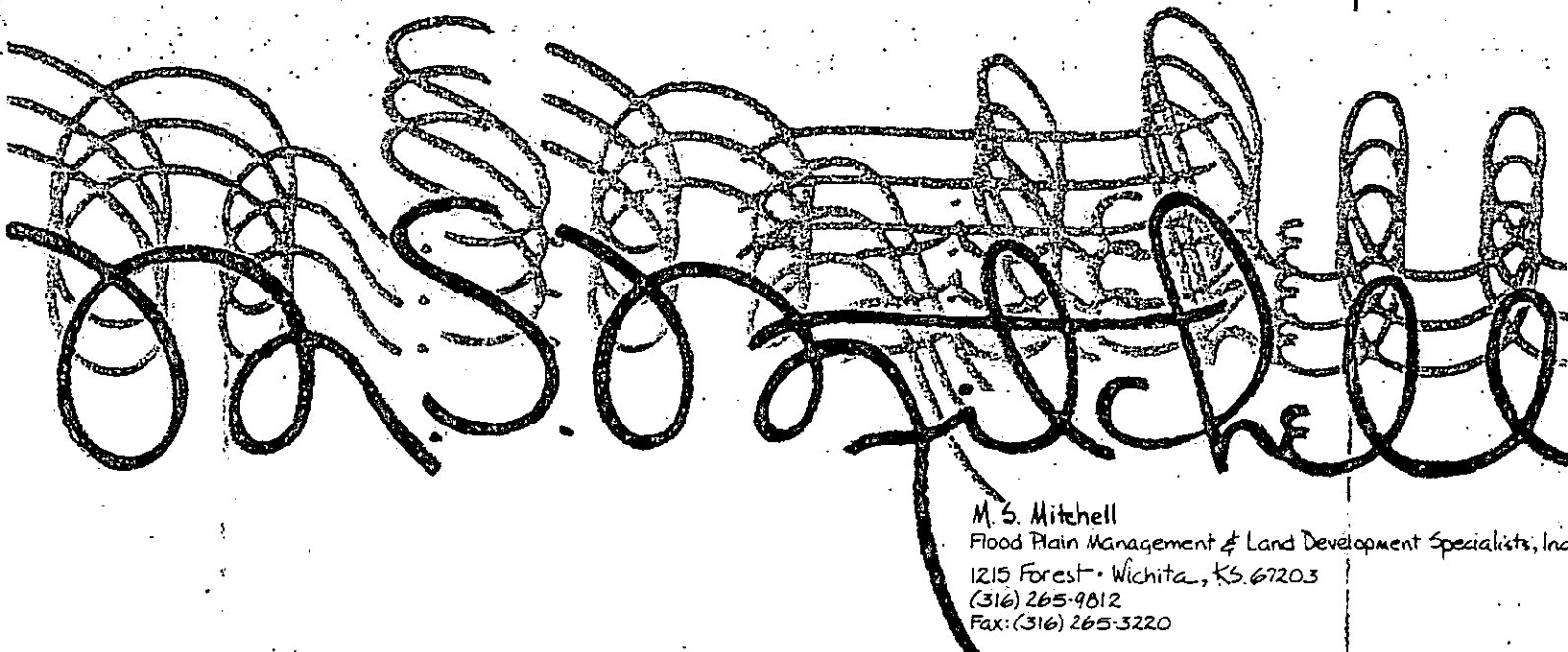
City of Wichita  
Central Inspection Division  
City Hall - Seventh Floor  
455 North Main Street  
Wichita, KS 67202

Attention: Mr. Kurt Schroeder, Acting Superintendent of Central  
Inspection

Dear Mr. Schroeder:

Transmitted with this letter is a copy of John B. McDaniel's letter report on his conference with you and other City staff on September 2 and his investigation of the fill project area in Miles Lakewood Village Addition on September 13. McDaniel's report outlines his supervision of the excavation of seven test pits (See copy of his sketch) and his opinion that the material located on Tract 1 (See excerpt of survey by Lowell High Surveyors) is "unsuitable for standard construction of any kind." and that the material found in test pits on Tract 2 was generally clean and that the pieces of concrete found "are within the parameters set up by Chapter 70 of the UBC".

With Mr. Miles permission, I took all the correspondence and exhibits relating to the fill requirements of Chapter 70 to Mr. Phillip Frick and asked him to prepare a Land Use Restriction to offer the City in exchange for approval of letting Mr. Miles complete the fill project, subject to his obtaining his permit from the Division of Water Resources. Mr. Frick's Land Use Restriction as submitted herewith has been approved by Mr. McDaniel and will be signed by Mr. Miles if approved by the City.

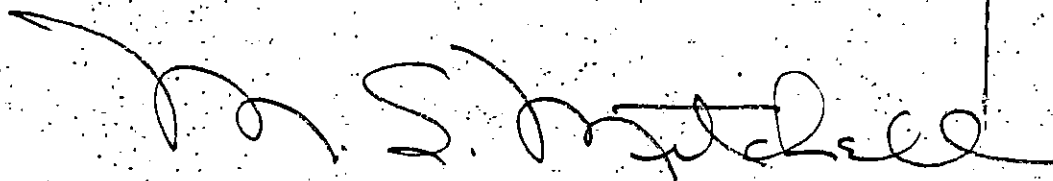
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M. S. Mitchell  
Flood Plain Management & Land Development Specialists, Inc  
1215 Forest • Wichita, KS 67203  
(316) 265-9812  
Fax: (316) 265-3220

We request that you review the Restriction and advise if any other actions on the part of Mr. Miles are necessary to obtain approval of a permit to complete the fill project, and that you extend the date of December 6, 1994 to give the state time to process and approve the Floodway Fringe Permit..

Sincerely,

encl as noted

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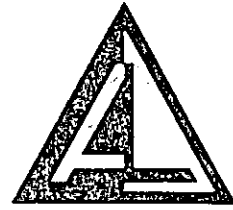
ALLIED LABORATORIES DEPARTMENT  
G. K. GREENWOOD, P.E., MANAGER  
W. H. KELTNER, P.E., ASSISTANT MANAGER

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J. B. McDANIEL, JR., GEOLOGIST, MANAGER  
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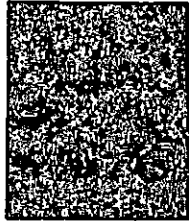
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C. E. DANIELS, AET  
R. C. PEPOWSKI, AET



**ALLIED  
LABORATORIES**

A DEPARTMENT OF PROFESSIONAL  
ENGINEERING CONSULTANTS, P.A.



4 October 1994

Gene Miles Development, Inc.  
10711 West Kellogg  
Wichita, Kansas 67209

Attention: Mr. Gene Miles

Re: Lot 1, Block 2, Miles - Lakewood Village Addition

Sir:

On 30 August 1994, I met with you, M.S. Mitchell and Dick Linn at the referenced site. The purpose of the meeting was to take a look at the fill material which had been placed on the site. The City of Wichita had, on 15 August 1994, visited the site and found that an area "about 100+ feet wide by several hundred feet long" was being filled with a wide variety of objectionable material, mainly construction debris. As a result of this visit, a "Stop-Work" order was posted on 17 August 1994, requiring that all filling or disposal of material on this site immediately cease and you immediately apply for permits to perform any additional work on the site.

On 22 August 1994, a letter was sent to Gene Miles Development by the City of Wichita Central Inspection Department, detailing all these events and requiring immediate cessation of excavation, filling and/or disposal of any debris at this site. It further required that, by 6 December 1994, either all fill and debris will have to be removed or that you will have provided for the City's review an engineer's report which describes the extent to which any watercourse has or will be altered, as well as an analysis of the fill on the site.

On Friday, 2 September 1994, M.S. Mitchell and I attended a meeting with City of Wichita staff members in which we discussed the options available to you for bringing the fill operation into compliance with the City of Wichita Flood Damage Prevention Code and Chapter 70 of the Uniform Building Code. This letter will address only those problems associated with Chapter 70 of the UBC. Chapter 70 states, in Section 7010 (Fills) that no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills. Chapter 70 further states that all fill shall be compacted to a minimum of 90% of its maximum dry density as determined by ASTM D-1557, the modified Proctor procedure.)

Lowell High, a registered Land Surveyor in the State of Kansas has provided a drawing, dated 16 September 1994 on which he separates the parcel of land known as part of Lot 2, Block 1, Miles Lakewood Village, into Tracts 1 and 2. The line dividing Tract 1 from Tract 2 is essentially the line dividing the area of the objectionable fill material (Tract 1) from the area which contains little or no fill of an objectionable nature (Tract 2).

FORWARD ALL MAIL TO  
ALLIED LABORATORIES  
303 SOUTH TOPEKA  
WICHITA, KANSAS 67202

CONSTRUCTION/SURVEY/GEOTECHNICAL  
DIVISIONS LOCATED AT  
350 SOUTH WASHINGTON  
WICHITA, KANSAS 67202  
(316) 262-6457  
FAX NO. (316) 262-6592

Lot 1, Block 2, Miles - Lakewood Village Addition

4 October 1994

Page 2

Regarding the requirements of the aforementioned letter of 22 August 1994, we will make a visual analysis only of the fill materials in both Tract 1 and 2. Since the fill material on Tract 1 was placed without compaction control, it is obviously not in compliance with the Chapter 70 requirement for 90% of the maximum dry density as determined by ASTM D-1557. We will make a blanket statement regarding the fill on Tract 1 and that statement is that the entire area of Tract 1 is unsuitable for standard construction of any kind. Two (2) test pits, dug on the eastern edge of Tract 1 on 13 September 1994 showed trash fill consisting of large chunks of concrete, bricks, wire, reinforcing steel and asphalt to a depth of at least 4.5 feet. The pits were stopped at that depth and were still in fill. As with any site, regardless of its condition, a structure or parking lot could be constructed on this site, but the cost of preparation of the site would be prohibitive. It would in all probability entail removal of the trash fill on the site and replacement with clean, engineered fill. Any structure constructed on Tract 1 without substantial site preparation will, in all likelihood, show considerable structural distress.

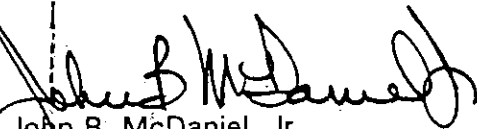
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It is not generally considered good engineering practice to found any type of structure on a man made fill of unknown quality. It is our recommendation that a complete geotechnical study be done for whatever structures, including parking lots, are contemplated for Tract 2. Any tract of land, regardless of its apparent condition, should have a geotechnical study done which is building specific. This is a standard recommendation which is consistent with good engineering practice and should fulfill the compaction requirements listed in Chapter 70.

We must point out that the information presented in this letter is based on visual observation of the materials on the surface and on seven (7) widely spaced test pits. We think the information from the test pits is representative of the site conditions, but the possibility of subsurface variations does exist. If there is any question concerning the information presented in this letter, please contact the undersigned at your convenience.

Very truly yours,

ALLIED LABORATORIES



John B. McDaniel, Jr.  
Construction Division Manager

css

attachment

## LOGS OF TEST PITS

| TRACT 2                 |  |
|-------------------------|--|
| 0 - 1.0'<br>1.0' - 4.0' | topsoil<br>light brown clayey silt   |
| 0 - 1.5'<br>1.5' - 3.0' | fill, small concrete pieces (< 4")<br>light brown clayey silt                |
| 0 - 3.0'<br>3.0' - 4.0' | fill, clean, brown clayey silt, some gravel<br>topsoil (buried soil profile) |
| 0 - 1.5'<br>1.5' - 4.0' | topsoil<br>light brown clayey silt   |
| 0 - 3.0'<br>3.0' - 5.0' | fill, brown clayey silt<br>topsoil (buried soil profile)                     |
| TRACT 1                 |  |
| 0 - 4.5'                | fill (concrete, bricks, wire, rebar)   |
| 0 - 4.0'                | fill (concrete, wire, bricks)  |

LAND USE RESTRICTION

This Land Use Restriction is made as of this \_\_\_\_ day of \_\_\_\_\_, 1994 by the undersigned.

WHEREAS, the undersigned is the owner of that certain real property legally described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, said property does not meet the requirements of Section 7010 of Chapter 70 of the 1991 Uniform Building Code as adopted by the City of Wichita and dealing generally with Fill and Fill Material, and reference thereto should be made by all interested parties concerned with the property; and

WHEREAS, in order to meet the requirements of the Office of Central Inspection of the Metropolitan Area Planning Department, the undersigned does hereby subject the property to the following use restriction.

No permit shall be requested for a building or permanent type pavement to be located on said property, nor any use made of the property, that would otherwise require the satisfaction of Section 7010 unless such permit application is accompanied by a site specific geotechnical report outlining the work proposed to remediate any conditions not meeting the provisions of Section 7010(c).

This Land Use Restriction shall be deemed to be a covenant running with the land and binding upon the undersigned, its successors and assigns.

This Land Use Restriction executed as of the date first above written.

GENE MILES DEVELOPMENT, INC.

By \_\_\_\_\_  
Gene Miles, President

ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) ss:  
SEDGWICK COUNTY )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 1994, before me, a Notary Public within and for the County and State aforesaid, personally appeared Gene Miles, President of Gene Miles Development, Inc., a Kansas corporation, who is personally known to me and known to me to be the identical person who subscribed the name of the maker thereof to the within and foregoing Restrictive Covenant as President thereof, and said person acknowledged to me his execution thereof as and for his free and voluntary act and deed; and for an on behalf of and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal as of the date last above written.

