

(One-Step Final Plat)

CASE NUMBER: SUB 2003-141 -- YSIDRO ADDITION

OWNER/APPLICANT: Mark Ysidro, 3760 S. Broadway, Wichita, KS 67216

SURVEYOR/ENGINEER: Armstrong Land Survey, P.A., 1601 E. Harry, Wichita, KS 67211

LOCATION: North of MacArthur, East side of Broadway

SITE SIZE: 13.15 Acres

NUMBER OF LOTS

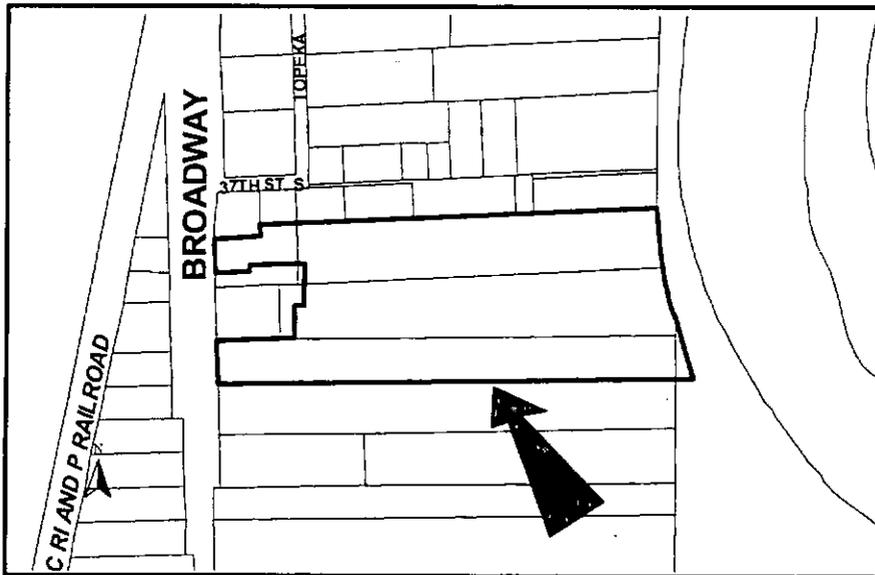
Residential:	
Office:	
Commercial:	2
Industrial:	
Total:	<u>2</u>

MINIMUM LOT AREA: 26,571 Sq. Ft.

CURRENT ZONING: SF-5, Single-Family Residential; GC, General Commercial

PROPOSED ZONING: GC, General Commercial

VICINITY MAP



NOTE: This is an unplatted site located within the City. The applicant requests a zone change from SF-5, Single-Family Residential to GC, General Commercial for the eastern portion of Lot 2.

STAFF COMMENTS:

- A. Municipal services appear to be available to serve the site. City Engineering needs to comment on the need for guarantees or easements.
- B. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- 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.
- E. Additional right of way dimensions are needed.
- F. The Riverside levee and Big Arkansas need to be designated.
- G. The location of the established bank lines needs to be verified if located within the boundaries of the plat.
- H. A lot dimension on Lot 1 is needed.
- I. Traffic Engineering needs to comment on the access controls. The plat needs to denote access controls along Broadway on the face of the plat. The plat's text proposes one access opening for each lot. *Traffic Engineering has approved the access controls. A restrictive covenant shall be submitted that permits future cross-lot access with the abutting property owners to the north and south of Lots 1 and 2.*
- J. Traffic Engineering has requested additional right-of-way along Broadway. The Access Management Regulations requires a 60-ft half-street right-of-way width along urban arterials.
- K. Traffic Engineering has requested a petition for a contingent left-turn lane.
- L. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- M. The signature line for the City Clerk needs to be revised to reference "Karen Schofield".
- N. The year "2004" needs to replace "2003" within the signature blocks.
- O. 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.

SUB 2003-141-- One-Step Final Plat of YSIDRO ADDITION
December 18, 2003 - Page 3

- P. A Block shall be designated on the face of the plat as referenced in the platlor's text.
- Q. The platlor'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.
- R. 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.)
- S. 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.
- T. 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. 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.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. 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.
- Z. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov) . This will be used by the City and County GIS Department.



Wichita-Sedgwick County Metropolitan Area Planning Department

December 19, 2003

Armstrong Land Survey, P.A.
1601 E. Harry
Wichita, KS 67211

RE: SUB 2003-141 - One-Step Final Plat Ysidro Addition

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, December 18, 2003, the above captioned plat was considered. The action of the Committee was to approve the final plat, subject to the following staff comments:

- A. **City Environmental Health** may have concerns regarding groundwater pollution. These issues will be addressed at the MAPC hearing for the zone change.
- B. City water services are available to serve the site. **The applicant shall guarantee the extension of sanitary sewer to serve Lot 1.**
- C. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A cross-lot drainage agreement and an off-site drainage agreement are needed.**
- F. Additional right of way dimensions are needed.
- G. The Riverside levee and Big Arkansas River need to be designated.
- H. The location of the established bank lines needs to be verified if located within the boundaries of the plat.
- I. A lot dimension on Lot 1 is needed.

