

STAFF REPORT

(Final Plat, Preliminary Plat Approved 3/18/99)

CASE NUMBER: S/D 99-20 - SMITHMOOR 9TH ADDITION

OWNER/APPLICANT: Smith & Company, P.O. Box 780595, Wichita, KS 67278

SURVEYOR/ENGINEER: Municipal Engineers, Attn: Babar Khan, 254 Laura, #201,
Wichita, KS 67211

LOCATION: South of Harry, West side of Greenwich

SITE SIZE: 32.9 acres

NUMBER OF LOTS

| | |
|--------------|------------|
| Residential: | 105 |
| Office: | |
| Commercial: | |
| Industrial: | |
| Total: | <u>105</u> |

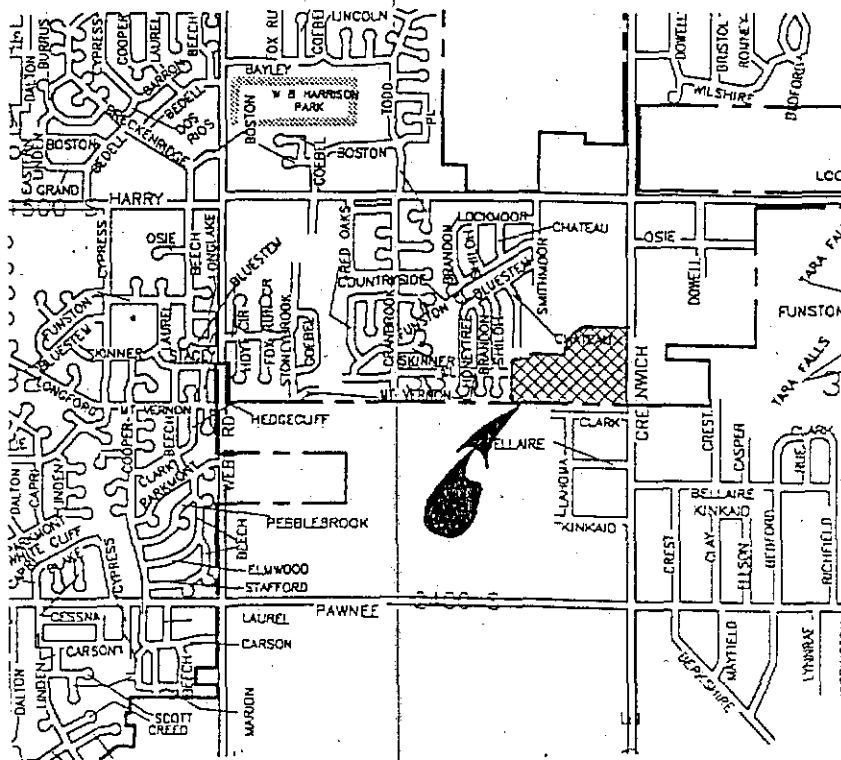
MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: SF-6 Single-Family Residential

PROPOSED ZONING: Same

who owns & maintain ^{change} reserve

VICINITY MAP



Note: The site will connect with Smithmoor 7th Addition to the west and Smithmoor 8th Addition to the north. This final plat contains the identical street layout and similar lot configuration (one less lot) as for the preliminary plat.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee shall be with the County for service through the Four Mile Creek sanitary sewer system. On the final plat tracing, appropriate wording shall be added to the Mayor's signature block indicating the City's agreement to allow a County sewer district to be formed within the City.
- B. The applicant shall guarantee the extension of City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan.

For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.

- E. The tie points shall read, "27S".
- F. Traffic Engineering needs to comment on the need for improvements to Greenwich. A guarantee needs to be submitted for a left turn bay along Greenwich.
- G. The applicant shall guarantee the paving of the proposed interior streets. This paving guarantee shall also provide for sidewalks on at least one side of Mt. Vernon.
- H. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. City Fire shall comment on the street names. City Fire has requested new street names on the final plat. Longlake Street shall be designated as "E. Longlake Street". Chateau shall be designated as "Chateau Circle".
- J. The legal description needs to be revised to eliminate the paragraph beginning with, "A tract of land located in the west half of the northeast quarter..."
- K. The dimension denoted for the east line of the plat does not coincide with the distance identified in the platting binder.

- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. *Additional easements requested by KGE have not been denoted on the final plat including a 10-ft utility easement between lots 18 and 19, Block 3, and between lots 13 and 14, Block 6.*
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.

- L. On the final plat tracing, the year 1998 shall be replaced with 1999 on all certifications.
- M. The MAPC Chair shall be identified as William M. Johnson.
- N. The Parks and Pathways Plan has indicated that a recreation corridor should be provided along the south line of this plat. The Applicant should contact the Planning Department's Land Use staff to discuss issues involving the dedication of public access easements. **The applicant shall dedicate a public access easement along the drainage reserve.**

The public access easement has been denoted on the final plat.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 99-20 - SMITHMOOR 9TH ADDITION

OWNER/APPLICANT: Smith & Company, P.O. Box 780595, Wichita, KS 67278

SURVEYOR/ENGINEER: Municipal Engineers, Attn: Babar Khan, 254 Laura, #201, Wichita, KS 67211