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

My Appointment Expires:

\_\_\_\_\_  
CAWP51\PSFMILES.RES

EXHIBIT "A"

Part of Lot 2, Block 1, Miles Lakewood Village, Sedgwick County, Kansas, described as follows: Commencing at the NE corner of said Lot 2, thence S65°57'30"W along the northerly line of said Lot 2, and along the southerly line of Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas, 497.06 feet to a point of beginning; thence S65°57'30"W, 193.84 feet; thence S81°02'41"2, 203.40 feet to the westerly line of said Lot 2; thence S24°44'15"E along the westerly line of said Lot 2, 237.43 feet to the SW corner of said Lot 2; thence N66°38'56"E, 314.03 feet; thence S0°00'E, 43.8 feet; thence N65°57'30"E along the southerly line of said Lot 2, 5.58 feet; thence N3°31'55"W, 243.75 feet to the point of beginning.

November 5, 1994

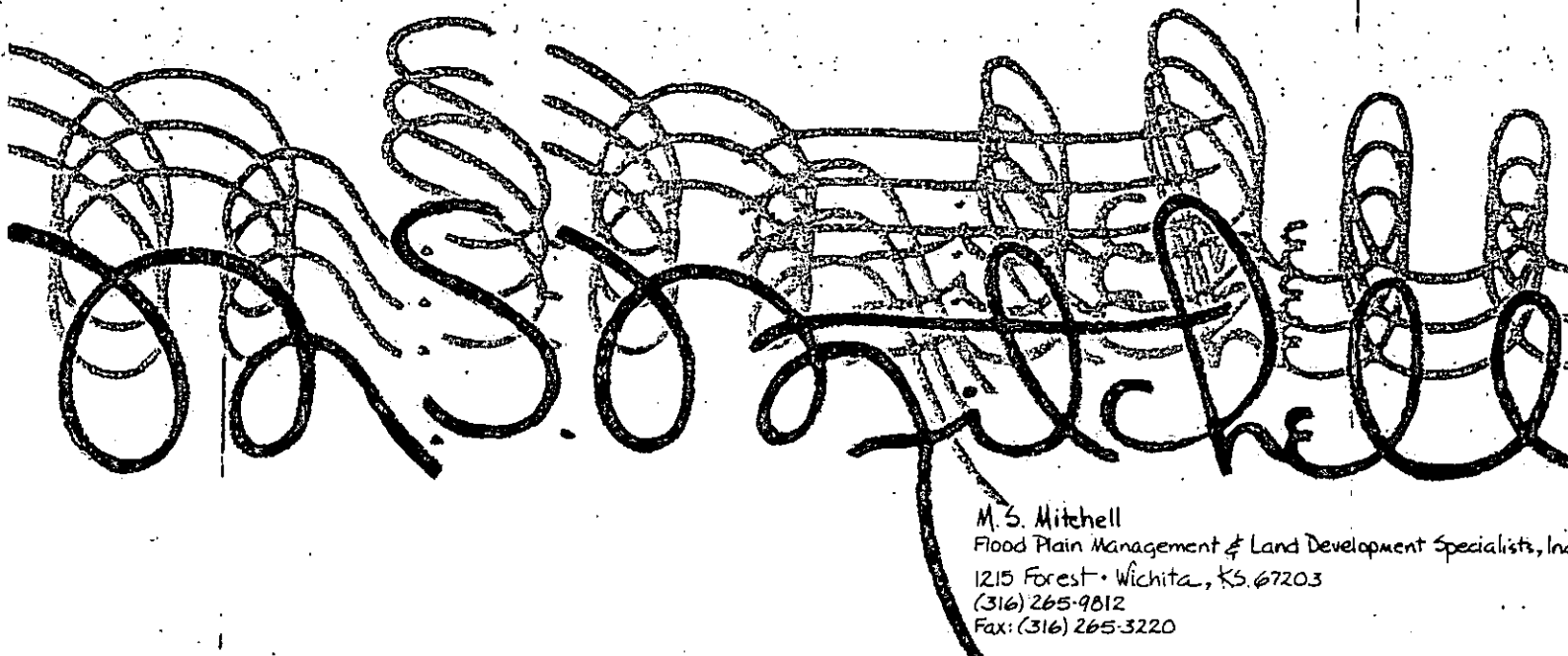
City of Wichita  
Central Inspection Division  
City Hall - Seventh Floor  
455 North Main Street  
Wichita, KS 67202

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Inspection

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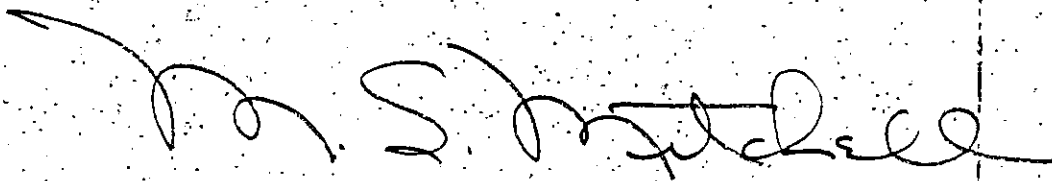
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M. S. Mitchell  
Flood Plain Management & Land Development Specialists, Inc  
1215 Forest - Wichita, KS 67203  
(316) 265-9812  
Fax: (316) 265-3220

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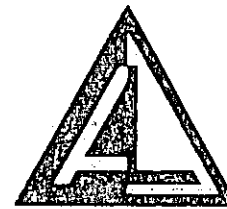
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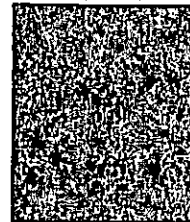
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Lot 1, Block 2, Miles - Lakewood Village Addition

4 October 1994

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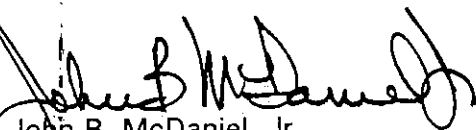
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John B. McDaniel, Jr.  
Construction Division Manager

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| 0 - 3.0'<br>3.0' - 4.0' | fill, clean, brown clayey silt, some gravel<br>topsoil (buried soil profile) |
| 0 - 1.5'<br>1.5' - 4.0' | topsoil<br>light brown clayey silt   |
| 0 - 3.0'<br>3.0' - 5.0' | fill, brown clayey silt<br>topsoil (buried soil profile)                     |
| TRACT 1                 |  |
| 0 - 4.5'                | fill (concrete, bricks, wire, rebar)   |
| 0 - 4.0'                | fill (concrete, wire, bricks)  |

LAND USE RESTRICTION

This Land Use Restriction is made as of this \_\_\_\_ day of \_\_\_\_\_, 1994 by the undersigned.

WHEREAS, the undersigned is the owner of that certain real property legally described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, said property does not meet the requirements of Section 7010 of Chapter 70 of the 1991 Uniform Building Code as adopted by the City of Wichita and dealing generally with Fill and Fill Material, and reference thereto should be made by all interested parties concerned with the property; and

WHEREAS, in order to meet the requirements of the Office of Central Inspection of the Metropolitan Area Planning Department, the undersigned does hereby subject the property to the following use restriction.

No permit shall be requested for a building or permanent type pavement to be located on said property, nor any use made of the property, that would otherwise require the satisfaction of Section 7010 unless such permit application is accompanied by a site specific geotechnical report outlining the work proposed to remediate any conditions not meeting the provisions of Section 7010(c).

This Land Use Restriction shall be deemed to be a covenant running with the land and binding upon the undersigned, its successors and assigns.

This Land Use Restriction executed as of the date first above written.

GENE MILES DEVELOPMENT, INC.

By \_\_\_\_\_  
Gene Miles, President

ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) ss:  
SEDGWICK COUNTY )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 1994, before me, a Notary Public within and for the County and State aforesaid, personally appeared Gene Miles, President of Gene Miles Development, Inc., a Kansas corporation, who is personally known to me and known to me to be the identical person who subscribed the name of the maker thereof to the within and foregoing Restrictive Covenant as President thereof, and said person acknowledged to me his execution thereof as and for his free and voluntary act and deed; and for an on behalf of and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal as of the date last above written.

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

My Appointment Expires:  
  
\_\_\_\_\_

EXHIBIT "A"

Part of Lot 2, Block 1, Miles Lakewood Village, Sedgwick County, Kansas, described as follows: Commencing at the NE corner of said Lot 2, thence S65°57'30"W along the northerly line of said Lot 2, and along the southerly line of Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas, 497.06 feet to a point of beginning; thence S65°57'30"W, 193.84 feet; thence S81°02'41"2, 203.40 feet to the westerly line of said Lot 2; thence S24°44'15"E along the westerly line of said Lot 2, 237.43 feet to the SW corner of said Lot 2; thence N66°38'56"E, 314.03 feet; thence S0°00'E, 43.8 feet; thence N65°57'30"E along the southerly line of said Lot 2, 5.58 feet; thence N3°31'55"W, 243.75 feet to the point of beginning.

OCT 27 1994



**KANSAS STATE BOARD OF AGRICULTURE**

**DIVISION OF WATER RESOURCES**

David L. Pope, Chief Engineer-Director  
901 S. Kansas Avenue, Second Floor  
Topeka, Kansas 66612-1283  
(913) 296-3717 Fax (913) 296-1176

Phillip A. Fishburn  
Acting Secretary  
913 296-3558

ATTENTION: Edward E. Byrd, P.E.

Prepared by: David E. Nagle  
913/296-2933

**A P P L I C A T I O N   N O T I C E**

**As required by the Water Projects Environmental Coordination Act, K.S.A. 82a 325-327**

Notice No.: 94445  
WS No.: LSG-0093

Date of Notice: 10/24/94  
Expiration Date: 11/24/94

This notice of application is provided so that agencies identified by the Water Projects Environmental Coordination Act and interested persons or organizations may have an opportunity to review the plans and submit any comments to the Chief Engineer for consideration. The plans are available in this office for review any time during regular office hours. Comments should be submitted, in writing, prior to the expiration date listed above. If no comments are received by that date, we will presume you have no information to be considered.

**APPLICANT**

Name: Mr. Gene Miles  
Gene Miles Development, Inc.  
Address: 10711 West Kellogg  
Wichita, Kansas 67209-6714  
Telephone: 316-722-6630

**DESIGNER**

Name: M. S. Mitchell  
Address: 1215 Forest  
Wichita, Kansas 67203  
Telephone: 316-265-9812

**PROJECT LOCATION:** (See attached 7 1/2 minute quadrangle map: Wichita West, Kansas.)

In the floodway fringe of Cowskin Creek at a location in the N 1/2 of the SE 1/4 of the SW 1/4, and in the SW 1/4 of the SE 1/4 of the SW 1/4, all in Section 29, Township 27 South, Range 1 West, Sedgwick County, Kansas.

**STATUTE:** K.S.A. 24-126.

**PROJECT ACTIVITY:** Floodway fringe fill.

pc: District Engineer, Kansas City  
Corps of Engineers  
Kansas Water Office  
Stafford Field Office  
Wichita Community Floodplain Administrator

Prior Agency Comments (Attached): Yes ( ) No ( x )

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Sam Brownback, Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

# APPLICATION

for  
Approval of Levee Plans  
K.S.A. 24-126



PLEASE USE INSTRUCTIONS ON REVERSE SIDE OF PAGE.

Application is hereby made for the approval of plans by the Chief Engineer, Division of Water Resources, pursuant to K.S.A. 24-126 by:

1. Applicant: Gene Miles, Gene Miles Development, Inc. Telephone No.: 316-722-<sup>6</sup>630

Address: 10711 West Kellogg, Wichita, KS 67209-6714

2. Name of Stream or Watercourse: Cowskin Creek

3. Description of type and purpose of proposed construction: Floodway Fringe Fill in left bank flood plain. Area is approximately 230 feet wide by 1200 feet long situated between U.S. Highway 54 embankment and private levee in Miles Lakewood Village Second Addition and covers about 6 acres. Current work is completion of fill begun in 1973 and involves approximately 25,000 cubic yards of fill.

4. Legal description of location:  
Miles Lakewood Village Addition except that part replatted as Miles Lakewood Village Second Addition in SE 1/4, SW 1/4 Section 29, T27S, R1W Sedgwick County

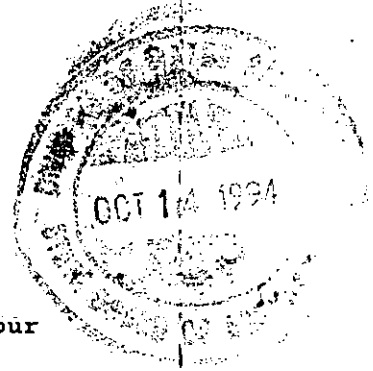
5. Complete plans, maps, profiles, specifications, all papers and data shall be filed with this application and made a part thereof.

6. Copies of Environmental Reviews, Environmental Impact Statement, letters of comment and any other information pertinent to the requirements of K.S.A. 82a-325 through 82a-327, Water Projects Environmental Coordination Act, have/ have not been conducted and are/ are not attached and made a part hereof.

7. Signature of Applicant: Gene Miles Development Inc.

Date: 9-7-94 Title Gene Miles Pres.

Application Supplement  
Water Projects Environmental Coordination Act  
K.S.A. 82a-325 to 327



Questionnaire

Completion of this questionnaire is required before your application can be processed

1. List the Designer's name, title, address and telephone number.

Gene Miles, Gene Miles Development, Inc., owner

10711 West Kellogg, Wichita 67209 Phone 316-722-6630 FAX 316-722-7640

2. Is your project a      stream obstruction,      dam,      change in the course, current or cross-section of a stream and/or      levee,    floodplain fill or other such improvement? (Check all that apply)

3. What are the environmental impacts (e.g. impacts to threatened or endangered species, historic sites, wetlands, etc.) of your project?

