

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

September 28, 1997

Mr. Randy Voth
Industrial Assets L.L.C.
O'Rourke Title Building
229 E. William, 5th Floor
Wichita, KS 67202

Re: West Towne Industrial Park

Dear Mr. Voth:

This is written as a follow-up to our Tuesday, September 16, 1997, meeting in Mr. Doug Moshier's office concerning whether or not the property included in this plat is located in a ponding area necessary for the operation of the Wichita - Valley Center Flood Control project.

As you know, during the meeting we discussed whether or not a project constructed in the early 1980s had, in fact, shifted the ponding area to Airport Authority property located on the west side of Hoover. As promised, we again contacted the US Army Corps of Engineers who could find no information concerning this location, but did locate some information in the City Engineer's Office. The project in question, which was Project No. DBKD 577050 was designed by Professional Engineering Consultants, P.A. The project constructed a large storm water holding area for the Dugan ditch on property located west of Hoover. According to PEC's design information, the 100 year peak inflow to the facility was 2810 cfs while the maximum 100 year outflow was 1080 cfs. The maximum water surface elevation in the ponding area was 1301.90, at 272.2 acre ft. of storage. The holding pond has a freeboard of 2.1 ft at the peak 100 year pond elevation. Besides constructing the pond, the project also included a drainage control structure under Hoover and through the floodway levee. The ditch between Hoover and the floodway levee has a levee of its own on the north side protecting your property.



Mr. Randy Voth
September 18, 1997
Page 2

Based on a review of the project plans and an inspection of the area in the field, it is my opinion that the project discussed above effectively took your property out of the ponding area. Therefore, this office has no objections to the development of the property. Your engineers, however, should set the building elevations considering interior drainage that will not be able to exit your property when the control structure in the floodway levee is closed. Further, please remember the levee toe drain system as was discussed by Mr. Bob Jennings.

If you have any questions concerning the above, please feel free to contact me at 268-4498.

Sincerely,



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

cc: Steve Lackey, P.E., Director of Public Works
Doug Moshier, Senior City Attorney
Kurt Schroeder, Superintendent of Central Inspection
Loren Deines, Plan Reviewer II
Bob Jennings, Flood Control Supervisor
Harker Russell, Toomey, Russell & Pilgreen, L.L.C.

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

Printed by: Christopher Carrier
Date: 17-Sep-1997 11:23am CDT
From: Christopher Carrier
CARRIER_C
Dept: Public Works
Tel No: 268-4498

TO: See Below

Subject: Randy Voth - West Town Industrial Addition

This is written as a follow-up to a meeting held in Doug Moshiers office yesterday concerning plans to develop the property included in the above noted plat. The developers were initially referred to Storm Water by OCI when it was discovered, based on the maps in their office, that the site was located in a designated ponding area. Apparently the City had some involvement in Mr. Voths purchase of the property and we have a Letter of Credit from him that the property will be developed in a certain way. The purpose of yesterdays meeting was to discuss the Cities ponding area requirements and what right the City had to impose development restrictions on the property.

Prior to the meeting, City staff came up with information that the Dugan Ditch project, which was completed in the early 1980's, may have modified the ponding area by shifting it to the west side of Hoover onto property owned by the Airport Authority. The information shown on the preliminary plat also leads one to conclude that this is in fact the case and that Mr. Voths property on the east side of Hoover is further protected by a levee that extends between Hoover and the floodway levee.

This morning Mr. Jennings talked with Corps of Engineers representatives and they had no information on this location. A check of the City Engineers records found the information we wanted. The project in question was project no. DBKD 577050 and was designed by PEC. The new ponding area west of Hoover was designed to store the 100 year runoff at a peak elevation of 1301.90. The peak discharge downstream across Hoover and across the south side of the property in question was 1080 cfs.

Based on the above, it is my conclusion that this property is no longer in a ponding area and can be developed as proposed, as long as the developer sets his building elevations properly considering his own interior drainage concerns at times when outflow to the floodway can not occur. Unless you disagree for some reason, I plan to write Mr. Voth today and let him and his engineers know.

