

**THE 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 27, 1998

Ms. Mary Rush  
Key Management Company  
125 N. Market - Suite 1510  
Wichita, KS 67202

RE: Timber Grove Lakes HOA

Dear Mary:

This is written in response to your April 20, 1998, letter concerning the above referenced subject. We have reviewed the subdivision plats for this area and the following are the answers to the questions you posed:

1. The lakes in question are located on land designated as "floodway" on the plat. The plat's text does not indicate that the floodway area is dedicated to and for the use of the public.
2. The plat's text further states that "The floodway shall be the responsibility of the owners of property in the subdivision until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage, provided further that no building shall be constructed on or within said floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without permission of the Wichita-Sedgwick County Flood Control Office or their successors of office." You may note this is a common provision in the plat's text and the City, to date, has not elected to accept maintenance responsibilities in any of these areas. Thus, the maintenance still lies with the homeowners of the subdivision.
3. At this time, there is no formal city approval or permit needed before initiating maintenance work on the lakes. In fact, the City's Federal Storm Water Discharge Permit requires that the City inspect such lakes and work with homeowners associations on getting the necessary maintenance items completed. Of particular concern would be

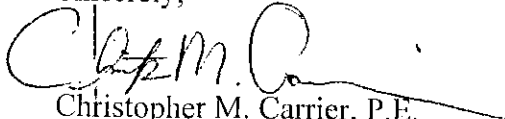
Ms. Mary Rush  
April 27, 1998  
Page 2

erosion around the perimeter of the lakes, the accumulation of excessive sediment within the lakes, and inoperable outlet works or overflow structures.

As always, I would be glad to work with you and the homeowners association concerning any improvement they would like to make. I would be particularly concerned that whatever is done is done properly so that additional follow up work would not be necessary at some future time.

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

Sincerely,

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

CMC:ms

cc Bob Jennings, Flood Control Supervisor

April 20, 1998

RECEIVED

APR 21 1998

Chris Carrier  
Storm Water Engineer  
DEPARTMENT OF PUBLIC WORKS  
455 N. Main, Eighth Floor  
Wichita, KS 67202

RE: TIMBER GROVE LAKES HOA

Dear Chris:

At the request of the above referenced homeowners' association board I'm writing to request written answers to the following questions.

- 1) Are the lakes highlighted on the attached topographic work map situated on private property thereby making them privately owned lakes? *Yes*
- 2) If these are privately owned lakes, are the landowners then responsible for maintenance of these lakes in their entirety even though they appear to be part of the floodway control system? *Yes*
- 3) If the landowners are responsible for maintenance of these lakes are they required to have any kind of city approval or permit before initiating maintenance on these lakes?

Please feel free to call me with any questions. I meet with this board again on May 11, 1998 and a response by then would be appreciated.

Sincerely,  
KEY MANAGEMENT COMPANY



Mary Rush  
Regional Property Manager

Enclosure

cc: Timber Grove Lakes HOA Board



125 North Market  
Suite 1510  
Wichita, KS, 67202  
316-264-1866  
Fax: 316-264-5751



Joins Sheet 7

— Wall surrounding the property that may also be the property boundary  
 lakes in question

**TOPOGRAPHIC WORK MAP**

SHEET 8 OF 10

**ITA**

FLOOD INSURANCE  
 STUDY UPDATE  
 1996  
 COWSKIN CREEK  
 PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

**4748**  
 SECTION 18  
 T 27 S - R 1 W





# TIMBER GROVE LAKES 2ND ADDITION WICHITA, SEDGWICK COUNTY, KANSAS

State of Kansas) SS We, Baughman Company, P.A., Surveyors in  
Sedgwick County and State do hereby certify that we have surveyed  
and plotted "TIMBER GROVE LAKES 2ND ADDITION", Wichita, Sedgwick  
County, Kansas and that the accompanying plat is a true and correct  
exhibit of the property surveyed, described as and being a replat of Lot  
1, Timber Grove Lakes, an Addition to Wichita, Kansas, EXCEPT that part  
of said Lot 1, described as follows: Commencing at the S.E. Corner  
thereof; thence S86°38'52"W along the south line of said Lot 1,  
175 feet to a deflection point in said south line; thence S78°10'47"W  
along said Lot 1, 75.83 feet for a point of beginning; thence N00°E,  
200.32 feet; thence S86°38'52"W parallel with the south line of said  
Lot 1, 351.73 feet to the east line of a 30 foot utility easement  
(Film 414, Page 850, 852, 854, and 855); thence S00°W along the  
east line of said 30 foot utility easement, 54 feet; thence S86°38'52"W parallel  
to the south line of said Lot 1, 248.03 feet to the westerly line of said  
Lot 1; thence S33°09'42"E along the westerly line of said Lot 1, 60.59  
feet to a deflection point in said westerly line; thence S03°21'08"E along  
the westerly line of said Lot 1, 100 feet to the S.W. Corner of said Lot 1;  
thence N86°38'52"E along the south line of said Lot 1, 540 feet to a  
deflection point in the south line of said Lot 1; thence N78°10'47"E  
along the south line of said Lot 1, 24.93 feet to the point of beginning  
and EXCEPT that part of said Lot 1, described as follows: Beginning at  
the S.E. Corner thereof; thence S86°38'52"W along the south line of  
said Lot 1, 175 feet to a deflection point in said south line; thence  
S78°10'47"W along the south line of said Lot 1, 75.83 feet; thence  
N00°E, 273.99 feet; thence N00°E, 261.17 feet to a point on the  
east line of said Lot 1; thence S08°28'17"W along the east line of  
said Lot 1, 75.83 feet to a deflection point in said east line; thence  
S00°E, 175 feet to the place of beginning; together with Reserve A,  
Timber Grove Lakes Commercial Addition, Wichita, Kansas.