- J. **Traffic Engineering** needs to comment on the access controls. The plat needs to denote access controls along Broadway on the face of the plat. The plattor's text proposes one access opening for each lot. **Traffic Engineering has approved the access controls. A restrictive covenant shall be submitted that permits future cross-lot access with the abutting property owners to the north and south of Lots 1 and 2.**
- K. **Traffic Engineering** has requested additional right-of-way along Broadway. The Access Management Regulations requires a 60-ft half-street right-of-way width along urban arterials.
- L. **Traffic Engineering** has requested a petition for a contingent left-turn lane.
- M. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- N. The signature line for the City Clerk needs to be revised to reference "Karen Schofield".
- O. The year "2004" needs to replace "2003" within the signature blocks.
- P. 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.
- Q. A Block shall be designated on the face of the plat as referenced in the plattor's text.
- R. The plattor'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.
- S. 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.)
- T. 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.
- U. 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. 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.

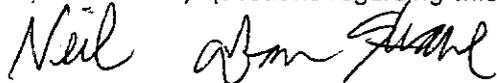
- W. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. 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.
- AA. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov) . This will be used by the City and County GIS Department.

If this plat requires the guaranteeing of improvements, a list of the five (5) methods that have been adopted as being acceptable is available in the Planning Department. Also available, are Certificates that are required if petitions are submitted, bond forms and Irrevocable Letter of Credit forms.

This case will be forwarded to the Planning Commission for consideration on Thursday, January 22, 2004, at 1:30 p.m.

The enclosed "marked" copy of the plat is for your information and files.

If you have any questions regarding this plat, please call.



Neil Evan Strahl, Senior Planner
Current Plans Division

NES:ch

Enclosure

Copies to: Mark Ysidro, 3760 S. Broadway, Wichita, KS 67216
Kevin Holman, Sedgwick County Fire Department
Neil Cable, City Engineer, Department of Engineering
Jim Weber, Deputy Director, Sedgwick County Department of Public Works

CERTIFIED ENGINEERING DESIGN, P.A.

810 W. Douglas, Suite C
Wichita, KS 67203
(316) 262-8808 Office
(316) 262-1669 Fax

LETTER OF TRANSMITTAL

DATE: December 17, 2003

TO: Ms. Vicki Huang, P.E.
Engineering Division
City of Wichita
City Hall, 7th Floor
455 North Main
Wichita, KS 67202-1620

SUBJ: Ysidro Addition Drainage Plan
Wichita, Sedgwick County, Kansas

FROM: Harlan D. Foraker, P.E. *HDF*

COMMENTS: I was informed this morning by Donn Armstrong that the Ysidro Addition is in the City of Wichita and not Sedgwick County. Unfortunately the drainage plan was sent to Sedgwick County and it is late in getting delivered to you for today's meeting. Attached please find a copy of the drainage plan for the existing conditions within Ysidro Addition in Sedgwick County. The surveyor has told me that they do not intend to change the existing use on Lot 2 of the plat which is being used for vehicle storage. The drainage plan has been prepared based upon existing topographic conditions and the runoff drains to the north and south off this site. With no change planned in the use of Lot 2 the drainage plan is prepared depicting existing runoff conditions. Please review the attached drainage plan and let me know if any revisions are required to this proposed method of drainage. If you have any questions or comments at (316) 262-8808.

attachments

cc:Mr. Donn Armstrong, Armstrong Land Survey, 250 N. Mathewson, Wichita, KS 67214

CLOSURE COMPUTATIONS - YSIDRO Add.

$$\text{Closure} = 0.007 \text{ f.} / 4150.88 \text{ ft.}$$

$$= 1 / 592,983 \text{ ft.}$$

COMMITMENT FOR TITLE INSURANCE

Issued by

First American Title Insurance Company of Kansas

Agreement to Issue Policy

We agree to issue a policy to you according to the terms of this Commitment.

When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2.

The Conditions.

This Commitment is not valid without Schedule A and Sections 1 and 2 of Schedule B.