Distribution:

TO: Douglas J. Moshier (MOSHIER_D)
TO: Loren Deines (DEINES_L)
TO: Kurt Schroeder (SCHROEDER_K)
TO: Chris Breitenstein (BREITENSTEI)

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

September 15, 1997

Mr Harker E. Russell
Toomey, Russell & Pilgreen, L.L.C.
O'Rourke Title Building
229 E. William, 5th Floor
Wichita, KS 67202

Re: West Towne Industrial Park

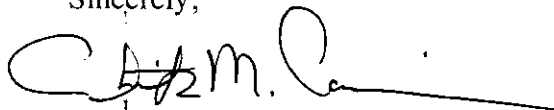
Dear Mr. Russell:

This is written in response to your September 12, 1997, letter that was faxed to me concerning the above referenced property which was purchased by Industrial Assets, LLC. In your letter, you asked that we advise you as soon as possible of our authority for designating this property as a ponding area and thereby impairing the highest and best use of the property.

First, please be advised that the City of Wichita did not make this designation. This designation was made by the U.S. Army Corps of Engineers. Concerning the authority for making such a designation, I am referring your question to the City Attorney's office for a response.

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

Sincerely,



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

CMC:ms

cc: Doug Moshier, Senior Assistant City Attorney



FAST FAXDATE: 9/12/97NUMBER OF PAGES: 2 (Including cover sheet)TO: Chris CarrierFAX NO. 337-9027

PHONE NO. _____

FROM: Herk Russell

TOOMEY, RUSSELL, PILGREEN AND INNES, L.L.C.
229 E. WILLIAM, 5TH FL.
WICHITA, KANSAS 67202
(316) 264-3700

NOTES/REMARKS: Original to follow by mail Original not to follow by mail

Re: West Towne Industrial Park
Section 26, Township 27 South, Range 1 West
of the 6th P.M., Sedgwick County, Kansas

Confidentiality Notice: The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please notify us by telephone to arrange for return of the original documents to us.

TOOMEY, RUSSELL & PILGREEN, L.L.C.**Attorneys at Law**

Larry D. Toomey
Harker E. Russell
Terry C. Pilgreen
Stephen A. Jenkins
S. Lance Freije

O'Rourke Title Building
229 E. William, 5th Floor
Wichita, KS 67202
Telephone (316) 264-3700
Telefax (316) 264-3898

Branch Office
1125 Grand Blvd., Suite 916
Kansas City, MO 64106
Telephone (816) 221-2604
Telefax (816) 221-6556

September 12, 1997

VIA FACSIMILE 337-9027

Mr. Chris Carrier
Storm Water Department
City Hall, 8th Floor
455 North Main
Wichita, Kansas 67202

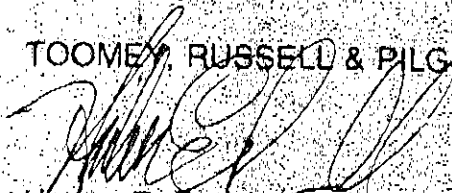
Re: West Towne Industrial Park
That part of the West Half of the Southwest Quarter lying South
of the A.T.&SF Railroad right-of-way EXCEPT that part taken for
floodway in District Court Case A-31849, in Section 26, Township
27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas

Dear Mr. Carrier:

Our office is legal counsel for Industrial Assets, L.L.C., owner of the referenced property. According to our Engineer in the platting and zoning process, Savoy, Ruggles & Bohm, our property has been designated by you as a ponding area. Having represented our client in the purchase of this property, we have found no documentation of that designation. Therefore, we would ask that you please advise us as soon as possible of your authority for making that designation and thereby impairing the highest and best use of this property. We plan on moving dirt and proceeding with the platting process in the very near future and, therefore, need to hear from you at your earliest possible convenience. Your cooperation and consideration is greatly appreciated.