LOCATION: South of Harry, West side of Greenwich

SITE SIZE: 32.9 acres

NUMBER OF LOTS

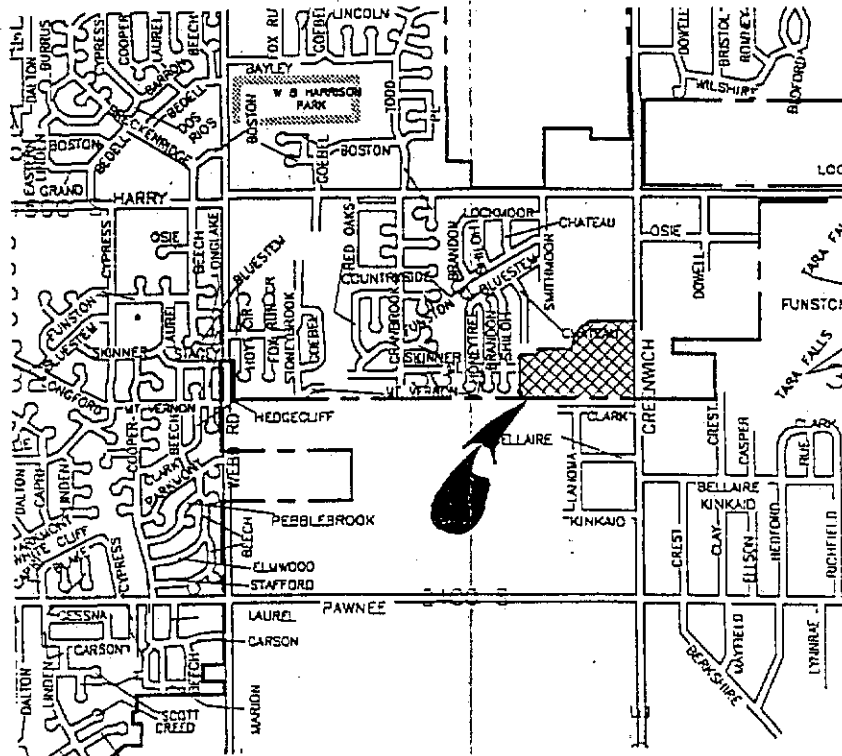
| | |
|--------------|------------|
| Residential: | 106 |
| Office: | |
| Commercial: | |
| Industrial: | |
| Total: | <u>106</u> |

MINIMUM LOT AREA: 6,000 sq. ft.

CURRENT ZONING: SF-6 Single-Family Residential

PROPOSED ZONING: Same

VICINITY MAP



Note: This site is located in the County within three miles of Wichita's City Limits. It is in an area designated as "suburban" by the Wichita-Sedgwick County Comprehensive Plan. The site will connect with Smithmoor 7th Addition to the west and Smithmoor 8th Addition to the north.

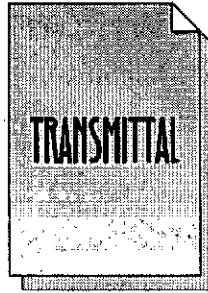
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- B. The applicant shall guarantee the extension of City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage concept.
- E. The plat denotes complete access control along the site's frontage to Greenwich. The final plat shall reference the access controls in the plat's text.
- F. The tie points shall read, "27S".
- G. City Fire shall comment on the acceptability of the length of Mt. Vernon (1,800 ft), which exceeds the maximum length imposed by the Subdivision regulations for cul-de-sacs.
- H. Traffic Engineering needs to comment on the need for improvements to Greenwich.
- I. The applicant shall guarantee the paving of the proposed interior streets. This paving guarantee shall also provide for sidewalks on at least one side of Mt. Vernon.
- J. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- K. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. City Fire shall comment on the street names.
- M. The lot width of Block 6, Lots 17 and 18, appears to be below the 50 ft lot width requirement (which is measured at the building setback line). The applicant may indicate an increased distance for the building setback from the road to comply with the necessary lot width.

- N. The Parks and Pathways Plan has indicated that a recreation corridor should be provided along the south line of this plat. The Applicant should contact the Planning Department's Land Use staff to discuss issues involving the dedication of public access easements.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
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- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of Autocad. This will be used by the City and County GIS Department.



MUNICIPAL ENGINEERS, P.A.
Civil Engineers & Land Surveyors



To:

Vicki Huang, P.E.
City Engineer's Office

From:

Babar Khan, P.E.

Date and Time

Wednesday, March 17, 1999 at 7:17 AM

Number of Pages

cover page plus two sheets



Smithmoor 9th Addition

Dear Vicki: Attached please find Drainage Concept Plan for the referenced plat.

Please call if you have questions.

A/8/99
B.K.

CLOSURE COMPUTATIONS
SMITH MOORE NINTH ADDITION

| PT. # | BEARING | LENGTH | NORTHING | EASTING |
|-------|---|---------|---------------------|---------------------|
| 1 | | | 5,000.00 | 5,000.00 |
| | N 89°-47'-08" E | 1810.51 | 5,000.00 | 5,000.00 |
| 2 | | | 5,006.78 | 6,810.50 |
| | N 00°-00'-00" E | 1019.77 | | |
| 3 | | | 6,026.55 | 6,810.50 |
| | S 89°-54'-39" W | 751.60 | | |
| 4 | | | 5,959.87 | 6,061.86 |
| 5 | { CURVE TO LEFT R = 230.00 Δ = 54°-00'-11" → CENTER ← L = 216.78 C = 208.85 } | | 5,730.78 | 6,082.26 |
| 6 | | | 5,848.92 | 5,884.92 |
| | S 30°-54'-28" W | 306.72 | | |
| 7 | | | 5,585.76 | 5,727.37 |
| | N 90°-00'-00" W | 449.38 | | |
| 8 | | | 5,585.76 | 5,277.99 |
| | S 00°-00'-60" W | 30.00 | | |
| 9 | | | 5,555.76 | 5,277.99 |
| | N 90°-60'-00" W | 278.00 | | |
| 10 | | | 5,555.76 | 5,000.00 |
| | S 00°-00'-00" E | 555.76 | | |
| 1 | | | 5,000.00 | 5,000.00 |