None

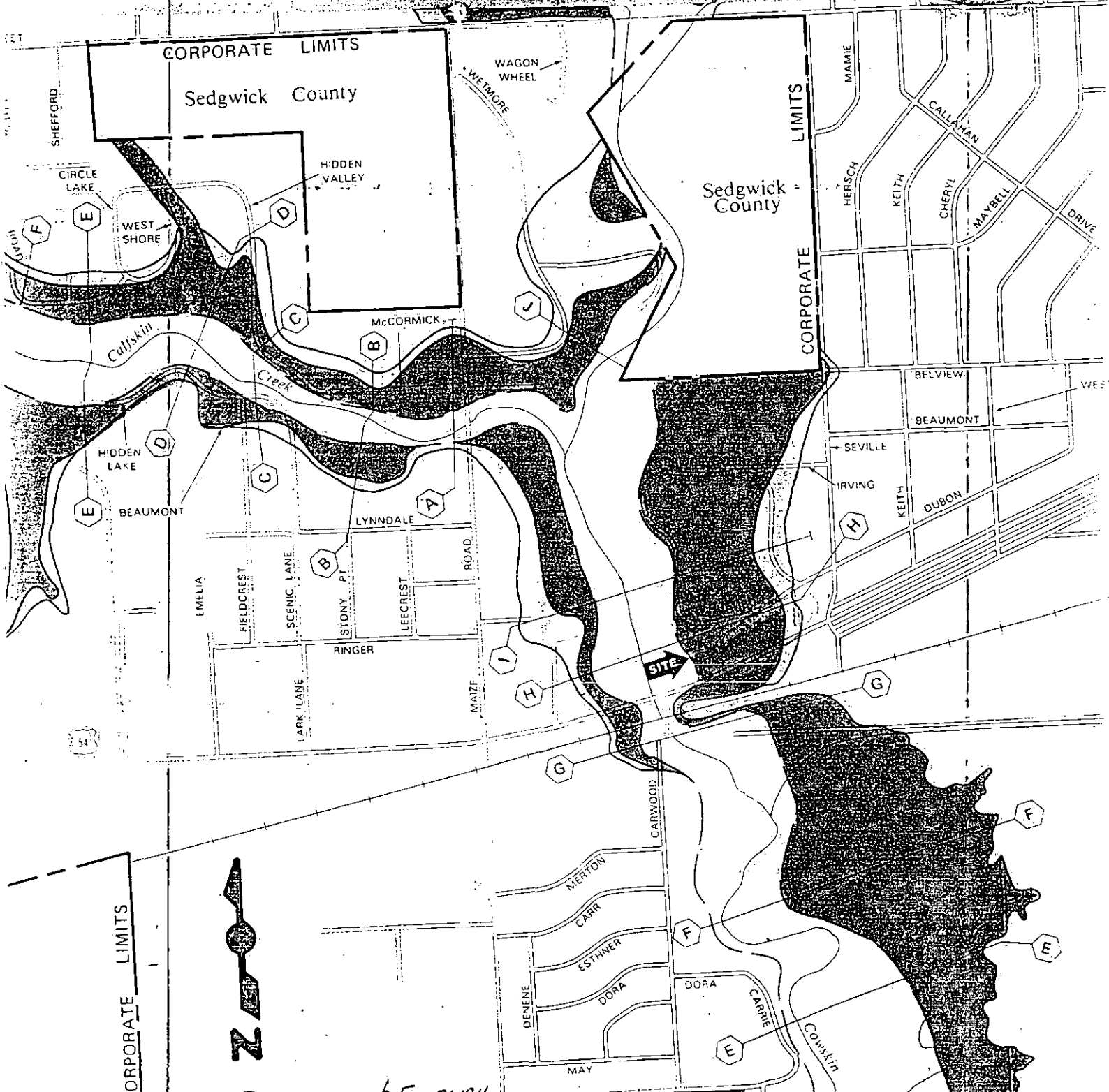
Submit any environmental impact statements or assessments that have been prepared on this project.

4. How are any riffles (areas of fast moving, shallow water running over rocks or gravel), permanent pools, or other aquatic habitats affected by your project?

None

5. To what extent is riparian (stream-side) vegetation or habitat, including timber, being removed? Please quantify the amounts in acres or other unit measurements such as number, size and species of trees.

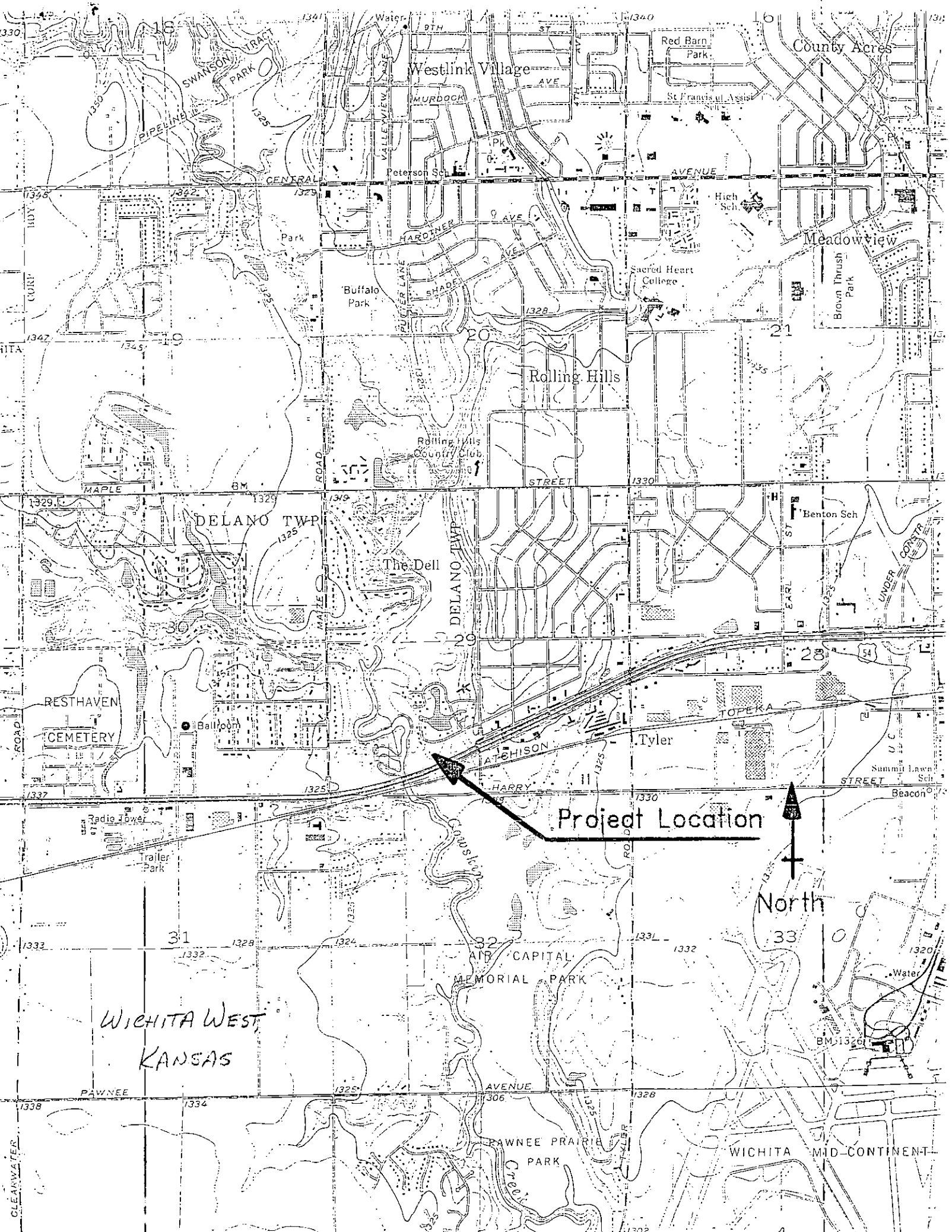
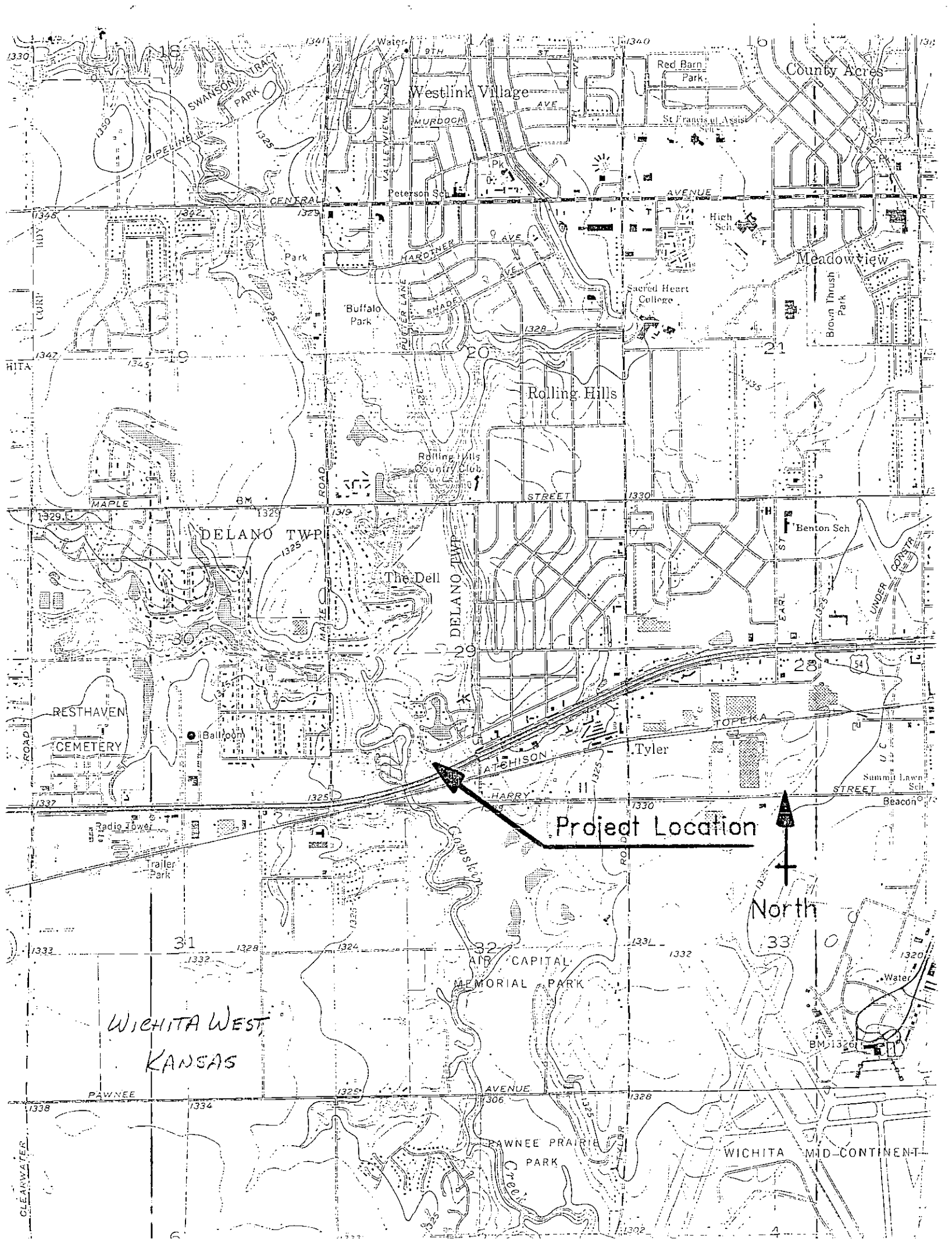
None