Very truly yours,

TOOMEY, RUSSELL & PILGREEN, L.L.C.


Harker E. Russell

HER:lh

cc: Randall J. Voth

TOOMEY, RUSSELL & PILGREEN, L.L.C.

Attorneys at Law

Larry D. Toomey
Harker E. Russell
Terry C. Pilgreen
Stephen A. Jenkins
S. Lance Freije

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1125 Grand Blvd., Suite 916
Kansas City, MO 64106
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September 12, 1997

RECEIVED
SEP 16 1997

VIA FACSIMILE: 337-9027

Mr. Chris Carrier
Storm Water Department
City Hall, 8th Floor
455 North Main
Wichita, Kansas 67202

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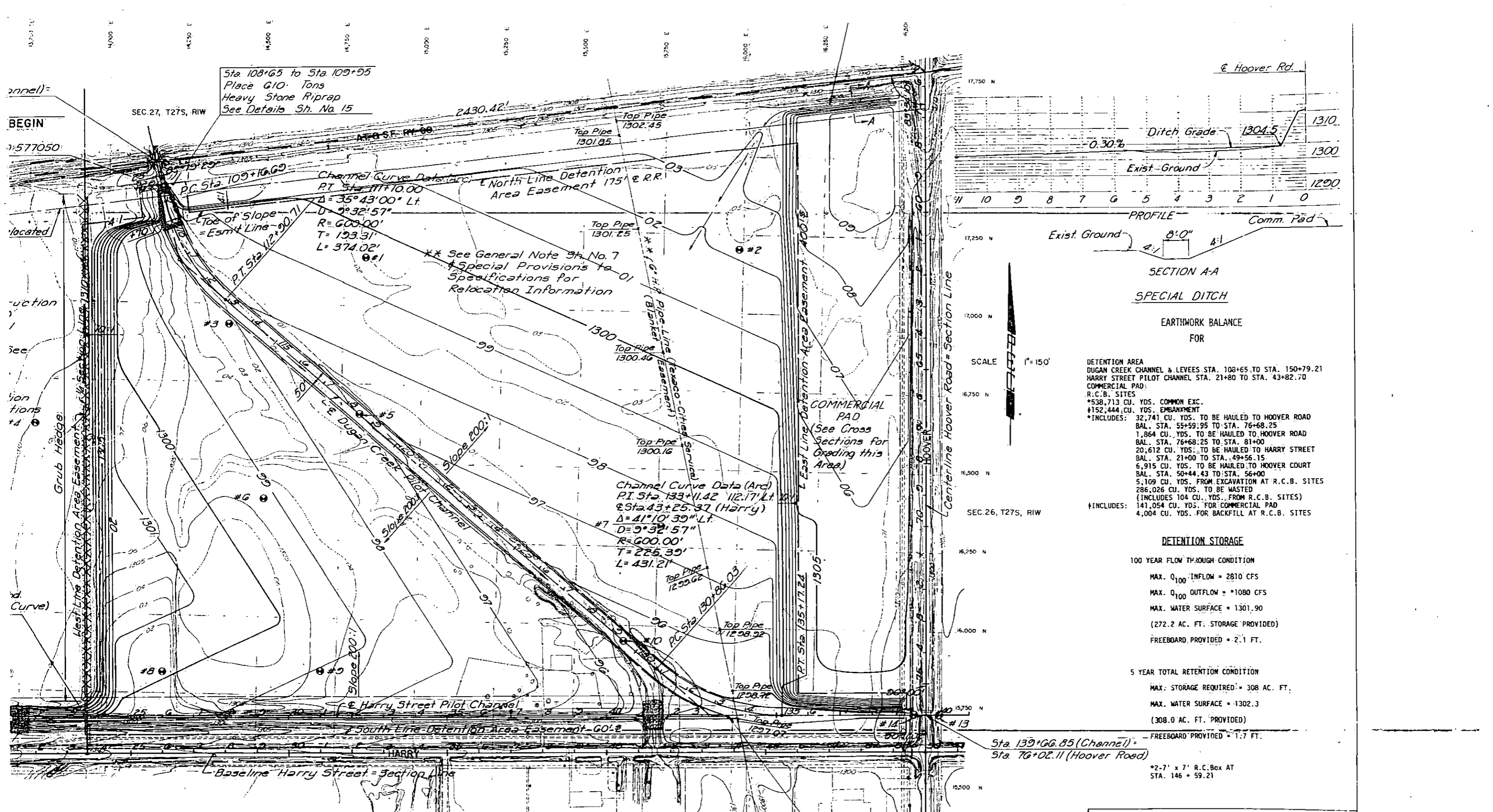
Very truly yours,