***First American Title Insurance Company
of Kansas***

BY: *Robert A. Marshall* PRESIDENT

ATTEST: *Robert J. Carpenter* SECRETARY



Form No. 1068-2
ALTA Plain Language Commitment

Commitment No.: 293466
Page Number: 4

SCHEDULE A

Commitment Amendment:

1. Commitment Date: February 09, 2004 at 7:30 A.M.
2. Policy or Policies to be issued: Amount
 - (A) **ALTA Owner's Policy** \$0.00
ALTA Owners Policy (10-17-92)
Proposed Insured:
For Informational Purposes Only
 - (B) **ALTA Loan Policy** \$N/A
Proposed Insured:
N/A
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by

Mark Ysidro
4. The land referred to in this Commitment is described as follows:

Commencing at the Northwest corner of Government Lot 10, as established by District Court Case No. 19897 in the Southwest Quarter of Section 9, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence S 0°00'00" W along the West line of said Southwest Quarter, 888.30 feet; thence N 89°21'23" E parallel with the North line of said Government Lot 10, 54.94 feet to the point of beginning, said point being on the East Right of Way of U.S. Highway #81; thence N 89°21'23" E parallel with the North line of said Government Lot 10, 143.36 feet; thence N 0°00' E parallel with the West line of said Southwest Quarter, 35.00 feet; thence N 89°21'23" E parallel with the North line of said Government Lot 10, 1139.77 feet to the West line of the Riverside Levee as described in County District Court Case A-48670; thence Southerly along said West line of Riverside Levee, said line being along a 4°49.88' curve described by the following bearings and distances; thence S 0°50'01" W, 10.34 feet; thence S 0°51'00" E, 99.98 feet; thence S 5°41'00" E, 64.93 feet; thence S 5°19'39" E, 36.26 feet; thence S 10°31'00" E, 99.98 feet; thence S 15°21'00" E 99.98 feet; thence S 19°48'00" E, 84.40 feet; thence S 21°51'00" E, 21.20 feet to the North line of Aukerman Tract as Described in Deed Record 362, Page 185; thence N 88°32'02" W along the North line of said Aukerman Tract, 1380.76 feet to the East line of said U.S. Highway #81; thence N 0°00' E along said West line, 128.58 feet; thence S 88°53'18" E, 232.97 feet; thence N 0°19'03" E, 97.99 feet; thence N 88°13'21" E, 30.38 feet; thence N 1°02'51" E, 121.06 feet; thence S 89°21'23" W, 163.14 feet; thence S 0°00' E, 20.00 feet; thence S 89°21'23" W, 99.0 feet to the East line of said U.S. Highway #81; thence N 0°35'21" E along said East line 99.00 feet to the point of beginning.

SCHEDULE B

**SECTION ONE
REQUIREMENTS**

The following requirements must be met:

- (A) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (B) Pay us the premiums, fees and charges for the policy.
- (C) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (D) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

SCHEDULE B

SECTION TWO

EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, shortages in area or other matters which would be disclosed by an accurate survey or inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):
 - a. Year 2003 - \$1,213.52; 1st half paid; 2nd half - \$606.76 unpaid (Key #B-00046- 03UP, covers a portion of subject property)
 - b. year 2003 - \$5,032.85; 1st half paid; 2nd half - \$2,516.43 unpaid (Key #B-00049-00UP, covers a portion of subject property)
 - c. year 2003 - \$404.02; 1st half paid; 2nd half - \$202.01 unpaid (Key #B-00050-00UP, covers a portion of subject property)
 - d. year 2003 - \$376.63; 1st half paid; 2nd half - \$188.32 unpaid (Key #B-00046-00UP, covers a portion of subject property)
7. An easement for electric purposes, recorded as Misc. Book 355, Page 75 of Official Records.
In Favor of: Kansas Gas and Electric Company
Affects: a portion of subject property
8. An easement for electric purposes, recorded as Misc. Book 276, Page 23 of Official Records.
In Favor of: Kansas Gas and Electric Company
Affects: a portion of subject property
9. Legal descriptions affecting subject property and adjoining properties filed on Film 2824, Page 1578, Film 2824, Page 1580, and Film 2824, Page 1582.
10. Tenancy rights, either as month to month, or by virtue of written leases of persons in possession of any part of the subject property.

11. Terms and provisions of Notice regarding vested rights to beneficial use of water filed on Film 219, Page 754.
12. Terms and provisions of the instrument filed on Film 121, Page 825 regarding delay in payment of special assessments.
13. Subject property may become subject to special assessments for various capital improvements as evidenced by numerous governmental filings of notice in the form of Resolutions filed on Film 1064, Page 430; Film 1896, Page 420; Film 2301, Page 256; Film 2594, Page 90; Film 2635, Page 467; Film 2742, Pge 1089; and Film 2753, Page 916.

CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument.

(b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state law where the land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section Two may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section One are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

comply with the Requirements shown in Schedule B - Section One

or

eliminate with our written consent any Exceptions shown in Schedule B - Section Two.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this commitment and is subject to its terms.

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.