

**STAFF REPORT**  
(One-Step Final Plat)

**CASE NUMBER:** SUB 2001-83 -- WIREMEN ACRES ADDITION

**OWNER/APPLICANT:** Ray & Rod, LLC, 1800 S. 81st West Ave., Sand Springs, OK 74063;  
Kansas General Wire & Supply Co., Attn: Gary W. Carpenter, 4329  
N. Broadway, P.O. Box 4796, Wichita, KS 67204

**AGENT:** Certified Engineering Design, P.A., 810 W. Douglas, Suite C,  
Wichita, KS 67203

**SURVEYOR/ENGINEER:** Armstrong Land Survey, 250 N. Mathewson, Wichita, KS 67214

**LOCATION:** North of K-96, West side of Hillside

**SITE SIZE:** 4.83 Acres

**NUMBER OF LOTS**

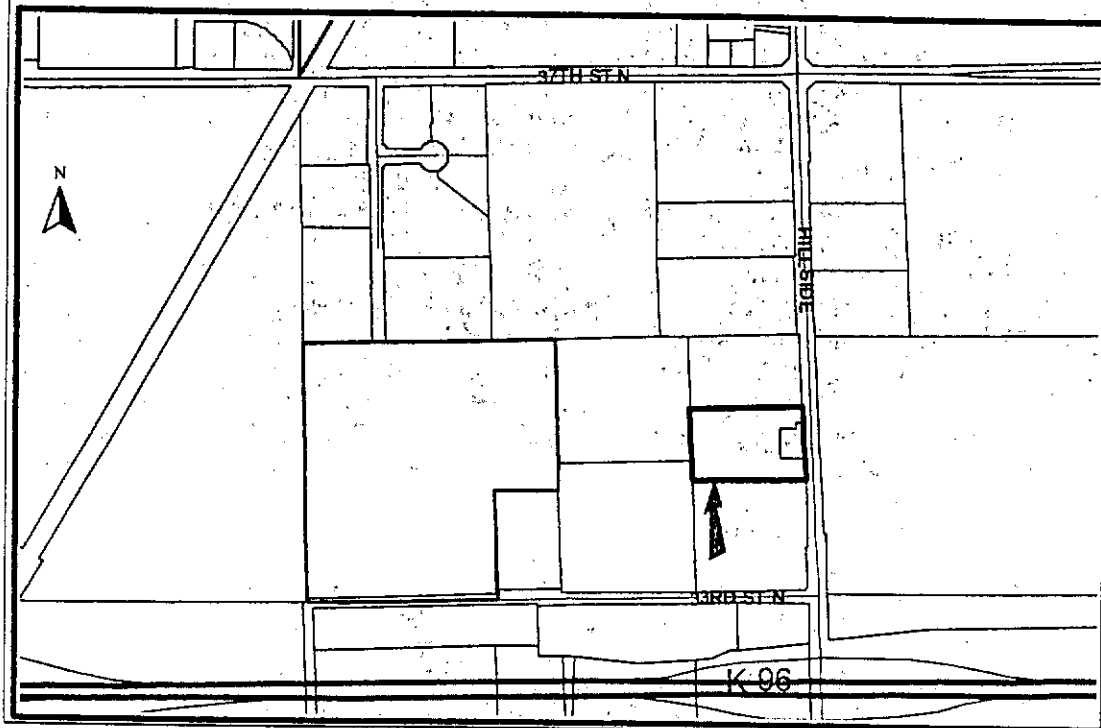
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

**MINIMUM LOT AREA:** 4.83 Acres

**CURRENT ZONING:** LI, Limited Industrial

**PROPOSED ZONING:** Same

**VICINITY MAP**



**NOTE:** This is an unplatted site located within the City.

**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. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan.
- D. Traffic Engineering needs to comment on the access controls. The plat proposes two access openings along Hillside.
- E. The lot shall be designated as a "Lot" and not a "Parcel".
- F. 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.
- G. The Applicant is advised that if platted, the building setbacks may be reduced to 20-ft to conform with the Zoning setback standard for the LI, Limited Industrial District.
- H. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- I. The Applicant has provided a pipeline easement agreement which appears to indicate a pipeline located on the property. The final plat tracing shall indicate this pipeline easement, in addition to the required 50-ft pipeline setback provided for in the pipeline easement agreements. The recording information for the pipeline easement shall also be denoted on the face of the plat.
- J. County Surveying requests a dimension on the section line adjacent to the east property line.
- K. The platting 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.
- L. 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.)
- M. 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.

**SUB 2001-83 -- One-Step Final Plat of WIREMEN ACRES ADDITION**  
**August 16, 2001 - Page 3**

- N. 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.
- O. 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.
- P. 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.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. 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.
- S. 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 AutoCAD. This will be used by the City and County GIS Department.