TOTAL AREA = 32.87 ± Acres

HARRY

SMITHMOOR FIRST ADD

SECOND ADD

PROPOSED COMMON APARTMENTS
"A. B."
20 UNITS

EXISTING
SANITARY
SEWER

PROPOSED SPRING
CHECK SEWER

A DEVELOPMENT PLAN FOR SMITHMOOR

LEGEND OF SYMBOLS

1. PROPOSED SANITARY SEWER





2. DIRECTION OF DRAINAGE

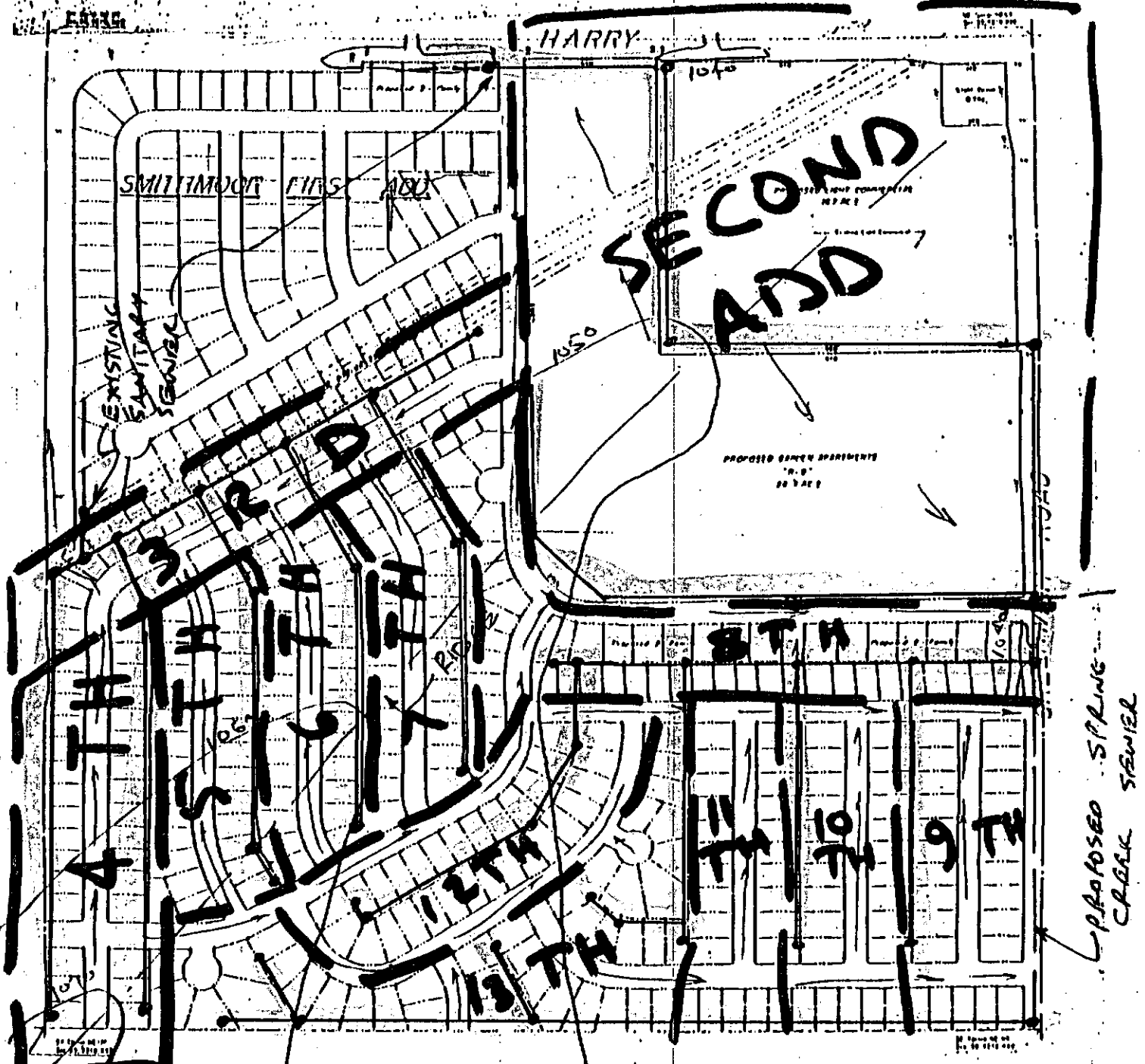
3. CONTOURS

4. DEVELOPMENT PHASE LINES

SCALE: 1" = 400'

LEGEND:

-  PROPOSED SANITARY SEWER
-  DIRECTION OF DRAINAGE
-  CONTOURS
-  DEVELOPMENT PHASE LINES



September 28, 1999

Vicki Huang, P.E.
City Engineer's Office
City Hall - 7th Floor
455 North Main Street
Wichita, Kansas 67202

Re: Smithmoor 9th Addition - Notice of Intent
Storm Water Pollution Prevention Plan

Dear Ms. Huang:

Attached please find the referenced Storm Water Pollution Prevention Plan.