PANEL # 200328 0020  
MAY 15 1991

FLOOD BOUNDARY & FLOODWAY MAP

Exhibit 2



WICHITA WEST  
KANSAS

Project Location

North

DELANO TWP

The Dell

DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP

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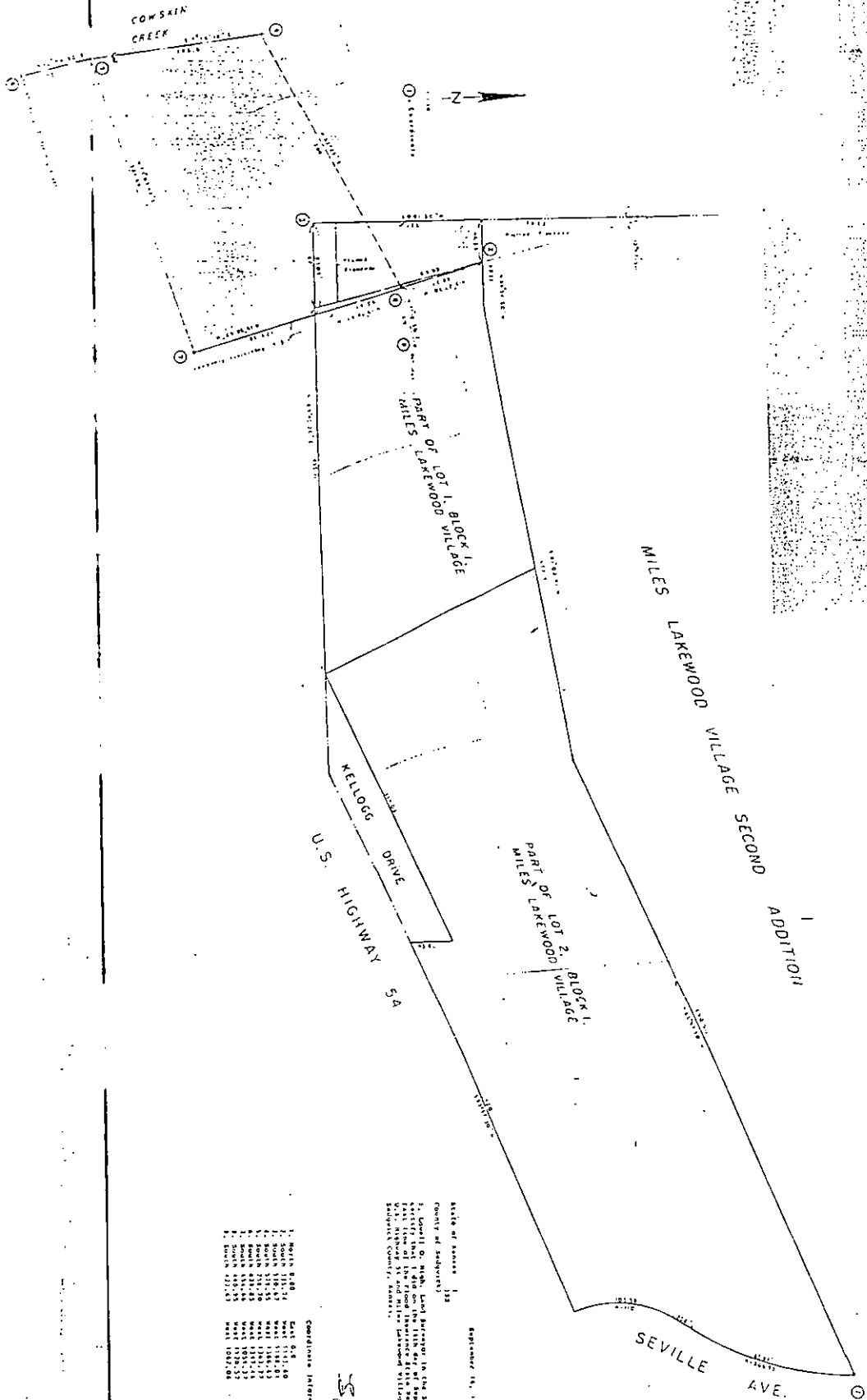
DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP

DELANO TWP



KELLOGG DRIVE  
U. S. HIGHWAY 5A

MILES LAKEWOOD VILLAGE SECOND ADDITION

PART OF LOT 2, BLOCK 1, MILES LAKEWOOD VILLAGE

PART OF LOT 1, BLOCK 1, MILES LAKEWOOD VILLAGE

SEVILLE AVE.

STATE OF PENNSYLVANIA  
County of Allegheny  
I, Louis G. Nigh, Clerk of the Board of Supervisors, do hereby certify that I am the Clerk of the Board of Supervisors, and that I have caused this plat to be recorded in the office of the Register of Wills, Allegheny County, Pennsylvania, on the 14th day of September, 1914, and that the same is a true and correct copy of the original as the same appears in the files of the Board of Supervisors, Allegheny County, Pennsylvania.

September 14, 1914

Coordinates Information

|                |              |
|----------------|--------------|
| 1. North 84.8  | East 816     |
| 2. South 81.7  | East 1171.40 |
| 3. North 81.7  | East 1184.51 |
| 4. South 81.7  | East 1197.62 |
| 5. North 81.7  | East 1210.73 |
| 6. South 81.7  | East 1223.84 |
| 7. North 81.7  | East 1236.95 |
| 8. South 81.7  | East 1250.06 |
| 9. North 81.7  | East 1263.17 |
| 10. South 81.7 | East 1276.28 |



*S. G. NIGH*  
Clerk of the Board of Supervisors

I N T E R O F F I C E   M E M O R A N D U M

Printed by:        Suzanne Loomis  
Date:             03-Nov-1994 03:59pm CST  
From:             Steve Lackey  
                   LACKEY\_S  
Dept:             Public Works  
Tel No:           268-4422

TO: See Below

Subject: Floodplain filling on Miles' property

If you have not been contacted or if you have.....I want to remind you of the meeting tomorrow morning in my office on the above subject. I want to develop the City's position on this with DWR and how we should respond to the public comment period.

Distribution:

|                        |                 |
|------------------------|-----------------|
| TO: Mike Lindebak      | ( LINDEBAK_M )  |
| TO: Chris Breitenstein | ( BREITENSTEI ) |
| TO: Larry D. Henry     | ( HENRY_L )     |
| TO: Douglas J. Moshier | ( MOSHIER_D )   |
| TO: Kurt Schroeder     | ( SCHROEDER_K ) |
| TO: Suzanne Loomis     | ( LOOMIS_S )    |

I N T E R O F F I C E   M E M O R A N D U M

Printed by:        Suzanne Loomis  
Date:             01-Nov-1994 11:11am CST  
From:             Steve Lackey  
                   LACKEY\_S  
Dept:             Public Works  
Tel No:           268-4422

TO: Kurt Schroeder                    ( SCHROEDER\_K )  
CC: Suzanne Loomis                    ( LOOMIS\_S )  
CC: Paul Steinbrenner                 ( STEINBRENNER )

**Subject:** Filling in floodplain by Miles

Have you received the public notice for comment on the above and is your office planning on commenting to the Division of Water Resources?

It seems that one comments should come from the City. Not one from OCI and another from the SWS U. I suggest you and Suzanne meet and layout the issues that need documentation to DWR. Issues such as violating local ordinance, Cowskin drainage basin flooding and the city spending money now to assess the basin.

I guess the what is really important here is that there was a disregard to follow local ordinance in a highly flood prone area.

OCT 3 1994

# **KOSS**

**CONSTRUCTION COMPANY**

April 15, 1992

Mr. Mike W. Longshaw  
Construction Engineer  
Kansas Department of Transportation  
2431 South Young  
Wichita, Kansas 67215-1226

Re: 54-87 K 3388-01  
Sedgwick County, Kansas  
(Koss #37)

Dear Sir:

Attached are documentation from our Sub-Contractor, Cornejo & Sons, Inc., which they ask permission to use the northeast corner of Highway 54 and Mazie Road as a dump site. Also attached is a letter from the owner of the property giving permission to Cornejo & Sons, Inc. to use this land for a dump site for a mixture of rock, dirt, and asphalt rubble.

Cornejo & Sons, Inc. wishes to use this area for a dump site for the above referenced project.

Your earliest attention to this matter will be appreciated.

Thank you.

Sincerely,

*G. ALLEN PAYNE*

G. Allen Payne  
Field Office Manager

cc: Koss-Des Moines  
Koss #37  
Steve Robitzsch

**General Contractors Since 1914**  
4090 Westown Parkway  
West Des Moines, Iowa 50265  
515-224-1028

**RECEIVED**

APR 16 1992

**Wichita West**



# Cornejo & Sons Inc.

2060 Tulsa P.O. Box 16204 Wichita, KS 67216  
(316) 522-6100 Fax (316) 522-8187

April 15, 1992

VIA FAX

Mr. Alan Payne  
Koss Construction  
Project Office

Re: US-54 Project

Dear Alan:

We request authorization to establish the property located at the northeast corner of Highway 54 and Maize Road as a dump site for a mixture of rock, dirt and asphalt rubble.

Your prompt response to this matter will be appreciated.

Sincerely,

CORNEJO & SONS, INC.



Jess Cornejo  
President

/mh



# Resthaven MORTUARY & CEMETERY

11800 West Highway 34

Wichita, Kansas 67209

Phone (316) 722-2100

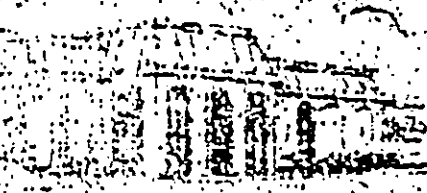
April 15, 1992

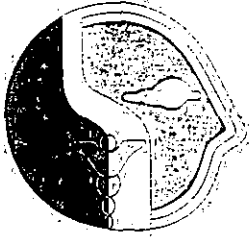
Ron Cornejo  
Cornejo & Sons, Inc.  
2060 E. Tulsa  
Wichita, Ks. 67216

I, Dean Schraw, representative of Resthaven Mortuary and Cemetery and for Nap Bladsoe, in his absence, authorize Cornejo & Sons, Inc. to use the property owned by Mr. Bladsoe located on the Northeast corner of Maize Road and Highway 34 as a dump site for a mixture of rock, dirt and asphalt rubble.

Dean Schraw  
Controller

Resthaven Mortuary and Cemetery





April 15, 1992

Mike Longshaw, P.E.  
Construction Engineer  
Kansas Department of Transportation  
2431 S. Young  
Wichita, KS. 67215

Re: Concrete, asphalt and earth disposal, KDOT Proj. No. 54-87 K  
3388-01, Highway 54, 119th St. West to Goddard.


Dear Mr Longshaw:

The Sedgwick County Solid Waste Committee approves the disposal of concrete rubble, asphalt residue and excess earth excavation in property owned by Hap Bledsoe, adjacent to Cowskin Creek, at the corner of West Highway 54 and Maize Road. The site is in the City of Wichita. It is noted that as much asphalt waste as is possible has already been taken to your plant for recycling.

Any asphalt remaining should be buried as close to the surface as possible, and in no circumstances within three foot of the water table.

It should also be noted that fill of this nature will normally have insufficient compaction for future construction, and the applicants should be aware of this limitation.

If you have any questions on the above please call me, or John Davis, at 268-8351.

  
Jack A. Brown, Director  
Environmental Health

cc: David Spears, Solid Waste Committee  
John Davis, Health Department  
Ron Cornejo, Cornejo & Sons

RECEIVED

APR 17 1992

Wichita West

Wichita-Sedgwick County Department of Community Health *ERT-Jack*  
1900 East Ninth Street-Wichita, Kansas 67214-3198 (316)268-8401



# SEDGWICK COUNTY, KANSAS

## BUREAU OF PUBLIC SERVICES

1250 S. SENECA  
WICHITA, KANSAS 67213-4498  
(316) 383-7901  
FAX: (316) 263-9241

### FACSIMILE TRANSMITTAL

TO: KDOT

FROM: Phil Dietrich

DATE: 4/20/92

RE: Cowskin North of 54 Hwy

ATTN: Mike Longshaw

NUMBER OF PAGES ( INCLUDING COVER SHEET): 6

#### WE ARE TRANSMITTING THE FOLLOWING ITEMS:

- Shop Drawings
- Mix Design
- Plans
- Certifications
- Pay Estimate
- Change Order
- Catalog Cuts
- Copy of Correspondence
- FIRM & FLOODWAY MAP

#### THESE ARE TRANSMITTED as checked below:

- As Requested
- Returned for Corrections
- For your use
- Approved as Submitted
- Approved as Noted
- Rejected

REMARKS: Not sure of your limits of fill, but we have received some calls from concerned citizens. If fill is within regulatory Floodway you may want to talk to City Eng. Office.

cc: Bob Jennings  
George

If you do not receive all the pages as indicated above, or if you have any questions or comments, please call (316) 383-7901 as soon as possible.

Signed by: [Signature]

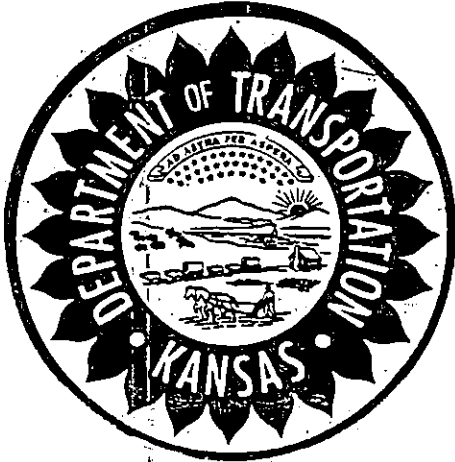
**RECEIVED**  
APR 20 1992  
Wichita West

FAX TRANSMITTAL FORM

FILE DT 8 1 1 333 1 1

fish & game wild life 1/2 p.

KDOT  
District Five / Area Six  
Wichita West Construction  
Phone: (316) 942-1489



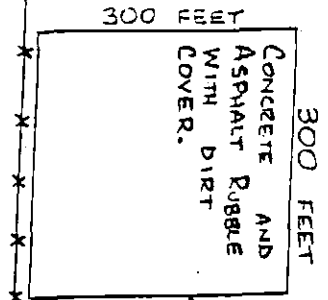
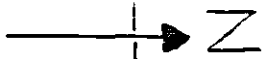
FAX No. (316) 942-0450  
2431 So. Young  
Wichita, KS 67215

TO: RUSSELL LA FORCE  
DIVISION OF WATER RESOURCES  
TOPEKA, KS  
913 296 1176

FROM: MIKE LONGSHAW  
CONSTRUCTION ENGINEER  
WICHITA - WEST

FAX TRANSMITTAL FORM + 1 SHEET(S)      DATE: 10-28-92

COMMENTS: HERE IS THE SKETCH OF THE BURIAL AREAS  
IN WHICH CONCRETE AND ASPHALT HAVE BEEN PLACED.  
THE DIMENSIONS ARE APPROXIMATE. IF YOU HAVE ANY  
QUESTIONS OR WOULD LIKE SOME MORE INFORMATION,  
PLEASE GIVE ME A CALL. THANKS!



300 FEET

300 FEET

CONCRETE AND ASPHALT RUBBLE WITH DIRT COVER.