**CERTIFIED ENGINEERING DESIGN, P.A.**

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

July 30, 2001

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

Re: Drainage Plan  
Wiremen Addition

RECEIVED  
JUL 30 2001  
CITY - ENGINEERING

Dear Ms. Huang:

Attached please find the drainage plan for the above referenced addition. Please review this information at your earliest convenience and notify me of your comments. If you have questions, please call me at 262-8808.

Sincerely,



Harlan D. Foraker, P.E.  
Kansas P.E. No. 10891

**CERTIFIED ENGINEERING DESIGN, P.A.**

cc: Neil Strahl, MAPD

**Armstrong Land Survey, P.A.**

DONN C. ARMSTRONG, R.L.S.

230 MATHEWSON  
WICHITA, KANSAS 67314  
(316) 263-0083**UTILITY DESCRIPTION**

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE S 89 DEGREES 57'30" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 634.59 FEET; THENCE N 0 DEGREES 45'13" W, 402.04 FEET; THENCE N 1 DEGREE 37'49" W, 48.00 FEET FOR A POINT OF BEGINNING; THENCE N 3 DEGREES 17'20" E, 152.22 FEET; THENCE N 0 DEGREES 45'12" W, 742.37 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N 89 DEGREES 42'40" W ALONG SAID NORTH LINE, 20.00 FEET; THENCE S 0 DEGREES 45'12" E, 743.07 FEET; THENCE S 3 DEGREES 17'20" W, 152.19 FEET; THENCE N 88 DEGREES 22'11" E, 20.00 FEET TO THE POINT OF BEGINNING.

Armstrong Land Survey, P.A., registered and authorized to practice land surveying in the State of Kansas, hereby certifies that I did prepare the above legal description.

Date of Survey: January 15, 1999

12  
Donald C. Armstrong LS#780

STATE OF KANSAS } ss  
DEGOWICK COUNTY }

1000627 K-7R

RA 928 PAGE 0903

JUN 7 12 44 PM '99

UTILITY EASEMENT

BILL MEEK  
REGISTER OF DEEDS

This Utility Easement is made and entered into as of the 3rd day of June, 1999, by and between Deborah K. Ochs and Peter L. Ochs, husband and wife (collectively "Ochs"), and Nela Mae Luther, Rick Luther, and Sheila Wagner Co-Trustees of the Nela Mae Luther Revocable Trust ("Luther").



*[Signature]*  
DEPUTY

RECITALS

- A. Ochs is the owner of that certain parcel described as Tract 1 on Exhibit A to this agreement.
- B. Luther is the owner of that certain parcel described as Tract 2 on Exhibit A to this agreement.
- C. The parties now desire to create a non-exclusive easement for utility purposes which Utility Easement Area is over, upon and under the Utility Easement Area as described on Exhibit B to this Utility Easement (the "Utility Easement Area").

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Deborah K. Ochs and Peter L. Ochs, as Grantors, hereby grant to Luther, as Grantee, for the benefit of Luther and Tract 2, a perpetual, non-exclusive easement over, across and under that portion of the Utility Easement Area located within Tract 1 for the purpose of constructing, operating, maintaining, repairing and replacing sewers, water lines, telephone and electrical conduits and systems, gas lines, and other public utility facilities necessary or advisable for the orderly development and operation of Tract 2 and any improvements located or to be located on Tract 2 together with rights of ingress and egress for the foregoing purposes.
- 2. Luther, as Grantor, hereby grants to Ochs, as Grantee, for the benefit of Ochs and Tract 1, a perpetual, non-exclusive easement over, across and under that portion of the Utility Easement Area located within Tract 2 for the purpose of constructing, operating, maintaining, repairing and replacing sewers, water lines, telephone and electrical conduits and systems, gas lines, and other public utility facilities necessary or advisable for the orderly development and operation of Tract 1 and any improvements located or to be located on Tract 1 together with rights of ingress and egress for the foregoing purposes.
- 3. All utilities shall be installed and maintained below the ground level of the Utility Easement Area.

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4. The easement granted herein shall be appurtenant to Tract 1 and Tract 2 and shall run with the land.

5. The provisions of this agreement are intended to be binding upon and inure to the benefit of the parties and their heirs, personal and legal representatives, successors and assigns, including their successors in interest to Tract 1 and Tract 2. The easement granted herein shall be for the benefit of any public utility providing service to Tract 1 or Tract 2, and the parties agree to execute, acknowledge and deliver from time to time such additional instruments as a public utility may reasonably request to further evidence the authority granted to such utility with regard to the Utility Easement Area.