Please call if you have questions or need additional information.

Sincerely,
MUNICIPAL ENGINEERS, P.A.



Babar M. Khan, P.E.

RECEIVED
SEP 28 1999
CITY - ENGINEERING

ME MUNICIPAL ENGINEERS, P.A.
Civil Engineers & Land Surveyors

Friday, July 09, 1999

Mr. Don Carlson
Department of Health & Environment
Water Bureau
Forbes Field, Building 740
Topeka, Kansas 66620

Re: **Storm Water Pollution Prevention Plan and NOI Application
Smithmoor 9th Addition to Wichita, Kansas**

Dear Mr. Carlson:

Attached please find Storm Water Pollution Prevention Plan and NOI application for the referenced project. A check in the amount of \$ 60.00 as application fee is also attached.

Please call if you have questions or comments.

Sincerely,
MUNICIPAL ENGINEERS, P.A.



Babar M. Khan, P.E., L.S.



NOTICE OF INTENT (NOI)
 For Stormwater Discharges Associated with Construction Activity
 Authorized by a Kansas Water Pollution Control General Permit
 Under the National Pollutant Discharge Elimination System

Completion of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit issued for stormwater runoff from construction activities in the State of Kansas. Completion of this NOI does not provide automatic coverage under the general permit. You will be notified when the Kansas Department of Health and Environment (KDHE) accepts this NOI. **INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT. Please Print or Type.**

OWNER & RECORD LOCATION INFORMATION

Owners Name: Ron Smith, President
 Name of Company: Smith & Company, Inc.
 Mailing Address: P.O. Box 780595
 City: Wichita State: KS Zip Code: 67278

Will permit records be located on site? Y; N
 If no, provide address where records will be kept:
 Business Name: Municipal Engineers, P.A.
 Street Address: 254-Laura, Suite 201
 City: Wichita, Kansas 67211

SITE INFORMATION

A. LOCATION

Name of Project: Smithmoor 9th Addition to Wichita
 Address: Wichita, Sedgwick County, Kansas
 City: Harry & Greenwich State: KS Zip Code: _____
 Contact Person: Mr. Ron Smith

SW Quarter of the NE Quarter of Section 33,
 Township: 27 South, Range: 2 E; W;
 County: Sedgwick County
 Phone: 316-685-1401

B. EXISTING CONDITIONS/USES

Is any part of the project located on Indian Lands? Y; N
 If site runoff goes into a Municipal Separate Storm Sewer System; Owner/Operator's Name: City of Wichita, Kansas
 Name of the first receiving water; stream; or lake: Spring Creek
 Are there any known soil contamination areas which will be disturbed by the construction activity? Y; N
 Are there any intakes for public drinking water supplies located within 1/2 mile of the site discharge points? Y; N
 Are there any known historical or archeological sites present? Y; N
 Are any threatened or endangered species known to be present near the site or in the receiving water body? Y; N
 If yes, list species and describe habitat location in relation to project location: _____

Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding Natural Resource Waters located within one-half mile of the site boundary? Y; N
 Describe the site soil types: Rose Hill Silty Clay, Soil Hydro Group D

If you have other existing environmental permits at this site, list their permit numbers (e.g. I-UA44-C277): _____

C. FUTURE SITE ACTIVITY/USES

Description of Planned Project: Construction of streets and underground utilities for development of 106 single family housing development

Estimated Start Date: 3-1-99 and Completion Date: 12-31-99

Estimated Cost: _____

Estimated area to be disturbed: 30 Acres Total area of the site: 37 Acres Increase in Impervious Area: 10 Acres

Types of fill materials and source: On site materials, Rose Hill Silty Clay

D. STORMWATER POLLUTION CONTROL MEASURES

Do you plan to disturb ten or more acres that are within a common drainage area? Y N

If yes, will a sediment basin be installed in that drainage area? Y N

If no, on a separate sheet, explain why and what other erosion and sediment control measures that will be implemented in lieu of a sediment basin.

Attach a description of the best management practices, planned to be utilized to control erosion and sedimentation and other pollutants in stormwater discharges during construction. Include a description of applicable local erosion and sediment control requirements.

Describe on a separate sheet of paper the best management practices that will be installed during the project construction which will be left in place after construction is complete in order to control pollutants which will be generated by the final land use. Include a description of applicable local stormwater pollution control requirements for permanent stormwater management features.

On a separate sheet describe the intended sequence of major activities which disturb soils for major portions of the site.

E. MAPS

Attach to this NOI the appropriate maps as described in the instructions. Include the required information on the maps.

III. ANNUAL FEE

Enclose a check for the first year of the annual fee specified in K.A.R. 28-16-1 et seq. as amended (Make check payable to "KDHE-Water Pollution Control Permit").