TOOMEY, RUSSELL & PILGREEN, L.L.C.


Harker E. Russell

HER:lh

cc: Randall J. Voth

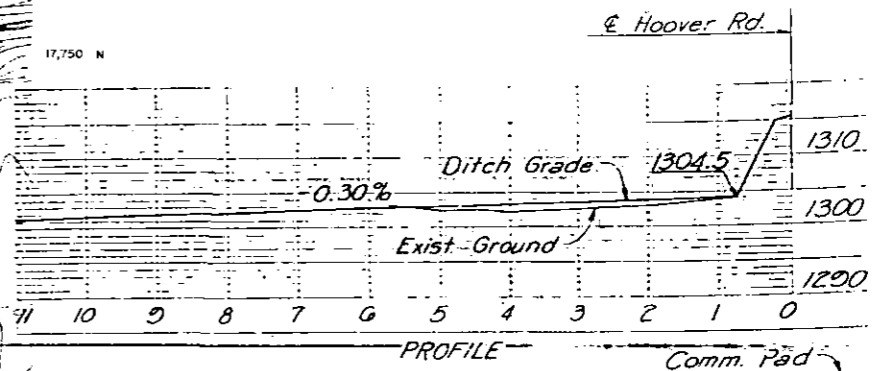


Sta. 108+65 to Sta. 109+95
Place 610 Tons
Heavy Stone Riprap
See Details Sh. No. 15

Channel Curve Data (Arc)
PT Sta. 111+10.00
 $\Delta = 35^\circ 43' 00''$ Lt.
 $D = 9^\circ 32' 57''$
 $R = 600.00'$
 $T = 123.31'$
 $L = 374.02'$

** See General Note Sh. No. 7
Special Provisions to
Specifications for
Relocation Information

Channel Curve Data (Arc)
PI Sta. 133+11.42 (112.17' Lt. Harry)
Sta. 43+25.37 (Harry)
 $\Delta = 41^\circ 10' 39''$ Lt.
 $D = 9^\circ 32' 57''$
 $R = 600.00'$
 $T = 225.39'$
 $L = 431.21'$



SECTION A-A
SPECIAL DITCH

EARTHWORK BALANCE
FOR

DETENTION AREA
DUGAN CREEK CHANNEL & LEVEES STA. 108+65 TO STA. 150+79.21
HARRY STREET PILOT CHANNEL STA. 21+80 TO STA. 43+82.70
COMMERCIAL PAD:
R.C.B. SITES
*538,713 CU. YDS. COMMON EXC.
*152,444 CU. YDS. EMBANKMENT
*INCLUDES: 32,741 CU. YDS. TO BE HAULED TO HOOVER ROAD
BAL. STA. 55+59.95 TO STA. 76+68.25
1,864 CU. YDS. TO BE HAULED TO HOOVER ROAD
BAL. STA. 76+68.25 TO STA. 81+00
20,612 CU. YDS. TO BE HAULED TO HARRY STREET
BAL. STA. 21+00 TO STA. 49+56.15
6,915 CU. YDS. TO BE HAULED TO HOOVER COURT
BAL. STA. 50+44.43 TO STA. 56+00
5,109 CU. YDS. FROM EXCAVATION AT R.C.B. SITES
286,026 CU. YDS. TO BE WASTED
(INCLUDES 104 CU. YDS. FROM R.C.B. SITES)
*INCLUDES: 141,054 CU. YDS. FOR COMMERCIAL PAD
4,004 CU. YDS. FOR BACKFILL AT R.C.B. SITES