This plat of "TIMBER GROVE LAKES 2ND  
ADDITION", Wichita, Sedgwick County, Kansas has been submitted to  
and approved by the Wichita-Sedgwick County Metropolitan Area  
Planning Commission, Wichita, Kansas.  
Dated this 14th day of August, 1994.  
Wichita-Sedgwick County Metropolitan Area Planning Commission

| MINIMUM BUILDING PAD ELEVATIONS<br>FOR LOWEST OPENING OF STRUCTURE |                     |
|--|---------------------|
| Lot 1 & Block 1  | City Datum = 852.75 |
| Lot 2 & Block 2  | City Datum = 852.75 |
| Lot 3 & Block 3  | City Datum = 852.75 |

1/2" BENCH BY "BAUGHMAN" CAP (FOUND)  
1/2" BENCH BY "BAUGHMAN" CAP (SET)  
X - CROSS CITY DRAINAGE  
NOTE: For additional building setbacks  
see associated C.U.P. DP-134

BENCH MARK City One located on the  
N.E. Corner of Central  
and Malva in Block 1  
Elev = 848.00 (City datum)

*James D. Miller* Chairman  
James D. Miller

*Marin S. Kraut* Secretary  
Marin S. Kraut



*Elmo Broadbent* Mayor  
Elmo Broadbent

*Pat Burnett* City Clerk  
Pat Burnett

All being situated in the SE 1/4 of Sec. 18, Twp. 27-S,  
R-1-W of the 6th P.M., Sedgwick County, Kansas.  
Existing public easements being vacated by  
virtue of K.S.A. 12-512(b).

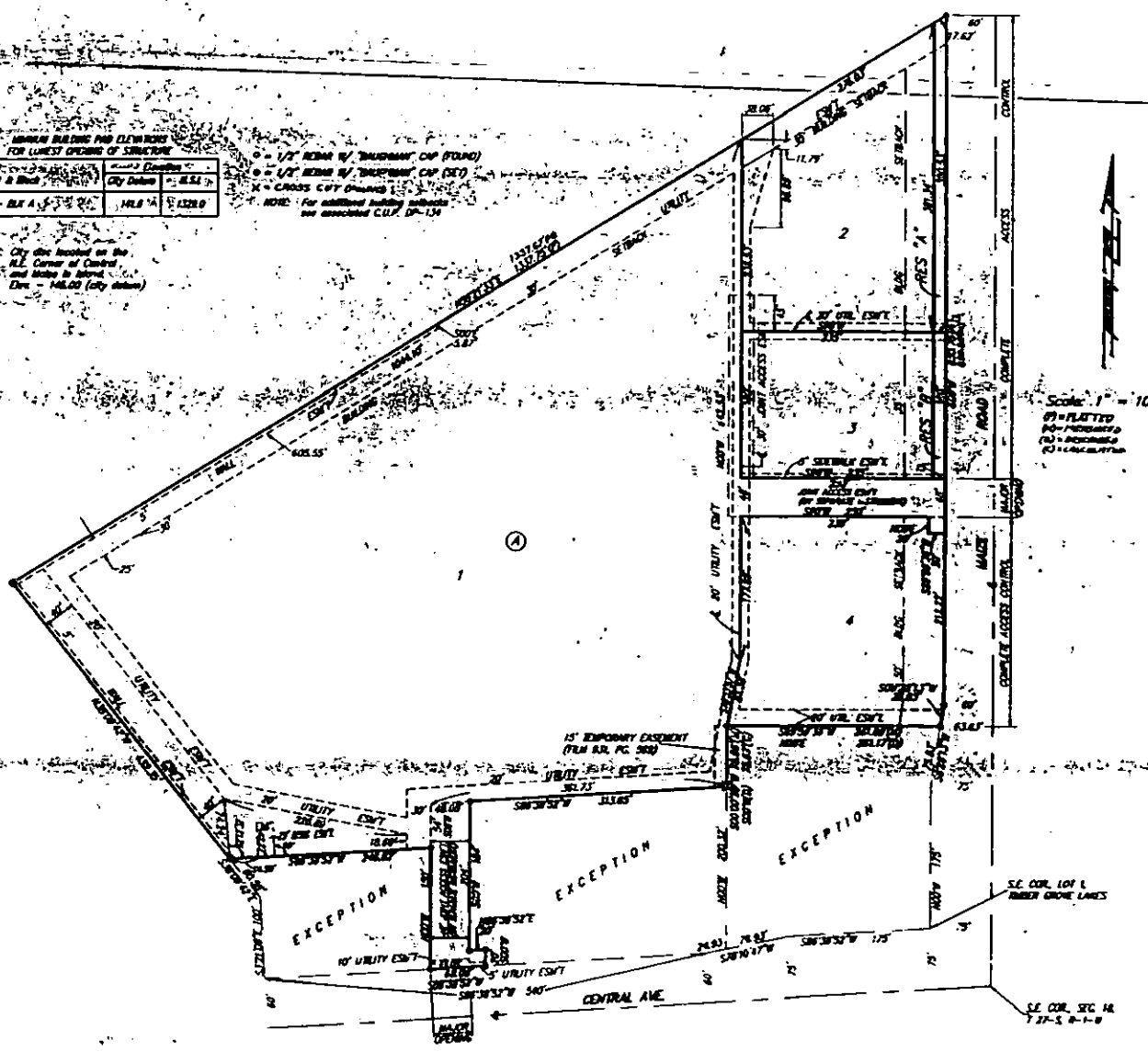
This plat approved and all dedications  
shown hereon accepted by the City Council of the City of Wichita,  
Kansas, this 22nd day of August, 1994.