150'

COWSKIN CREEK

400'

170'

250 FEET

MOSTLY ASPHALT RUBBLE WITH CONCRETE. NO COVER MATERIAL CURRENTLY.

← 1000 FEET →

DIKE

DUBON STREET

HOUSING PROJECT

US 54 HWY

90' R/W

20'

NOT TO SCALE

**JOB SITE INSPECTION RECORD**

**POST THIS CARD AT OR NEAR FRONT OF JOB SITE**

**FILL AREA  
20,000CY**

**10251 W. KELLOGG E / 2099**

NATURE OF WORK **GRADING (SITE)**  
OWNER **RESTHAVEN BLEDSOE**  
CONTRACTOR **ll**

BUILDING PERMIT NO.  
ZONE DIST. **AA** TYPE **-**  
OCCUPANCY **-**

**INSPECTOR MUST SIGN APPROPRIATE SPACE**

| INSPECTION      | DATE | INSPECTOR |
|-----------------|------|-----------|
| Foundation      |      |           |
| Setback         |      |           |
| Footing         |      |           |
| Foundation Wall |      |           |

| INSPECTION     | DATE | INSPECTOR |
|----------------|------|-----------|
| Wall Covering  |      |           |
| Lath & Plaster |      |           |
| Wallboard      |      |           |
| Insulation     |      |           |

**DO NOT POUR CONCRETE UNTIL ABOVE IS SIGNED**

|                         |  |  |
|-------------------------|--|--|
| Concrete Floor Slabs    |  |  |
| Electrical (groundwork) |  |  |
| Plumbing (groundwork)   |  |  |
| Reinforcing             |  |  |
| Perimeter Heating       |  |  |

|                        |  |  |
|------------------------|--|--|
| Miscellaneous          |  |  |
| Sewer                  |  |  |
| Refrigeration          |  |  |
| Electrical Underground |  |  |

**DO NOT POUR CONCRETE UNTIL ABOVE IS SIGNED**

|                       |  |  |
|-----------------------|--|--|
| Rough Electrical      |  |  |
| Rough Plumbing        |  |  |
| Gas Piping            |  |  |
| Heating & Ventilating |  |  |

|                         |  |  |
|-------------------------|--|--|
| Final Building          |  |  |
| Electrical              |  |  |
| Plumbing                |  |  |
| Htg., Vent. & A/C       |  |  |
| Sprinklers (Fire Dept.) |  |  |

**ABOVE MUST BE SIGNED BEFORE FRAME INSPECTION**

|         |  |  |
|---------|--|--|
| Roofing |  |  |
| Framing |  |  |

|             |  |  |
|-------------|--|--|
| Site Work   |  |  |
| Parking Lot |  |  |
| Screening   |  |  |
| Sidewalks   |  |  |
| Grading     |  |  |

**ABOVE MUST BE SIGNED BEFORE WALLS ARE COVERED**

**CERTIFICATION:** The above job has been inspected as noted and is hereby entitled to be issued a **CERTIFICATE of OCCUPANCY** as noted.

**CERTIFICATE OF OCCUPANCY \***

Temporary  Partial  Full

Conditions:  
 Unrestricted  
 Restricted as follows:

\* Required for Building Groups A thru H. Inspector will exchange this card for Owner's Certificate.

T 0251

W. KELLOGG

STREET ADDRESS

---

**Certificate of Occupancy**  
**City of Wichita, Kansas**  
**Central Inspection Division**

This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code certifying that at the time of issuance this structure received all required inspections and to the best of our knowledge and belief was in compliance with the various ordinances of the City regulating building construction or use. This Certificate in no way warrants or guarantees workmanship in the structure and the City will not be liable for any noncompliance with the code.

By: \_\_\_\_\_

Superintendent of Central Inspection

Date: \_\_\_\_\_

POST IN A CONSPICUOUS PLACE

THE CITY OF WICHITA

BUILDING APPLICATION AND PERMIT

PERMIT NO.

**I. IMPORTANT: Complete ALL Items, Mark Boxes Where Applicable**

**LOCATION OF BUILDING CARD 1**

STREET NUMBER ONLY: 1025 S. WILKIE LOGG  
STREET NAME: WILKIE LOGG  
TYPE: DR. UNIT: MAP # 4184/5  
SECONDARY ADDRESS: MAP # 4184/5

**CARD 2**

LOT(S): 1025 S. WILKIE LOGG  
BLOCK: ADDITION: LOT(S) SPLIT NO. AAC

**CARD 3**

LOT(S): BLOCK: ADDITION: LOT(S) SPLIT NO.

11 Measure and Bounds, Attach Additional Information

**II. TYPE AND COST OF BUILDING - All Applicants Complete A - E** CARD 3

**A. TYPE OF IMPROVEMENT**

New Building or Structure  
 Addition (If Residential, enter number of new housing units added, if any, in Part E)  
 Alteration (See E above)  
 Repair, Replacement  
 Working (If multi-family residential, enter number of units to be added in Part E, 3)  
 Move-in (repeating)

**B. OWNERSHIP**  
 PUBLIC  
 PRIVATE

**C. FLOOD PLAIN AREA**  
 FLOOR ELEVATION BY CITY DATUM: Y N

**D. VALUATION:**  
 VALUATION TO NEAREST DOLLAR: \$

**E. PROPOSED USE - For "Working" Most Recent Use**

**Residential:**  
 One-Family  
 Two-Family  
 Multi-Family ("")  
 Bedding & Mattress  
 Garage-Detached  
 Phone  
 Carport-Detached  
 Storage Shed  
 Other - Specify

**Commercial:**  
 Amusement, Recreational Building  
 Church, Religious Building  
 Industrial Building  
 Parking Garage  
 Service Station  
 Hospital, Institutional Building  
 Office, Bank, Professional Building  
 Public Works, Utilities  
 School, Educational Building  
 Store, Mercantile Building  
 Transient Hotel, Motel, Dormitory, etc.  
 Other Buildings  
 Structures Other Than Buildings  
 PARTIAL PERMIT

**F. DESCRIPTION OF WORK**  
 FILL AREA 2000000  
 Const. Type: Hour: Occupancy (Group):

**III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete parts H through R; for working complete only part R; for all others, skip to IV.** CARD 3

**H. FOUNDATION**  
 Concrete  
 Concrete Block  
 Wood  
 Other

**I. STRUCTURE (Principal Type of Frame)**  
 Masonry (Wall Bearing)  
 Steel  
 Concrete  
 Wood  
 Other PARTIAL PERMIT

**J. COVERING**  
 Roof:  
 Wood  
 Composition  
 Metal  
 Concrete  
 Built-Up  
 Other  
 Exterior Walls:  
 Wood  
 Masonry  
 Metal  
 Composition  
 Asbestos  
 Other  
 Interior Walls:  
 Dry Wall  
 Plaster  
 Masonry  
 Other

**K. DIMENSIONS:**  
 1. Number of Stories: 1  
 2. Basement: 0  
 Total Sq. Ft.:  
 4. Building Height:

**L. TYPE OF WATER SUPPLY**  
 Public  
 Private - Approved by Health

**M. TYPE OF SEWAGE DISPOSAL**  
 Public  
 Private - Approved by Health

**N. NUMBER OF STAIRWAYS**  
 1. Basement to 1st  
 2. 1st to 2nd  
 3. 2nd to Roof

**O. NUMBER OF OFF-STREET PARKING SPACES**  
 1. Enclosed  
 2. Outdoors

**P. No. of Elevators**  
 1. No. of Enclosed  
 2. No. of Outdoors

**Q. RESIDENTIAL**  
 1. No. Bedrooms  
 2. No. Bathrooms

**R. REQUIREMENTS:**  
 Sidewalk  
 Historical Structure  
 Partial Permit

**IV. IDENTIFICATION - To be completed on all applications** CARD 3

(DAYWORK)

OWNER: RESTHAVEN AND BLEDSKE  
 CITY: WICHITA KS  
 STATE: KS

STREET NUMBER ONLY: 1025 S. WILKIE LOGG  
 STREET NAME: WILKIE LOGG  
 TYPE: DR. ZIP CODE: 67207-2210  
 TELEPHONE: 722-2100

CONTRACTOR: LICENSE NO.:

**5. ARCHITECT AND/OR ENGINEER**

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or bypass the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: *[Signature]* Address: 11800 W. Kelly W. Telephone: 521-70

PERMIT Other Permits Required:  Plumbing  Electrical  Mechanical  Boiler  Elevator  Sidewalk  Other

STATUS PERMIT FEE: \$ 2250 Date: 09/27/94 Application approved by: *[Signature]*

Application and Plot plans checked and approved as to the following:  
 Setback  Easements  Sewer available or sealed  10' easement, existing sewer  U.S. 54 and 55  Flood-Relieved

**VOID UNLESS WORK STARTED WITHIN 180 DAYS**

34000  
33870  
PERMIT NO. 521-70

Permission is hereby granted to proceed with the work indicated above, issued by *[Signature]*  
 Superintendent of Central Inspection

225-983 REV. 1-89

Void Unless Validated Here

I N T E R O F F I C E   M E M O R A N D U M

Printed by:        Steve Lackey  
Date:             01-Nov-1994 01:45pm CST  
From:             Steve Lackey  
                   LACKEY\_S  
Dept:             Public Works  
Tel No:           268-4422

TO:    Jim Armour

( ARMOUR\_J )

CC:    Mike Lindebak

( LINDEBAK\_M )

CC:    Kurt Schroeder

( SCHROEDER\_K )

**Subject:** illegal dumping from Seville project

Please read the attached and make sure Cornejo is not dumping on Miles' property. They and Miles are in violation of floodplain laws..they're subject to fines and penalties.

Mike.....I heard Ron C. yesterday that he got a permit to fill on that site during the construction project. Call him and get a copy, I want to know if KDOT went through the appropriate process.

INTEROFFICE MEMORANDUM

Printed by: Steve Lackey  
Date: 01-Nov-1994 11:52am CST  
From: Kurt Schroeder  
SCHROEDER\_K  
Dept: OCI  
Tel No: 268-4481

TO: Steve Lackey ( LACKEY\_S )  
CC: Suzanne Loomis ( LOOMIS\_S )  
CC: Paul Steinbrenner ( STEINBRENNER )

Subject: RE: Filling in floodplain by Miles

Yes, I received a copy of the Application Notice on Friday afternoon.

As you know, OCI posted a stop-work on the site on 8/17, ordering the owner/s to cease all filling at the site. On 8/22 and 8/24, letters were issued to owners Gene Miles and Hap Bledsoe, respectively, notifying them to cease all fill operations and to apply for and obtain all required development permits and a soils engineer report before proceeding with any further fill. These letters indicated that the fill may have to be removed if development permits could not be obtained by 12/6. Most of the on-going fill is/was being placed on Miles' property, although some has been done on Bledsoe's triangular piece which extends west of the creek and slightly to the east of the creek.

On 8/29, OCI and Suzanne Loomis met with Mitch Mitchell, representing Gene Miles, and a soils engineer hired by Miles to discuss the issues at this site. They were to proceed with their development permit requests thru the State immediately (which they did), begin performing soils analysis testing (which they started and for which they have a report according to M. Mitchell)), and immediately block off the area from continued dumping and filling.

In early September, we saw evidence that some dumping of fill was still going on, and Mitch Mitchell was contacted twice about this. He stated it was unauthorized and that he would have the areas re-barricaded, which he did.

Last week, our inspector was by the site again and saw evidence of additional dirt and asphalt piles on the site. This is being placed by Cornejo who is temporarily putting these piles there for the construction work he is doing on Seville.

The P.D. has been helping us keep an eye out (thru M. Watson approval) for other fill/dumping at this site since early September. Other than the construction work stockpiles, we have

seen no evidence or heard anything more about other "illegal" dumping/fill.

I will get with Suzanne today or tomorrow, if possible, to review our file and provide her with background for comments, etc.



Phillip A. Fishburn  
Acting Secretary  
913 296-3558

*STATE, FYI*

*Suzanne*

OCT 27 1994

**KANSAS STATE BOARD OF AGRICULTURE**  
DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director  
901 S. Kansas Avenue, Second Floor  
Topeka, Kansas 66612-1283  
(913) 296-3717 Fax (913) 296-1176

ATTENTION: Edward E. Byrd, P.E.

Prepared by: David E. Nagle  
913/296-2933

**APPLICATION NOTICE**

As required by the Water Projects Environmental Coordination Act, K.S.A. 82a 325-327

Notice No.: 94445  
WS No.: LSG-0093

10/24/94  
11/24/94

This notice of application is provided s  
Environmental Coordination Act and interest  
to review the plans and submit any comments  
are available in this office for review any time  
submitted, in writing, prior to the expiration d  
that date, we will presume you have no inform.

*SEE MEMO*  
*SUZANNE*  
*NOV 1 1994*

Projects  
ortunity  
plans  
ould be  
ed by

**APPLICANT**

Name: Mr. Gene Miles  
Gene Miles Development, Inc.  
Address: 10711 West Kellogg  
Wichita, Kansas 67209-6714  
Telephone: 316-722-6630

*1*  
*N*  
*Ad*  
*Tele,*

**PROJECT LOCATION:** (See attached 7 1/2 minute

... West, Kansas.)