DETENTION STORAGE

100 YEAR FLOW THROUGH CONDITION
MAX. Q_{100} INFLOW = 2810 CFS
MAX. Q_{100} OUTFLOW = *1080 CFS
MAX. WATER SURFACE = 1301.90
(272.2 AC. FT. STORAGE PROVIDED)
FREEBOARD PROVIDED = 2.1 FT.

5 YEAR TOTAL RETENTION CONDITION
MAX. STORAGE REQUIRED = 308 AC. FT.
MAX. WATER SURFACE = 1302.3
(308.0 AC. FT. PROVIDED)
FREEBOARD PROVIDED = 1.7 FT.

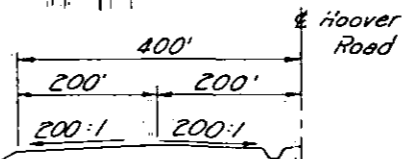
Sta. 139+00.85 (Channel) =
Sta. 76+02.11 (Hoover Road)

*2'-7" x 7' R.C.Box AT
STA. 146 + 59.21

UTILITIES
For Utility Owners See Sh. No. 7, 8, 9, 10 & 11

Sta. 43+82.70 End
Harry Street Pilot Channel
110' Lt. & Sta. 43+82.70 (Harry St.)
25' Rt. Sta. 133+53.50 (Dugan
Creek Pilot Channel)

Compaction of Earthwork
Type II
Foundation



APPROVED _____ DATE _____
CITY ENGINEER _____
CITY OF WICHITA, KANSAS
R.W. LINN, PE, CITY ENGINEER
DETENTION AREA CONTOUR MAP
STORM WATER DRAIN NO. 34
CITY OF WICHITA PROJECT NO. DBKD 577050
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
ENGINEERS
WICHITA, KANSAS

