

POE & ASSOCIATES OF KANSAS, INC.
CONSULTING ENGINEERS

434 N. Oliver, Suite 110 - Wichita, KS 67208
316/685-4114 FAX 316/685-4444

OFFICE OF THE CITY MANAGER

MAR 18 1996

Please Reply
Comments

Steve L. [unclear]
[unclear]
[unclear]

March 15, 1996

Mr. William Cather
2935 South Seneca
Wichita, KS 67217-2863

MAR 25 1996

Re: Bradford North Addition

Dear Mr. Cather:

I have a Corps letter of August 23, 1994, that states that Bradford South was not in a wetland. As we discussed today, I thought the July 10, 1995 Corps of Engineers letter pertained to the whole Bradford Addition along Cadillac Lake. The February 22, 1996, Corps letter, received after the zoning approval, states that their July 10, 1995, letter was in reference to Bradford South only. The egg is on my face for contributing to this misunderstanding.

The developer, Jay Russell, has retained a Corps approved consultant to determine if any of Bradford North can be considered wetland. The consultant's report is expected next week. The primary test for wetland is soil type and vegetation. The land has been in cultivation, and nothing about the topography indicates wetland. However, if it is determined to be wetland, a 404 permit application will be required. The application process provides for public notice and input from local agencies, and can require revised designs. Performing unauthorized work in a wetland is a Federal offense, so I'm sure the developers will not commence work without a permit if the land is determined to be a wetland.

The mistake is regrettable, but resulted from the information I had at the time. I will keep you informed on the progress of the wetland determination. Please call me if I can do anything to help correct my contribution to the misunderstanding.

Yours truly,

POE & ASSOCIATES OF KANSAS, INC.

James M. Thompson

James M. Thompson, P.E.
President

cc: Mr. Chris Cherches
Mr. Jay Russell

WILLIAM CATHER
ATTORNEY AT LAW

MAR - 8 1996

Please Reply
Comments
File

WILLIAM CATHER, P.A.
2935 SOUTH SENECA • WICHITA, KS 67217-2863
(316) 522-4749 FAX (316) 529-9961

March 7, 1996

Kenny E. Hill
Vice-President
Poet Associates of Kansas
434 N. Oliver, Ste. #110
Wichita, KS 67208

Dear Mr. Hill:

I have received your March 6, 1996-fax. Indeed you are correct. I thought that the letter you furnished me was a 404 Waiver on Bradford North Addition. In reliance on that letter, I made the motion to approve the zoning request on Bradford North. Had I known that the letter applied to Bradford South, I not only would have not made the motion, but would have led the opposition thereto. You will recall that I asked that this matter be deferred a week so that I could obtain this information. It appears to me that this regrettable mistake completely misled me. (And perhaps other council members were misled as well.)

Sincerely,



William Cather

WC/rs

cc: Chris Churches Marvin Krout Larry Ross
City Hall, 13th Floor City Hall P.O. Box 2585
455 N. Main 455 N. Main Wichita, KS 67201
Wichita, KS 67203 Wichita, KS 67203

facsimile TRANSMITTAL

to: Bill Cather
 fax #: 529-9961
 re: Bradford North Addition
 date: March 6, 1996
 pages: 3, including cover sheet.

On February 12 of this year I sent you a letter from the Department of the Army which I thought was regarding Bradford North Addition.

The attached letter was received from the developer by our office on March 4. This letter states that the letter that I sent to you was in regard to the Bradford South Addition.

It is my understanding that the developer has contracted with a consultant to determine if any of the Bradford North Addition is in a wetland.

I apologize for the mis-understanding.

Please let me know if I can provide any additional information.

cc: Chris Cherches

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From the desk of...

Kerry E. Hill, P.E.
 Vice President
 Poe and Associates of Kansas, Inc.
 434 N. Oliver - Suite 110
 Wichita, Kansas 67208

316-685-4114
 Fax: 316-685-4444

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To	Chris Cherches	From	Kerry Hill
Co.		Co.	
Dept.		Phone #	
Fax #	268 4519	Fax #	



J. RUSSELL HOMES

OFFICE: 722-2417 FAX: 722-2954

GBA
Terracm

TO: Mike Thompson
FROM: Randy Johnson
DATE: 3-4-96
OF PAGES TRANSMITTED: 3
(including cover sheet)

ADDITIONAL INFORMATION: _____

Mike, Please review & call me back
to discuss action.

Thanks.
Randy.

if you did not receive all of the pages transmitted, please call the office and we will re-fax the information. Thank you.



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64108-2006

FEB 26 1996

REPLY TO
ATTENTION OF:

February 22, 1996

Western Project Section
(Sedgwick, KS)
95-01870

Mr. Jay Russell
P.O. Box 9007
Wichita, Kansas 67212

Dear Mr. Russell:

This letter is in regard to our February 16, 1996, telephone conversation regarding the Bradford North Addition, in the north half of the northeast quarter of Section 5, Township 27 south, Range 1 west, in Sedgwick County, Kansas.

As we discussed, the July 10, 1995, letter we sent to you, No. 95-01870, was in regard to the Bradford South Addition, in the south half of the northeast quarter of Section 5, Township 27 south, Range 1 west, in Sedgwick County, Kansas. That letter concerned your application to the Kansas State Board of Agriculture, Notice No. 95222, for the placement of floodplain fill.

The Corps of Engineers has jurisdiction over all waters of the United States. Excavation or discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

A current search of our records, showed no information concerning the Bradford North Addition, at the location mentioned above. Should the proposed development require excavation or the discharge of dredged or fill material in any waters of the United States, including wetlands, a Department of the Army (DA) permit may be required. However, if the proposed development does not require excavation or the discharge of dredged or fill material in any waters of the United States, including wetlands, a DA permit will not be required.

Since there are questions regarding wetlands being involved, enclosed is a list of individuals and firms available to conduct preliminary jurisdictional wetland determinations for submission to the Kansas City District Corps of Engineers for DA permit requirements.

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Federal regulations require that a DA permit be issued by the Corps of Engineers prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

Also, enclosed is a copy of our brochure entitled "Activities Requiring Permits" and applications for a DA permit.

If you have any questions concerning this matter, please feel free to write or call me at 816-426-5500 (FAX 816-426-2321).

Sincerely,



David Hibbs
Regulatory Specialist
Regulatory Branch

Enclosures