In the floodway fringe of Cowskin Creek at a locat  
in the SW 1/4 of the SE 1/4 of the SW 1/4, all in Se  
Sedgwick County, Kansas.

and  
est,

**STATUTE:** K.S.A. 24-126.

**PROJECT ACTIVITY:** Floodway fringe fill.

*WILL THE CITY BE  
ASK TO COMMENT  
ON THEIR REQUEST?*

pc: District Engineer, Kansas City  
Corps of Engineers  
Kansas Water Office  
Stafford Field Office  
Wichita Community Floodplain Administrat

*JK Yes, this  
is it. What should  
we say?*  
*OCT 31 1994*  
*Suz.*

Prior Agency Comments (Attached): Yes ( )

THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE

Sam Brownback, Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

# APPLICATION

for  
Approval of Levee Plans  
K.S.A. 24-126



PLEASE USE INSTRUCTIONS ON REVERSE SIDE OF PAGE.

Application is hereby made for the approval of plans by the Chief Engineer, Division of Water Resources, pursuant to K.S.A. 24-126 by:

1. Applicant: Gene Miles, Gene Miles Development, Inc. Telephone No.: 316-722-<sup>6</sup>630

Address: 10711 West Kellogg, Wichita, KS 67209-6714

2. Name of Stream or Watercourse: Cowskin Creek

3. Description of type and purpose of proposed construction: Floodway Fringe Fill in left bank flood plain. Area is approximately 230 feet wide by 1200 feet long situated between U.S. Highway 54 embankment and private levee in Miles Lakewood Village Second Addition and covers about 6 acres. Current work is completion of fill begun in 1973 and involves approximately 25,000 cubic yards of fill.

4. Legal description of location:  
Miles Lakewood Village Addition except that part replatted as Miles Lakewood Village Second Addition in SE 1/4, SW 1/4 Section 29, T27S, R1W Sedgewick County

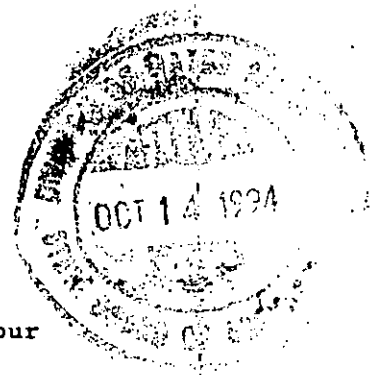
5. Complete plans, maps, profiles, specifications, all papers and data shall be filed with this application and made a part thereof.

6. Copies of Environmental Reviews, Environmental Impact Statement, letters of comment and any other information pertinent to the requirements of K.S.A. 82a-325 through 82a-327, Water Projects Environmental Coordination Act, have/have not been conducted and are/are not attached and made a part hereof.

7. Signature of Applicant: Gene Miles Development Inc.

Date: 9-7-94 Title: Gene Miles Pres.

Application Supplement  
Water Projects Environmental Coordination Act  
K.S.A. 82a-325 to 327



Questionnaire

Completion of this questionnaire is required before your application can be processed

1. List the Designer's name, title, address and telephone number.

Gene Miles, Gene Miles Development, Inc., owner

10711 West Kellogg, Wichita 67209 Phone 316-722-6630 FAX 316-722-7640

2. Is your project a      stream obstruction,      dam,      change in the course, current or cross-section of a stream and/or      levee,      floodplain fill or other such improvement? (Check all that apply)

3. What are the environmental impacts (e.g. impacts to threatened or endangered species, historic sites, wetlands, etc.) of your project?

None

Submit any environmental impact statements or assessments that have been prepared on this project.

4. How are any riffles (areas of fast moving, shallow water running over rocks or gravel), permanent pools, or other aquatic habitats affected by your project?

None

5. To what extent is riparian (stream-side) vegetation or habitat, including timber, being removed? Please quantify the amounts in acres or other unit measurements such as number, size and species of trees.

None

6. What is the nature of any planned mitigation for environmental impacts of the project?

None

7. a. Is the channel of the stream being altered? No If yes, how is it being altered? Is the channel straightened, shortened, blocked, enlarged, etc.?

b. If the channel is being straightened and/or shortened, what are the lengths of the new channel and the original channel?

8. Show the locations of any excavations involved in this project which are in, across or along any stream? Show on the project plans or aerial photograph or other appropriate information. No excavations in stream

9. Show the location for disposal of excess materials on the project plans or aerial photograph if within the floodplain or channel of the stream.

10. Is riprap or other bank stabilizing material being used in this project? Yes Locate its area of use on the project plans. What is the type, size and amount of material? Facing of fill on creek side

edge, as random fill elsewhere, covered with soil.

11. Have you planned any sedimentation or erosion control measures to protect the environment during and after construction and, if so, what are those measures? Promotion of grass cover and periodic mowing to

encourage good sod cover

12. Provide a map showing the areas requiring revegetation and the plant mixture you propose to reseed or replant grasses, shrubs or trees in areas disturbed by your project. No reseeding is planned

13. Are you aware of any historic site (Indian campsites, historic buildings, etc.) within your project? No Have you made plans to contact the Kansas State Historical Society Office should such materials be encountered? Yes

14. Do you have any current ground level photographs of the project area? Yes Please submit copies and a copy of an aerial photograph in support of your application.

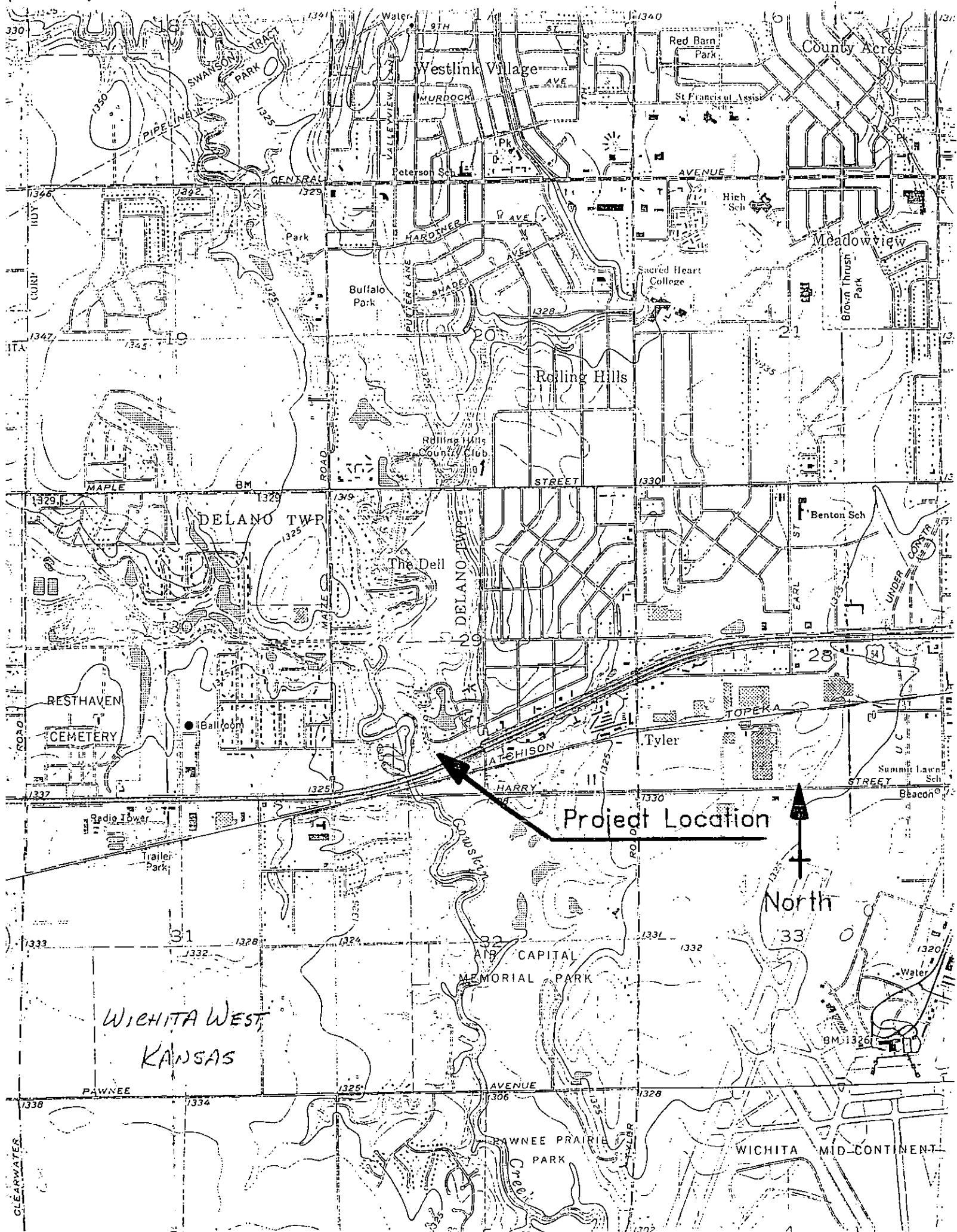
✓ 15. Please provide a list of the names and mailing addresses of all adjacent landowners to the project site.

16. Please check to see that you have fully described your project in the application form as the instructions direct.



FLOOD BOUNDARY & FLOODWAY  
MAP  
PANEL # 200328 0020

1152-92-485P  
**Exhibit 2**



CLEARWATER

WICHITA WEST  
KANSAS

Project Location

North

PAWNEE

AVENUE

WICHITA MID-CONTINENT

AIR CAPITAL  
MEMORIAL PARK

RESTHAVEN  
CEMETERY

The Dell

Rolling Hills

Westlink Village

County Acres

Meadowview

DELANO TWP

DELANO TWP

SWANSON TRACT  
PARK

Red Barn  
Park

St Francis Assis  
Ch

High Sch

Sacred Heart  
College

Rolling Hills  
Country Club

Brown Thrush  
Park

Benton Sch

Tyler

Summit Lawn  
Sch

Blacon

BM 13261

PAWNEE PRAIRIE  
PARK

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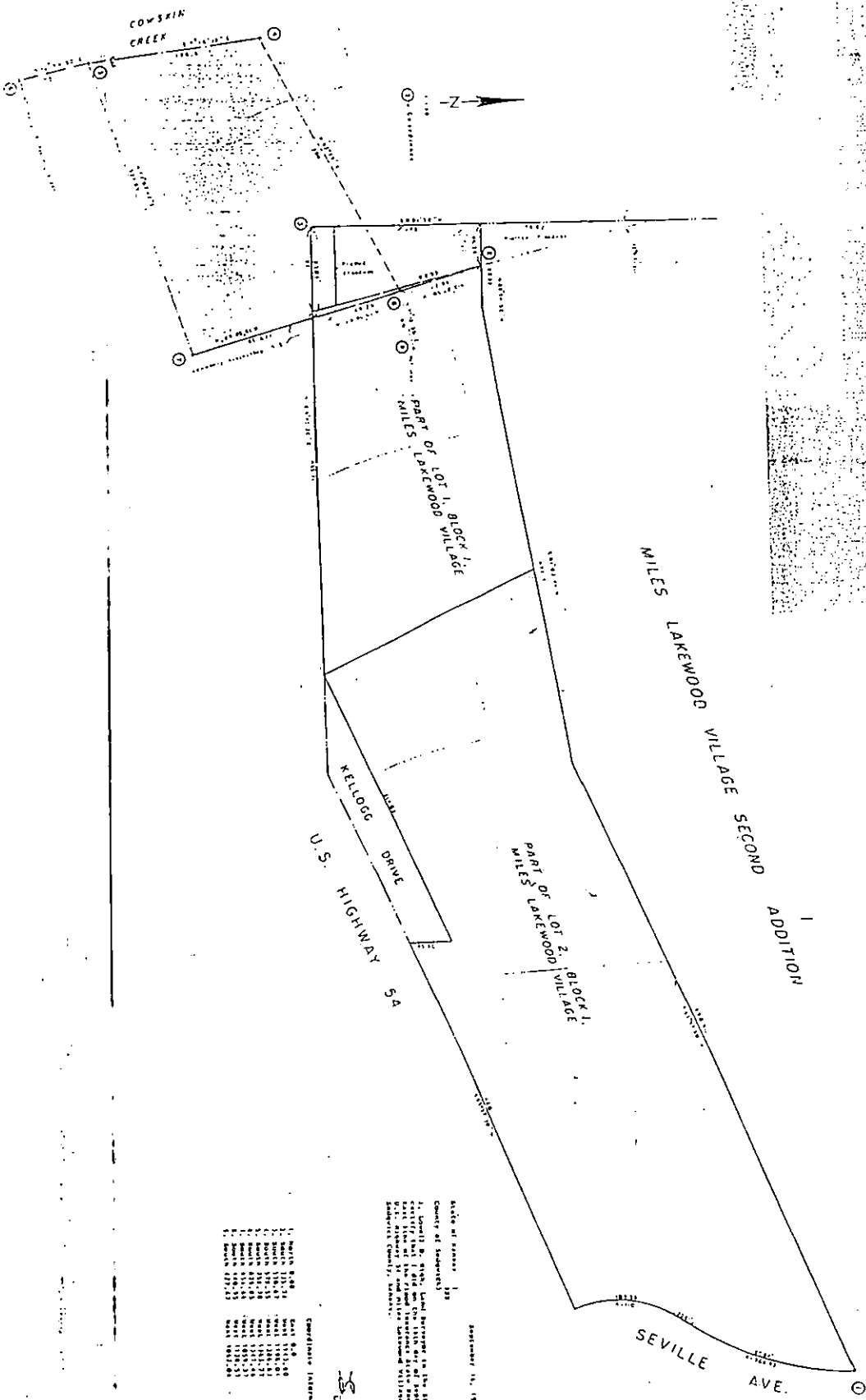
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State of Kansas  
 County of Sangre de Cristo  
 I, Samuel B. Smith, Clerk of the County of Sangre de Cristo, do hereby certify that the within and foregoing plat of the Miles Lakewood Village Second Addition, as shown on the face hereof, is a true and correct copy of the original plat of the same, as the same appears on the files of the County Clerk of the County of Sangre de Cristo, Kansas.  
 Witness my hand and the seal of said County, at Lawrence, Kansas, this 15th day of February, 1924.

| Lot No. | Acres | Lot No. | Acres |
|---------|-------|---------|-------|
| 1       | 0.125 | 11      | 0.125 |
| 2       | 0.125 | 12      | 0.125 |
| 3       | 0.125 | 13      | 0.125 |
| 4       | 0.125 | 14      | 0.125 |
| 5       | 0.125 | 15      | 0.125 |
| 6       | 0.125 | 16      | 0.125 |
| 7       | 0.125 | 17      | 0.125 |
| 8       | 0.125 | 18      | 0.125 |
| 9       | 0.125 | 19      | 0.125 |
| 10      | 0.125 | 20      | 0.125 |



I N T E R O F F I C E M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 01-Nov-1994 03:42pm CST  
From: Steve Lackey  
LACKEY\_S  
Dept: Public Works  
Tel No: 268-4422

TO: Jim Armour ( ARMOUR\_J )  
TO: Mike Lindebak ( LINDEBAK\_M )  
CC: Suzanne Loomis ( LOOMIS\_S )

Subject: Seville

If I did not make myself clear from the last memo.