STORM WATER DRAIN NO. 34

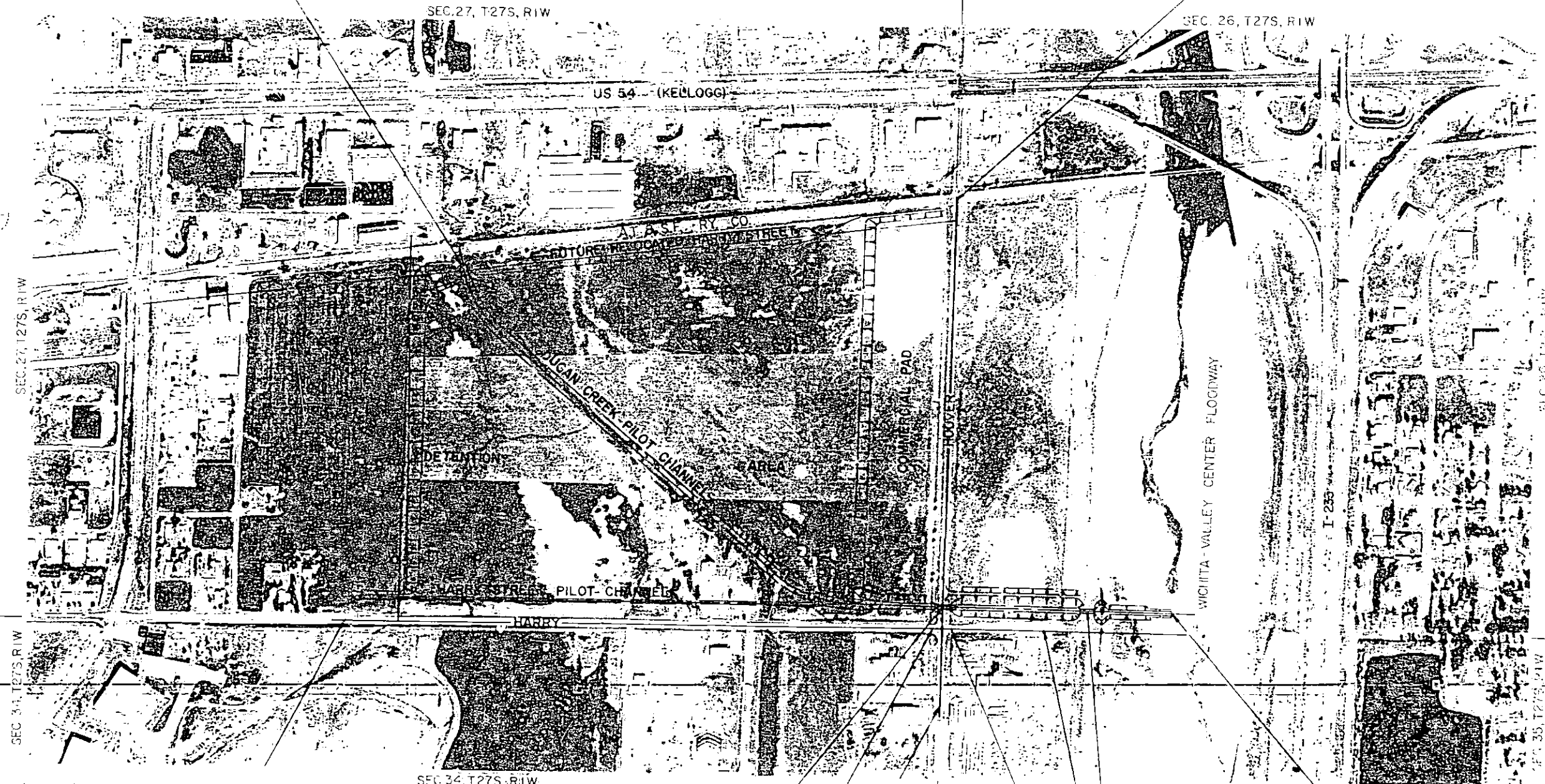
PROJECT NO. DBKD 577050

STA. 108+65.00 BEGIN
City of Wichita
Project No. DBKD 577050

Sta 55+5995 Begin
Hoover Rd Construction

OF SHEETS

- TITLE**
- Sheet
 - Area Contour Map
 - Map - (RC Boxes)
 - Pilot Channels
 - ement Area
 - Sections - (Roadway)
 - Road Plan & Profile
 - St. & Hoover Ct. Plan & Profile
 - re & Intersection Details
 - Dist Details (Type I) & (Type II)
 - Dist Details (Type I) & (Type II)
 - ry Details
 - ite Ditch Lining
 - late Guard Fence
 - Sta. 139+66.85
 - Sta. 146+59.21
 - ts & Spacers For
 - forming Stas!
 - ary of Quantities
 - ary of Seeding Quantities
 - ge Map
 - Sections