IV. APPLICANT CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan will be or has been developed for the construction site listed in Section II of this NOI. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

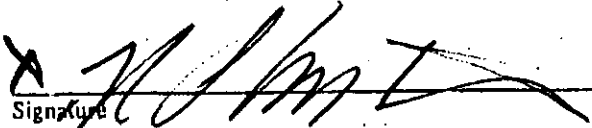
I certify that I have read and understand the Part I requirements relating to criteria for coverage under the NPDES general permit for Stormwater Runoff from Construction Activity, including those requirements relating to the protection of Threatened or Endangered Species identified in K.A.R. 115-15-1 and sites listed or eligible for listing on the National Register of Historic Places; and

To the best of my knowledge, the discharges which will be covered under this NPDES general permit for Stormwater Runoff from Construction Activity and the construction of BMPs to control stormwater runoff are not likely to and will not likely adversely affect any species identified in K.A.R. 115-15-1; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous authorization from the Kansas Department of Wildlife and Parks; and

I further certify to the best of my knowledge such discharges and construction of BMPs to control stormwater runoff do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous agreement with the State Historic Preservation Officer.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activity is contingent upon maintaining eligibility as provided for in Part I of the general permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on the inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Signature

Date July 8, 1999

Mr. Ron Smith, President
Name and Official Title (Please Print)

STORM WATER POLLUTION PREVENTION PLAN

Project: Smithmoor 9th Addition to
Wichita, Sedgwick County, Kansas

Project No.: 99-09

Prepared By: Babar Khan

Firm Name: Municipal Engineers, P.A.
254 - Laura, Suite 201
Wichita, Kansas 67211

Date Prepared: July 6, 1999

1.0 Introduction:

This Storm Water Pollution Prevention Plan is being prepared in accordance with statutory requirements of K.A.R. 28-16-150 through 28-16-154. Kansas is an NPDES delegated state and is in the process of obtaining general permitting authority. The NPDES program is administered by the Department of Health and Environment's Water Bureau. The interim permit, as per the federal storm water permitting regulations, covers discharges from construction activity, defined as clearing, grading and excavation activities except; operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

2.0 Implementation:

This storm water pollution prevention plan shall be completed and implemented at the time the project breaks ground and revised as necessary during the construction process. This plan along with completed application (on EPA Form 1 and accompanying data) is being submitted to the Director of the NPDES program at the following address:

Department of Health & Environment
Water Bureau
Forbes Field, Building 740
Topeka, Kansas 66620

3.0 Project Site Description:

3.1 Nature of Construction Activity: This project includes construction of streets, underground utilities and 106 single family houses within this development.

3.2 Sequence of Activities: The project will be developed in three phases. Each phase will include street improvements, underground utility installation and approximately 35 housing units. The entire project is expected to be completed within next three years.

3.3 Site Area: The total site area is 33.0 acres. It is estimated that 33.0 acres of this site will be disturbed during construction activity.

3.4 Estimated Runoff Coefficient: It is estimated that the runoff coefficient after completion of construction shall be 0.60.

3.5 Soil Type: The existing soil in the area is classified as Rose Hill Silty Clay - AASHTO Class A-7. The soil hydro group is D.

4.0 Site Maps:

Various maps are attached with this Storm Water Pollution Prevention Plan which show the following site characteristics:

4.1 Drainage Patterns: Existing drainage patterns are as shown on the attached copy of USGS quad map attached as Exhibit 'A'. These drainage patterns will not change upon completion of construction.

4.2 Structural, Non- Structural Controls: None

4.3 Surface Water (including wetlands): Not applicable.

4.4 Location of Storm Water Discharge: Existing and proposed City of Wichita storm Sewers will discharge into Spring Creek.

4.5 Name of Receiving Water: Spring Creek

5.0 Erosion and Sediment Control:

5.1 Vegetative Stabilization: The disturbed portions of this site will be mulched temporarily when no construction activity is planned for some period of time. The entire site will be sodded and landscaped upon completion of construction.

5.2 Structural Controls: To divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable, some or all of the following practices shall be used:

- a. Silt Fences
- b. Straw bale dikes
- c. Drainage swales
- d. Earth dikes
- e. Sediment traps
- f. Check dams
- g. Subsurface drains
- h. Pipe slope drains
- i. Level spreaders
- j. Gabions
- k. Storm drain inlet protection
- l. Rock outlet protection
- m. Reinforced soil retaining systems
- n. Temporary or permanent sediment basins