*William L. Hober* Surveyor  
William L. Hober

Know all men by these presents that we, the  
undersigned, have caused the land in the surveyors certificate to be  
plotted into Lots, a Block, and Reserves to be known as "TIMBER GROVE LAKES 2ND  
ADDITION", Wichita, Sedgwick County, Kansas. Reserve "A" and "B" are  
hereby reserved for landscaping, screening, and buffering purposes.  
Reserve "A" shall be owned and maintained by the owner of Lot 2, Block A,  
of said Addition. Reserve "B" shall be owned and maintained by the  
owner of Lot 3, Block A, of said Addition. The utility easements are  
hereby granted as indicated for the construction and maintenance of all  
public utilities. The wall easements are hereby granted as indicated for the  
construction and maintenance of a privacy wall, and utilities may cross  
these easements. The joint access easements are hereby granted as indicated on  
the accompanying plat for the purpose of ingress and egress. The drainage  
easement is hereby granted as indicated for drainage purposes. All abutters  
rights of access to and from Malva Road over and across the east line of  
Reserves A & B, and Lot 4, Block A, are hereby granted to the City of Wichita, Kansas.  
The Minimum Building Pad Elevation for the lowest opening to the structures  
are as shown on the accompanying plat.

Entered on transfer record this \_\_\_\_\_ day  
of \_\_\_\_\_, 1994.

*Susan E. Crockett-Spoon* County Clerk  
Susan E. Crockett-Spoon



Intrust Bank, N.A.  
*William R. Summers* Vice-President  
William R. Summers

State of Kansas) SS This is to certify that this plat has been  
Sedgwick County) filed for record in the office of the Register of Deeds, this \_\_\_\_\_ day  
of \_\_\_\_\_, 1994, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and is duly recorded.

We, Intrust Bank, N.A., holders of  
mortgages on the above described property do hereby  
consent to this plat of "TIMBER GROVE LAKES 2ND ADDITION", Wichita,  
Kansas.  
*William R. Summers* Vice-President  
William R. Summers

State of Kansas) SS The foregoing instrument acknowledged be-  
Sedgwick County) fore me, this \_\_\_\_\_ day of \_\_\_\_\_, 1994, by William R. Summers,  
Vice-President, Intrust Bank, N.A., on behalf of the bank.

*Pat Kettler* Register of Deeds  
Pat Kettler

State of Kansas) SS The foregoing instrument acknowledged be-  
Sedgwick County) fore me, this \_\_\_\_\_ day of \_\_\_\_\_, 1994, by  
William R. Summers, Vice President of Intrust Bank, N.A., on behalf  
of the bank.

*Jolben Barnhart* Notary Public  
JOLBEN BARNHART  
My App'l. Exp. 11-14-95

*Ed Resa* Deputy  
Ed Resa

*Jolben Barnhart* Notary Public  
JOLBEN BARNHART  
My App'l. Exp. 11-14-95