Sta 21+00 Begin
Harry St Construction

Sta 139+66.85 Const
2-10' x 7' x 8" RC Box
Bridge

Sta. 49+56.15 End
Harry St Construction

Sta 146+59.21 Const
2-7' x 7' x 67" RC. Box

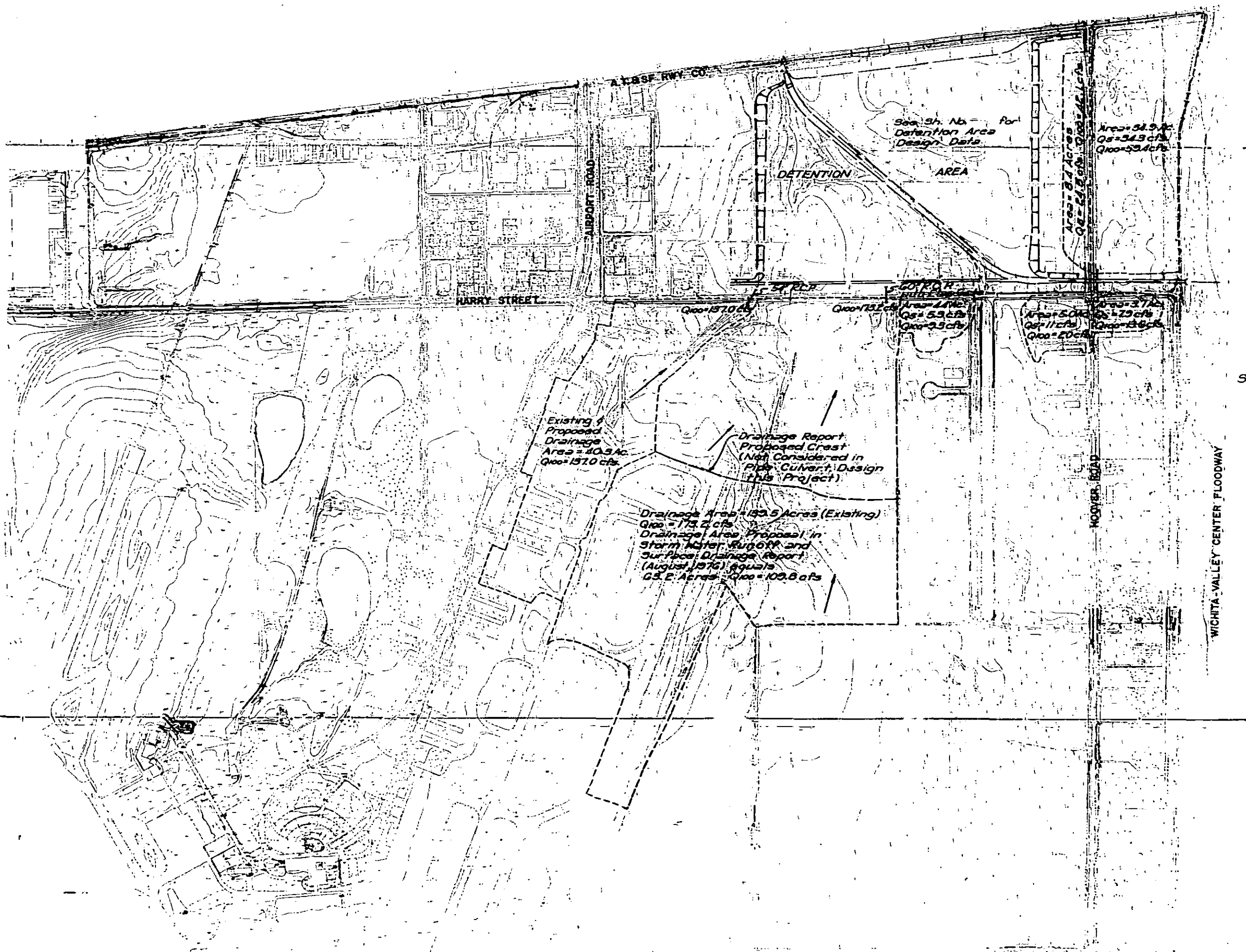
Sta. 55+5995 End
Hoover Ct Construction

STA 108+65.00 END
City of Wichita
Project No. DBKD 577050

CONVENTIONAL SIGNS

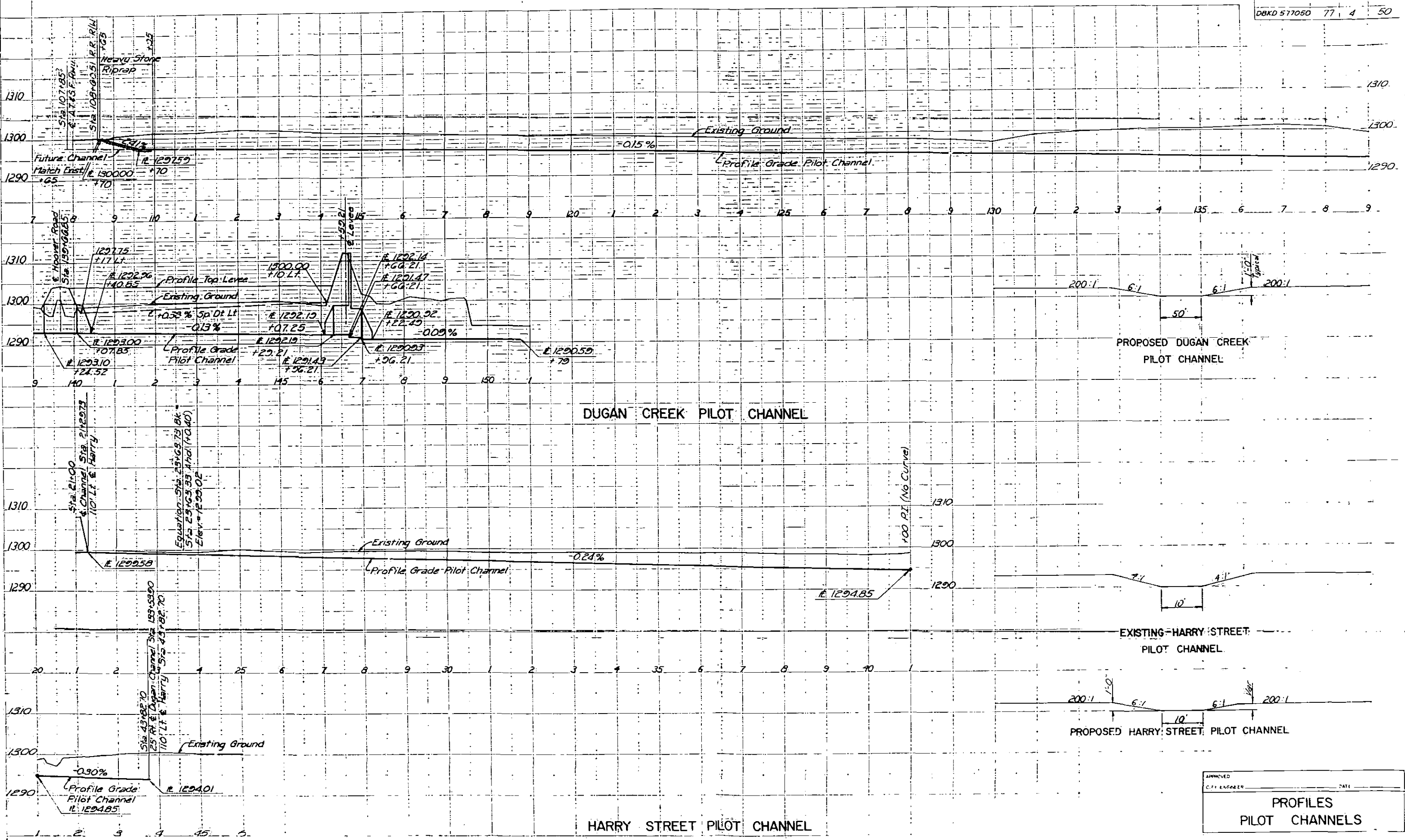
	RETAINING WALL
	CENTER LINE
	SLOPE

PROJECT NO.	FISCAL YEAR	SHEET NO.
DBKD 577050	1977	27



SCALE: 1" = 400'

APPROVED _____ DATE _____
 CITY ENGINEER _____
 CITY OF WICHITA, KANSAS
 R. W. LINDL, P.E., CITY ENGINEER
DRAINAGE MAP
 STORM WATER DRAIN NO. 34
 CITY OF WICHITA PROJECT NO. DBKD 577050
 PROFESSIONAL ENGINEERING CONSULTANTS, P. A.



APPROVED _____ DATE _____
 C.E. ENGINEER _____
**PROFILES
 PILOT CHANNELS**