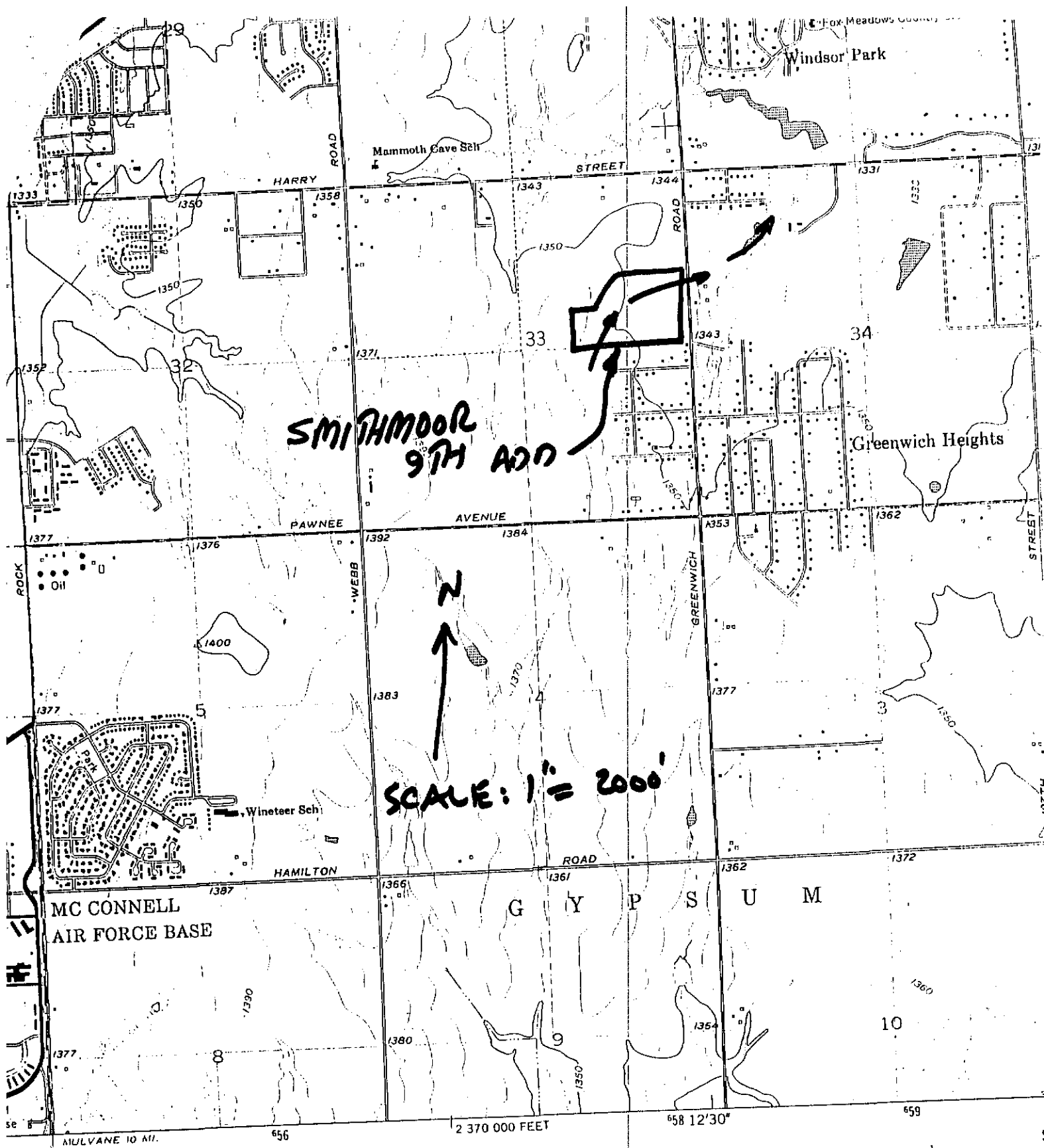
6.0 Storm Water Management:

A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Measures include:

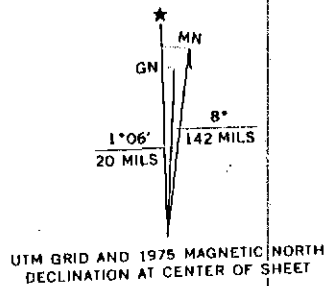
- a. Seeding, Sodding, landscaping
- b. Catch basin cleaning
- c. Landscaping
- d. Fertilizer Management

7.0 Available Guidance:

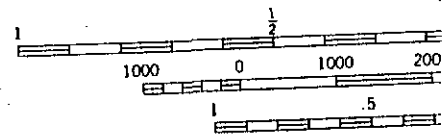
Additional information is available in the publication 'Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices' (US EPA, 1992).



, edited, and published by the Geological Survey
 eration with State of Kansas agencies
 y USGS and USC&GS
 nd drainage in part compiled from aerial photographs
 54-1955. Topography by planetable surveys 1941-1942
 1961
 : projection. 1927 North American datum
 loot grid based on Kansas coordinate system, south zone
 etre Universal Transverse Mercator grid ticks,
 , shown in blue
 indicates area in which only