Cornejo does not have a permit from the City to dump on Miles' property. Miles has been given written warning that he is violation of local and federal floodplain laws. Those that dump in there are too!

Cornejo and KDOT claim that they were granted permission during KDOT's project. Benny has not been helpful turning that permit over to us. Mike, I want to see it. Please call Ron and get it and let's find out who said "okay".

Right now if the City is allowing Cornejo to dump there we're in violation and we, the city, are the ones that are trying to get Miles to conform to the law.

No dumping on Miles' property.

I N T E R O F F I C E   M E M O R A N D U M

Printed by:        Suzanne Loomis  
Date:             02-Nov-1994 09:03am CST  
From:             Mike Lindebak  
                   LINDEBAK\_M  
Dept:             Public Works  
Tel No:           268-4266

TO: Steve Lackey

( LACKEY\_S )

CC: Jim Armour

( ARMOUR\_J )

CC: Suzanne Loomis

( LOOMIS\_S )

Subject: RE: Seville

I talked to Ron and he does not have a copy of the KDOT permit. He has stopped storing dirt on the site and is in the process of removing the stored dirt. He also advised he had permission from Kurt S. to store asphalt millings on the site for the Seville project. Kurt advised him to remove the millings and he has placed them in the Seville roadbed. Ron indicated they had not used the site for dumping since the order by OCI was issued.

November 2, 1994

Mr. David L. Pope, Chief Engineer-Director  
Kansas State Board of Agriculture  
Division of Water Resources  
901 S. Kansas Avenue, Second Floor  
Topeka, Kansas 66612-1283

ATTN.: Edward E. Byrd, P.E.

Re: Notice #94445, WS No.LSG-0093, Floodway fringe fill

Dear Mr. Pope:

This letter is in response to a public notice of application, dated 10/24/94, for a site in the floodway fringe of Cowskin Creek in West Wichita, bordered by US-54 highway on the south, Seville Ave. on the east, and Cowskin Creek on the West.

The applicant has placed a large amount of fill (including dirt, concrete, asphalt, tree limbs, etc.) in the floodway fringe at the location listed above without permission from the City of Wichita. In order for any activity such as this to take place, the Office of Central Inspection (O.C.I.) must issue a permit to the interested party. Therefore, O.C.I. is this community's regulating authority for these actions according to City Ordinance.

On August 17, 1994, O.C.I. issued a stop-work permit at the site ordering all filling activities to cease. The owner was notified in writing that the filling operation must cease until all appropriate State and local permits were obtained, including submittal of an engineer's soil report for local officials to review.

Upon request, on August 29, 1994, local officials met with the applicant's representative, Mr. M. S. Mitchell, to discuss the case. Local officials directed the applicant to proceed immediately with State permits, begin performing a soil analysis at the site, and block off the site to prevent further dumping of material.

On more than one occasion in September, there was evidence additional material was present at the site. The applicant's representative was contacted after each incident and stated it was unauthorized by the owner and the area would be barricaded once again. However, no effort

was made to remove any of the unauthorized material.

Therefore, prior to approval of this application, the following three pieces of information should be taken into consideration: First, several areas along the Cowskin upstream from this location have experienced flooding problems in the past, therefore, to allow placement of fill material in the flood plain at this location might add another restriction to the flow in this area and enhance the chances of flooding. However, some improvements have been made upstream and downstream within the basin which may help the situation. Due to less than perfect original May of 1986 flood plain maps (FIRM and FHBM) and continued development, approved and illegal (such as this case upto this point), the City is currently funding a flood insurance study to update the maps in this area. This study will determine the actual boundaries of the flood plain taking into consideration existing conditions.

Second, according to the applicant's representative, the soils analysis for the site is complete, but has not been submitted to the City yet. This information maybe beneficial for your review as well considering the types of material used for fill at the location, i.e. concrete, asphalt, tree branches, etc. I do not believe this material is acceptable fill for this area, nor would I expect it to meet compaction requirements.

And third, the applicant apparently made no effort to gain permission to perform the filling operation at the site. This means no inspection of material, methods, plans, etc. was ever reviewed prior to the existing fill. And after the City issued a stop-work permit at the site, it appears the applicant did not notify those who had permission to dump at the site concerning its closure. This was evident due to additional material which appeared at the site during September of this year. Approving a fill operation is one issue, but approving existing fill whose contents and placing methods is unknown is yet another.

We appreciate the opportunity to comment on this issue. Please consider these comments when reviewing this application. If you have any questions, please feel free to call our office at 316-268-4497.

Sincerely,

Steve Lackey, P.E.  
Director of Public Works

cc: Kurt Schroeder, Acting Superintendent O.C.I.  
Suzanne C. S. Loomis, Acting Storm Water Engineer

I N T E R O F F I C E M E M O R A N D U M

Printed by: Suzannë Loomis  
Date: 02-Nov-1994 09:30am CST  
From: Suzanne Loomis  
LOOMIS\_S  
Dept: Public Works  
Tel No: 268-4498

TO: Steve Lackey

( LACKEY\_S )

Subject: DWR Response-Miles

I wanted you to look at this before I send to Kurt. I am not sure if this is what you had in mind, and do not know if you want this to come from you. Please review and advise.

I N T E R O F F I C E M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 01-Nov-1994 11:52am CST  
From: Kurt Schroeder  
SCHROEDER\_K  
Dept: OCI  
Tel No: 268-4481

TO: Steve Lackey ( LACKEY\_S )  
CC: Suzanne Loomis ( LOOMIS\_S )  
CC: Paul Steinbrenner ( STEINBRENNER )  
Subject: RE: Filling in floodplain by Miles

Yes, I received a copy of the Application Notice on Friday afternoon.

As you know, OCI posted a stop-work on the site on 8/17, ordering the owner/s to cease all filling at the site. On 8/22 and 8/24, letters were issued to owners Gene Miles and Hap Bledsoe, respectively, notifying them to cease all fill operations and to apply for and obtain all required development permits and a soils engineer report before proceeding with any further fill. These letters indicated that the fill may have to be removed if development permits could not be obtained by 12/6. Most of the on-going fill is/was being placed on Miles' property, although some has been done on Bledsoe's triangular piece which extends west of the creek and slightly to the east of the creek.

On 8/29, OCI and Suzanne Loomis met with Mitch Mitchell, representing Gene Miles, and a soils engineer hired by Miles to discuss the issues at this site. They were to proceed with their development permit requests thru the State immediately (which they did), begin performing soils analysis testing (which they started and for which they have a report according to M. Mitchell)), and immediately block off the area from continued dumping and filling.

In early September, we saw evidence that some dumping of fill was still going on, and Mitch Mitchell was contacted twice about this. He stated it was unauthorized and that he would have the areas re-barricaded, which he did.

Last week, our inspector was by the site again and saw evidence of additional dirt and asphalt piles on the site. This is being placed by Cornejo who is temporarily putting these piles there for the construction work he is doing on Seville.

The P.D. has been helping us keep an eye out (thru M. Watson approval) for other fill/dumping at this site since early September. Other than the construction work stockpiles, we have

seen no evidence or heard anything more about other "illegal"  
dumping/fill.

I will get with Suzanne today or tomorrow, if possible, to review  
our file and provide her with background for comments, etc.

I N T E R O F F I C E M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 17-Aug-1994 10:44am CDT  
From: Steve Lackey  
LACKEY\_S  
Dept: Public Works  
Tel No: 268-4422

TO: Patricia Hodges ( HODGES\_P )  
CC: Sharon K. Hamrick ( HAMRICK\_S )  
CC: Kurt Schroeder ( SCHROEDER\_K )  
CC: Suzanne Loomis ( LOOMIS\_S )  
CC: Paul Steinbrenner ( STEINBRENNER )

Subject: dump on Kellogg

OCI has enforcement authority in floodplain violations. This issue was discussed last week at our regularly scheduled Development Review Meeting whereby Suzanne Loomis, Stormwater Sewer Utility Engineer, advised Kirk of the problem in this area based on phone calls she was getting. OCI was to followup and take necessary enforcement action. I recommend you call Kirk for their progress to date.

9400 W. Kellogg

Urban  
Floodplain  
Violations

I N T E R O F F I C E   M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 17-Aug-1994 10:33am CDT  
From: Patricia Hodges  
HODGES\_P  
Dept: City Council  
Tel No: 268-4331

TO: Steve Lackey ( LACKEY\_S )  
CC: Elma Broadfoot ( PAPER MAIL )  
CC: Sharon K. Hamrick ( HAMRICK\_S )  
Subject: 9400 W. Kellogg

Mayor Broadfoot received a phone complaint from John Lancaster, 12401 W. Irving, 721-0606, concerning what he called a landfill at 9400-9500 W. Kellogg. Mr. Lancaster said road construction material and miscellaneous items were being dumped in this area like it was a landfill. He was concerned because he is afraid it will cause problems with the Cowskin Creek. Mr. Lancaster said he spoke with the Mayor when she was on Newstalk a couple of weeks ago and was told to call our office.

Do you have any information on this, if so, please provide it to the Mayor so she may contact Mr. Lancaster.

Thank you.

9-Sept-94  
SUZANNE

LOOMIS

(From Robin R. Hesel)

September 8, 1994

City of Wichita  
Central Inspection Division  
City Hall - Seventh Floor  
455 North Main Street  
Wichita, KS 67202

Attention: Mr. Jim Cranford, Building Code

Dear Jim:

Transmitted with this letter is Gene Miles application for Development Permit under provisions of Ordinance 39524 for Lot 2, Miles Lakewood Addition and that portion of Lot 1 west of Lot 2 not replatted as Miles Lakewood Second Addition which is the subject of Kurt Schroeder's letter of August 22, 1994. Following our meeting with you and other City staff last Friday, Mr. Miles has made the following arrangements to bring the site described above into compliance with applicable local ordinances and state law:

1. On Monday, September 12, the surveying firm of Lowell D. High will use data taken from the City of Wichita Flood Insurance Study to locate the east Regulatory Floodway Boundary on Lot 1. If any fill encroaches into that Floodway, Miles will have that material moved to a non-floodway portion of Lot 2 pending decision on how to comply with the UBC Chapter 70 provisions with regard to quality and compaction of fill.
2. On Tuesday, September 13, a Soils Engineer from Allied Labs will be on site to direct the excavation of test pits on Lot 2 to determine how to comply with Chapter 70.

2 copies  
attached

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

File  
Floodplain  
Violation

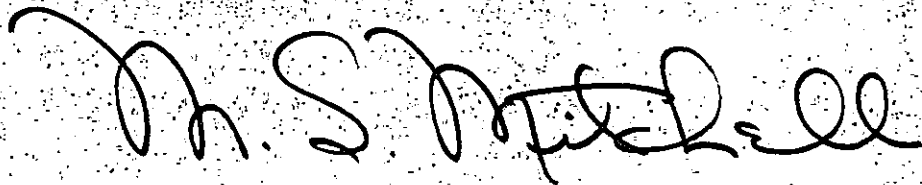
3. An application is being prepared for approval of plans and a permit for Floodway Fringe Fill on Lot 2 and the non-floodway portion of Lot 1.

We prepared a letter for signature of Mr. Bledsoe giving permission for Miles to fill his property east of Cowskin Creek. Mr. Bledsoe provided a copy of a Permit he obtained for that fill in 1990 which he believes should satisfy your concern about permission for Miles.

We ask your assistance in processing the Floodplain Development Permit Application, and your advice on other actions you think Mr. Miles could be taking to clear up this matter.

Sincerely,

cc Gene Miles  
encl as noted

A handwritten signature in cursive script, appearing to read "M. S. Mitchell". The signature is written in dark ink and is positioned to the right of the typed name "M. S. Mitchell".