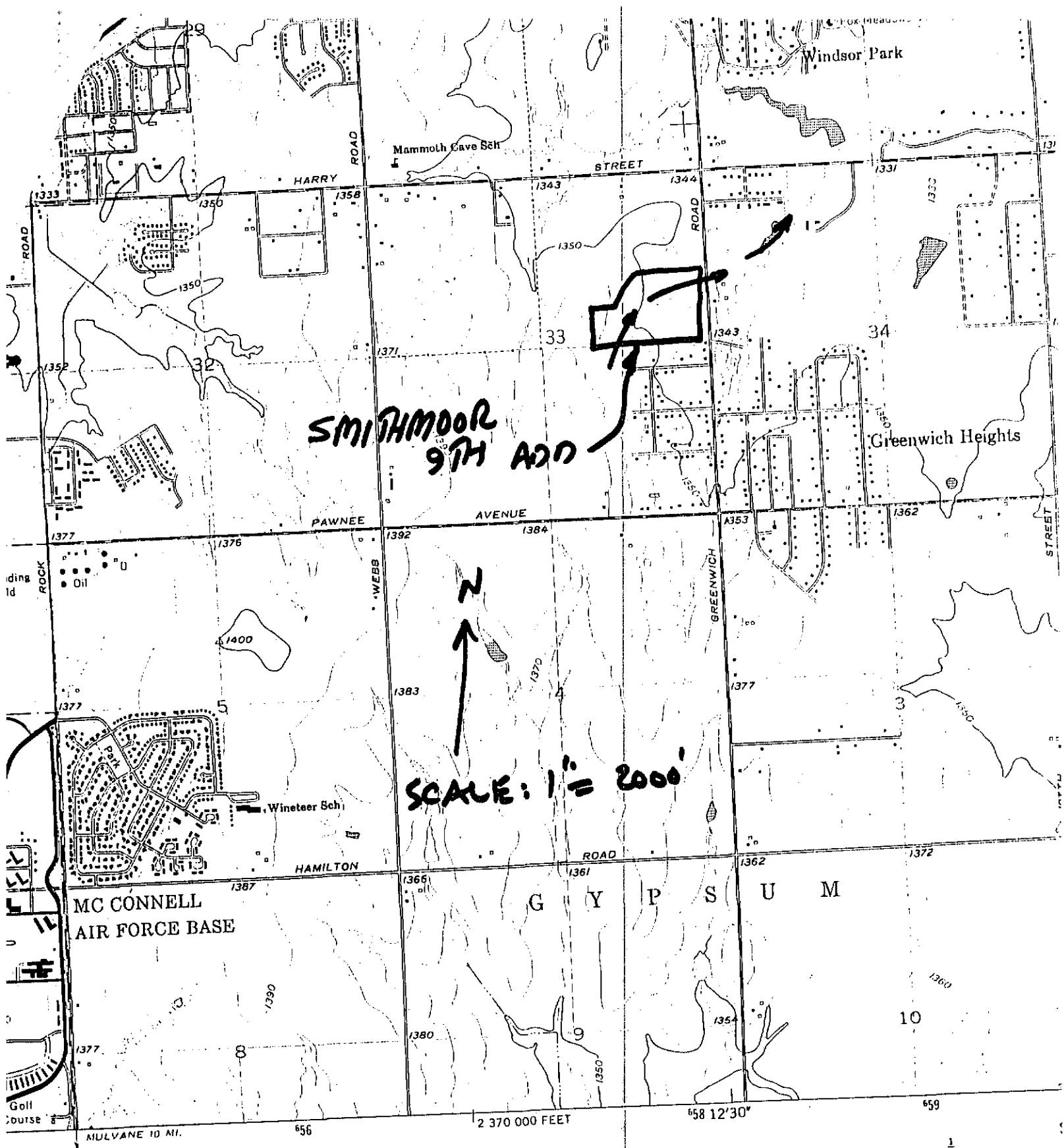


UTM GRID AND 1975 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

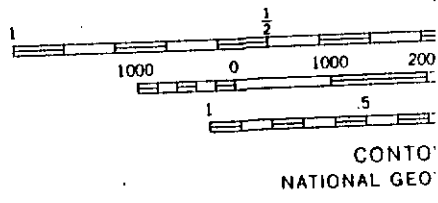
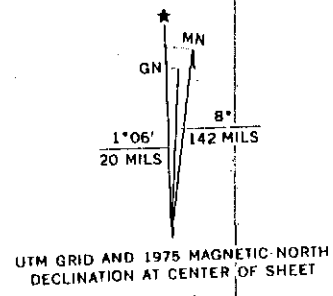


CONTO NATIONAL GEO

THIS MAP COMPLIES WI
 FOR SALE BY U.S. GEOLOGICAL SURVEY
 AND STATE GEOLOGI
 A FOLDER DESCRIBING TOPOGRA



ed, edited, and published by the Geological Survey
 operation with State of Kansas agencies
 ol by USGS and USC&GS
 re and drainage in part compiled from aerial photographs
 1954-1955. Topography by planetable surveys 1941-1942
 ed 1961
 onic projection. 1927 North American datum
 00-foot grid based on Kansas coordinate system, south zone
 0-metre Universal Transverse Mercator grid ticks,
 e 14, shown in blue
 tint indicates area in which only