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Permit/Application # \_\_\_\_\_

Date SEPT 8, 1994

1. Name of Applicant GENE MILES

2. Address of Development Site 9600-9800 West Kellogg  
Lot 2 and Portion of Lot 1, Miles Lakewood Village Addition  
not replatted as Miles Lakewood Second Addition

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 Completion of filling and grading of low area  
which existed between U.S. 54 highway embankment and Miles  
Lakewood Village Second Addition levee embankment. Work begun in 1973

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 1313

MSL/NGVD

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

MSL/NGVD

c) Elevation of the proposed development site (if known) 1315+ 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 200 328 0020B

8. Other permits required?

Corps of Engineers 404 Permit: Yes  No

State Permit: Yes  No

Local Levee District: Yes  No

Local Drainage District: Yes  No

Other:

All provisions of the community of Wichita Kansas, Flood Damage Prevention Ordinance (Ordinance Number 39524), 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: Gene Miles 9-7-94  
DATE

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

SIGNATURE OF DEVELOPER: Gene Miles Development Inc. 9-7-94  
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>                |

INTEROFFICE MEMORANDUM

Date: 31-Aug-1994 01:06pm CDT  
From: Kurt Schroeder  
SCHROEDER\_K  
Dept: OCI  
Tel No: 268-4481

TO: Larry D. Henry ( HENRY\_L )  
TO: Suzanne Loomis ( LOOMIS\_S )  
CC: Steve Lackey ( LACKEY\_S )

Subject: Fill at Cowskin Creek and Hwy. 54

Mitch Mitchell, representing Gene Miles, has scheduled another meeting with OCI about the fill on Miles' property on the north side of Hwy. 54, east of the Cowskin to Seville Avenue.

The meeting is scheduled for 2:00 on Friday, 9/2 in the OCI conference room. I'd like for you to attend, if possible. Miles apparently is anxious and willing to try to make this problem right (let's hope). Mitch will also be bringing a soils engineer with him. The entrance to this area has now been barricaded.

As you recall, Hap Bledsoe also owns a triangular piece of property in this area which extends across the floodway to the west. He has now received a letter similar to the one we sent to Miles. I haven't talked to Bledsoe yet, but a message I received from him at lunch today indicates that he says he has a fill permit for filling his triangular piece of property. It was not issued by OCI. I talked with Breitenstein today, and he says he does think that Bledsoe has some kind of fill permit from KDOT. He also says that neighbors were complaining about fill in this area to him a couple years ago, and at the time, he had some discussion with the Dept of Natural Resources about requiring a floodplain fill permit, but that they may never have actually followed up on it?

Steve, can you help me get some more info on the KDOT permit, etc. that Bledsoe apparently has? I'd like to know something about it before I call Bledsoe back today or tomorrow.

Thanks.

*Most Plain  
Violations*

9/2/84

Cowskin @ Kellogg

Jay McDaniel's

M.S. Mitchell

Doug Moshier

Kurt Schroeder

Jim

- 1.) Permits
- 2.) Pits w/ backhoe examination by engineer
- 3.) Compaction for density

I N T E R O F F I C E   M E M O R A N D U M

Printed by:      Suzanne Loomis  
Date:            18-Sep-1994 07:03pm CDT  
From:            Suzanne Loomis  
                  LOOMIS\_S  
Dept:            Public Works  
Tel No:          268-4498

TO:      Kurt Schroeder                    ( SCHROEDER\_K )  
CC:      Steve Lackey                    ( LACKEY\_S )  
CC:      Larry D. Henry                    ( HENRY\_L )  
Subject: W. Kellogg @ Cowskin

In a letter from M.S. Mitchell to Jim Cranford, O.C.I. dated Sept. 8, 1994, he stated that Mr. Bledsoe provided a copy of a permit he obtained for fill at the referenced location in 1990 to Mitchell. I assume you have already requested a copy of that permit. And I would also like to have a copy for our review and file. Thank you.

*Flood Plain  
Violation*

STEVE  
FYI

SEP 9 - 1994

17-Sept-94  
SUZANNE

LOOMIS

(Elon Robin R. Hesel)

September 8, 1994

City of Wichita  
Central Inspection Division  
City Hall - Seventh Floor  
455 North Main Street  
Wichita, KS 67202

Attention: Mr. Jim Cranford, Building Codes

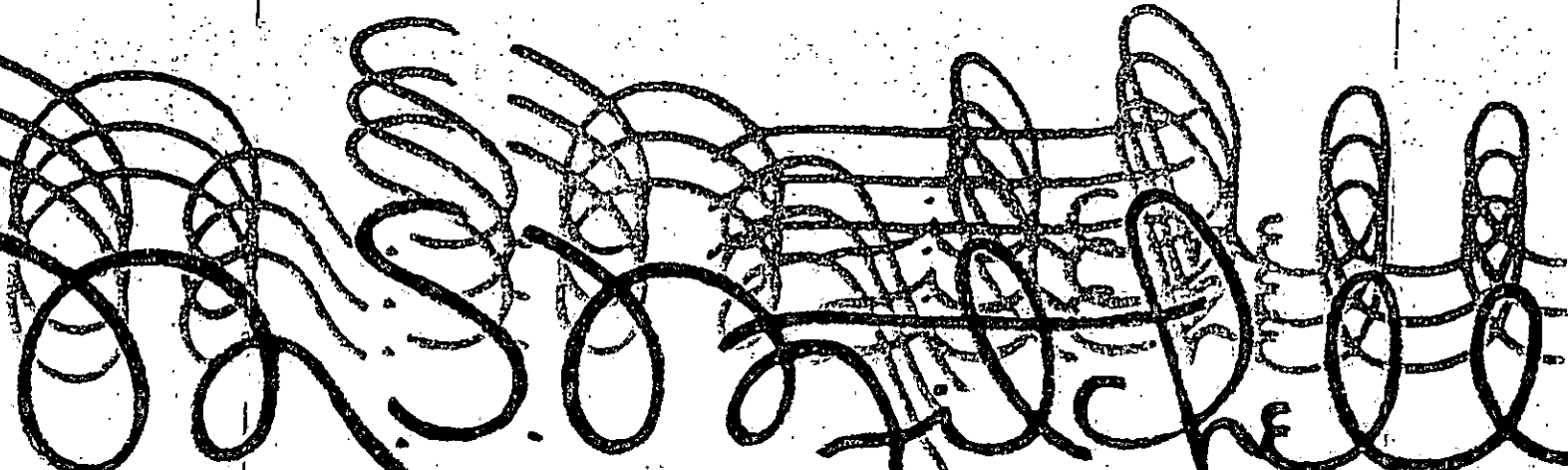
Dear Jim:

Transmitted with this letter is Gene Miles application for Development Permit under provisions of Ordinance 39524 for Lot 2, Miles Lakewood Addition and that portion of Lot 1 west of Lot 2 not replatted as Miles Lakewood Second Addition which is the subject of Kurt Schroeder's letter of August 22, 1994. Following our meeting with you and other City staff last Friday, Mr. Miles has made the following arrangements to bring the site described above into compliance with applicable local ordinances and state law:

1. On Monday, September 12, the surveying firm of Lowell D. High will use data taken from the City of Wichita Flood Insurance Study to locate the east Regulatory Floodway Boundary on Lot 1. If any fill encroaches into that Floodway, Miles will have that material moved to a non-floodway portion of Lot 2 pending decision on how to comply with the UBC Chapter 70 provisions with regard to quality and compaction of fill.

2. On Tuesday, September 13, a Soils Engineer from Allied Labs will be on site to direct the excavation of test pits on Lot 2 to determine how to comply with Chapter 70.

For your information:  
This is a copy of the  
letter & application  
submitted to officially  
begin the process.



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

3. An application is being prepared for approval of plans and a permit for Floodway Fringe Fill on Lot 2 and the non-floodway portion of Lot 1.

We prepared a letter for signature of Mr. Bledsoe giving permission for Miles to fill his property east of Cowskin Creek. Mr. Bledsoe provided a copy of a Permit he obtained for that fill in 1990 which he believes should satisfy your concern about permission for Miles.

We ask your assistance in processing the Floodplain Development Permit Application, and your advice on other actions you think Mr. Miles could be taking to clear up this matter.

Sincerely,

cc Gene Miles  
encl as noted

*M. S. Mitchell*

SEP 12 1994

SUZANNE

OCI SHOULD  
GET COPY OF  
BLEDSE PERMIT

SEP 13 1994

GET THIS

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Permit/Application # \_\_\_\_\_

Date SEPT 8, 1994

1. Name of Applicant GENE MILES

2. Address of Development Site 9600-9800 West Kellogg

Lot 2 and Portion of Lot 1, Miles Lakewood Village Addition  
not replatted as Miles Lakewood Second Addition

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 Completion of filling and grading of low area

which existed between U.S. 54 highway embankment and Miles  
Lakewood Village Second Addition levee embankment. Work begun in 1973

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a) Elevation of the Base (100-Year) Flood 1313

MSL/NGVD

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

MSL/NGVD

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(Continuation on Page 2 of 2)

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

Panel number of FIRM 200 328 0020B

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

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

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

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

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

All provisions of the community of Wichita, Kansas, Flood Damage Prevention Ordinance (Ordinance Number 39524), shall be complied with.

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

SIGNATURE OF OWNER: Gene Miles 9-7-94  
DATE

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

SIGNATURE OF DEVELOPER: Gene Miles Development Inc. 9-7-94  
DATE

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

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| #4 <u>**</u> | #8 <u>* / **</u>                |

I N T E R O F F I C E   M E M O R A N D U M

Printed by:        Suzanne Loomis  
Date:             22-Aug-1994 07:39am CDT  
From:             Steve Lackey  
                   LACKEY\_S  
Dept:             Public Works  
Tel No:           268-4422

TO: Mike Lindebak                    ( LINDEBAK\_M )  
TO: Larry D. Henry                   ( HENRY\_L )  
TO: Suzanne Loomis                   ( LOOMIS\_S )

Subject: Illegal dumping @ Cowskin and US 54

fyi

I N T E R O F F I C E   M E M O R A N D U M

Printed by: Suzanne Loomis  
Date: 21-Aug-1994 10:55am CDT  
From: Kurt Schroeder  
SCHROEDER\_K  
Dept: OCI  
Tel No: 268-4481

TO: See Below

Subject: Illegal fill/dumping on Calfskin Creek near Kellogg/Maize

Attached is draft of letter I hope to mail on Monday, 8/22 to the owner of the property where the illegal flood area fill and dumping is occurring north of West Kellogg. Your comments or additions will be appreciated.

Distribution:

TO: Gary E. Rebenstorf ( REBENSTORF\_G )  
CC: Paul Steinbrenner ( STEINBRENNER )  
CC: Steve Lackey ( LACKEY\_S )  
CC: Gene Rath ( RATH\_G )  
CC: Jack Brown ( BROWN\_J )  
CC: Jim Cranford ( PAPER MAIL )

August 19, 1994

Mr. Gene Miles  
Gene Miles Development, Inc.  
10711 W. Kellogg  
Wichita, KS 67209-6714

RE: Illegal Fill and Dumping Along Calfskin Creek

Dear Mr. Miles:

It has recently come to my attention that illegal fill and refuse material is being placed on the property you own in the area between Calfskin Creek to the west, Dubon Street to the north, Seville Ave. to the east and Highway 54 to the south. The property in question is legally described as Lot 1, Block 2; Miles-Lakewood Village Addition.

On August 15, 1994, I visited this site with Jim Cranford, Building Code Administrator, and found a large area of fill several feet in depth covering an area about 100+ ft. wide by several hundred ft. long. Fill included dirt, tree trunks and limbs, large pieces of concrete and steel, asphalt, building materials and other debris such as mattresses and furniture. The smell of garbage was also present on the day of my visit.

On August 17, 1994, a "Stop-Work" order was posted on this site, requiring that any further filling or disposal of materials at this site immediately cease, and further requiring that you immediately apply for required permits to perform any further work on the site.

This site is located within a special flood hazard area of the City of Wichita as defined by the Federal Emergency Management Agency (FEMA) and Title 27 of the City Code. Before any construction or development begins within a special flood hazard area, a development permit shall be obtained. "Development" is defined in Title 27 as "any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, idling, **grading**, paving, excavation or drilling operations". The penalty for violation of any provision of Title 27, upon conviction thereof, is a fine of not more than \$500 or imprisonment for 30 days, or both. Each such day that any such violation continues shall be considered a separate offense.

Title 18 of the City Code, under Section 7003 of the Uniform Building Code, also requires that a construction permit be obtained prior to performing excavation, fill or grading of any area within a special flood hazard area. Under Title 18, the penalty for violation and non-compliance is the same as for violation of Title 27 (as outlined above).

By this letter, you are hereby required to immediately cease further excavation, filling and/or disposal of any debris at this site.

By this letter, you are also required to submit to this Office by no later than September 6, 1994, a written response which stipulates a specific time-frame for complete removal by December 6, 1994 of all fill and debris which has been placed on this site, or to provide for City review an Engineer's report which describes the extent to which any watercourse has or will be altered, as well as an analysis of the fill which has been placed on this site.

I have also requested that the County Health Department investigate this site to determine the extent of any illegal disposal of solid waste thereon.

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

Sincerely,

Kurt Schroeder  
Acting Superintendent  
of Central Inspection

CC: Chris Cheches, City Manager  
Paul Steinbrenner, Assistant City Manager  
Steve Lackey, Director of Public Works  
Gary Rebenstorf, Director of Law  
Jim Cranford, Building Codes Administrator  
Jack Brown, Director of Environmental Health

I N T E R O F F I C E   M E M O R A N D U M

Date: 22-Aug-1994 07:39am CDT  
From: Steve Lackey  
LACKEY\_S  
Dept: Public Works  
Tel No: 268-4422

TO: Mike Lindebak  
TO: Larry D. Henry  
TO: Suzanne Loomis

( LINDEBAK\_M )  
( HENRY\_L )  
( LOOMIS\_S )

Subject: Illegal dumping @ Cowskin and US 54

fyi

*Flaxplain  
Violation*

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