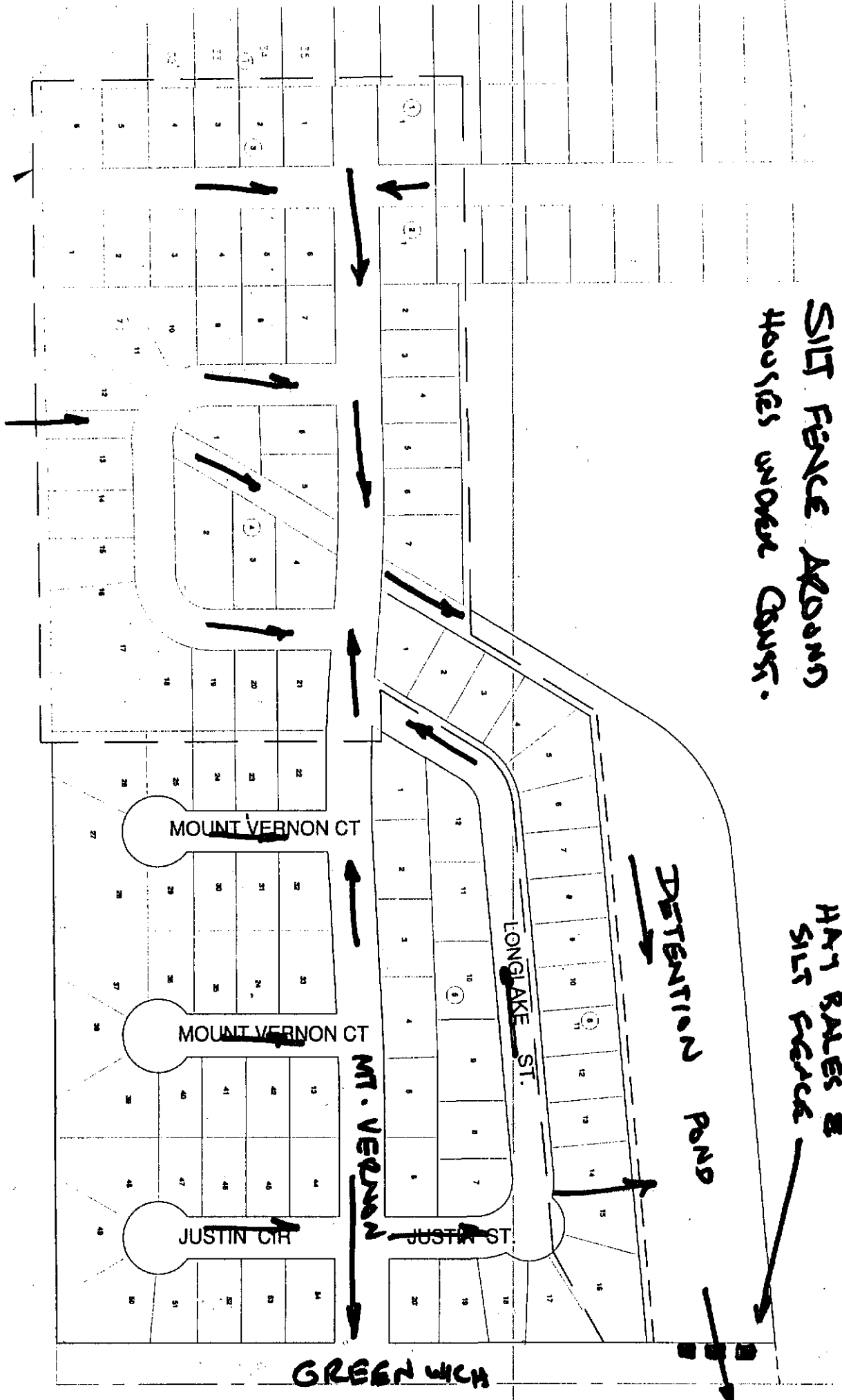
THIS MAP COMPLIES WI
 FOR SALE BY U. S. GEOLOGICAL SURVEY
 AND STATE GEOLOGI
 A FOLDER DESCRIBING TOPOGRA

SILT FENCE AROUND
HOUSES UNDER CONSTR.

HAY BALES &
SILT FENCE

DETENTION POND

GREEN WICH



BENEFIT DISTRICT

Covenant

This covenant, executed this 11 day of May, 1999.

WITNESSETH:

WHEREAS, the undersigned are in the process of platting that certain real property to be known as Smithmoor Ninth Addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, as a part of the platting process certain requirements have been made by the Wichita-Sedgwick County Metropolitan Area Planning Commission providing for the ownership and maintenance of the drainage reserve.

NOW, THEREFORE, the undersigned do hereby subject Smithmoor Ninth Addition to Wichita, Sedgwick County, Kansas, to the following covenants:

1. At such time as the said property shall become developed by improvements thereon, the , undersigned agrees to cause an association to be formed to provide for the care, maintenance and upkeep of the drainage reserves.

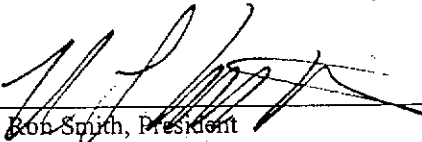
2. The drainage reserves located in said addition will be conveyed to the association at such time as the project is sold to or occupied by owners or tenants other than the undersigned.

3. Until said drainage reserves are so conveyed, the ownership and maintenance of the drainage reserves shall be by the undersigned.

4. In the event that the undersigned or the association, its successors or assigns, shall fail at any to maintain the drainage systems within the reserves or common areas, the City of Wichita may serve a Notice of Delinquency upon the undersigned or the association setting forth the manner in which the undersigned or the association has failed to fulfill its obligations. Such Notice shall include a statement describing the obligation that has not been fulfilled. If said obligation is not fulfilled within the time specified, the City of Wichita, may order to preserve the taxable value of the properties within the Addition and to prevent the reserves or common areas from becoming a nuisance, may enter upon said reserves or common areas and perform the obligations listed in the Notice of Delinquency. All costs incurred by the City of Wichita in carrying out the obligations of the undersigned may be assessed against the reserves in the same manner as provided by law for such assessments and said assessments may be established as liens upon said reserves. Should the undersigned or the association, its successors or assigns, upon receipt of reason,, it may within the twenty-day period to be provided in said notice, apply for a hearing before the City Council to appeal said assessments and any further proceedings under said Notice shall be suspended pending the outcome of any proceedings with respect to such appeal.


5. This covenant is binding on the owners, there successors and assigns and is a covenant running with the land and is binding on all successors in title to the above described property.

IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

By: 
Ron Smith, President
Smith & Company, Inc.

State of Kansas)
) SS
Sedgwick County)

Be it remembered that on this _____ day of _____, 1999, before me a Notary Public in and for said State and County, came Ron Smith, President of Smith & Company, Inc., to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

, Notary Public
My Appointment Expires: 10-22-2000