IN WITNESS WHEREOF, this agreement has been executed effective the day and year written above.

*Deborah K. Ochs*  
\_\_\_\_\_  
DEBORAH K. OCHS

*Peter L. Ochs*  
\_\_\_\_\_  
PETER L. OCHS

"Ochs"

*Nela Mae Luther*  
\_\_\_\_\_  
Nela Mae Luther, Co-Trustee  
of the Nela Mae Luther Revocable Trust

*Rick Luther*  
\_\_\_\_\_  
Rick Luther, Co-Trustee  
of the Nela Mae Luther Revocable Trust

*Sheila Wagner*  
\_\_\_\_\_  
Sheila Wagner, Co-Trustee  
of the Nela Mae Luther Revocable Trust

"Luther"

REG 928 PAGE 0905

**ACKNOWLEDGMENTS**

STATE OF KANSAS )  
 ) ss.  
COUNTY OF SEDGWICK )

This instrument was acknowledged before me on this 3rd day of June, 1998, by PETER L. OCHS and DEBORAH K. OCHS, husband and wife.

Diana L Bower  
Notary Public

My appointment expires:  
5-1-2000



STATE OF KANSAS )  
 ) ss.  
COUNTY OF SEDGWICK )

This instrument was acknowledged before me on this 4th day of June, 1988, by Nels Mae Luther, Rick Luther, and Sheila Wagner, Co-Trustees of the Nels Mae Luther Revocable Trust.

Diana L Bower  
Notary Public

My appointment expires:  
5-1-2000



RM/928 MRE0906

## EXHIBIT A

70

UTILITY EASEMENT

## TRACT 1 ("OCHS" TRACT)

Beginning at a point 602.10 feet north and 40 feet west of the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 34, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence on an assumed bearing of S 89 degrees 37'30" W parallel with the south line of said Southeast Quarter, a distance of 388.89 feet; thence N 0 degrees 45'12" W a distance of 742.32 feet to the North line of said Southeast Quarter; thence S 89 degrees 42'27" E along the North line of said Southeast Quarter, a distance of 381.98 feet to a point 40 feet west of the Northeast corner of said Southeast Quarter being on the West right-of-way line of Millside Avenue; thence S 1 degree 17'39" E along said right-of-way line a distance of 739.05 feet to the point of beginning.

## TRACT 2 ("LUTHER" TRACT)

COMMENCING AT A POINT—602.10 FEET NORTH AND 40 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER OF SECTION 34, T26S, R1E OF T16N 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE ON AN ASSUMED BEARING OF S 89 DEGREES 37'30" W PARALLEL WITH THE SOUTH LINE OF SAID S.E. 1/4, A DISTANCE OF 388.89 FEET; THENCE N 0 DEGREES 45'12" W, A DISTANCE OF 188.81 FEET FOR A POINT OF BEGINNING; THENCE S 89 DEGREES 37'30" W PARALLEL WITH THE SOUTH LINE OF SAID S.E. 1/4, A DISTANCE OF 620.36 FEET TO THE WEST LINE OF SAID S.E. 1/4; THENCE N 0 DEGREES 35'42" W ALONG THE WEST LINE OF SAID S.E. 1/4, A DISTANCE OF 448.35 FEET TO THE NORTHWEST CORNER OF SAID S.E. 1/4; THENCE S 89 DEGREES 42'27" E ALONG THE NORTH LINE OF SAID S.E. 1/4, A DISTANCE OF 478.93 FEET; THENCE S 9 DEGREES 45'12" E, A DISTANCE OF 642.31 FEET TO THE POINT OF BEGINNING.

1251 328 PAGE0907

P.02



Armstrong Land Survey, P.A.  
DONALD C. ARMSTRONG, P.E.

250 MATHEWSUM  
WICHITA, KANSAS 67214  
(316) 241-0053

UTILITY DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE S 88 DEGREES 57'30" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 434.59 FEET; THENCE N 0 DEGREES 45'13" W, 403.04 FEET; THENCE N 1 DEGREE 27'45" W, 48.00 FEET FOR A POINT OF BEGINNING; THENCE N 3 DEGREES 17'20" E, 152.22 FEET; THENCE N 0 DEGREES 45'12" W, 742.07 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N 87 DEGREES 42'40" W ALONG SAID NORTH LINE, 30.00 FEET; THENCE S 0 DEGREES 45'12" E, 742.07 FEET; THENCE S 1 DEGREE 17'20" W, 152.22 FEET; THENCE N 81 DEGREES 23'11" E, 30.00 FEET TO THE POINT OF BEGINNING.

Armstrong Land Survey, P.A., registered and authorized to practice land surveying in the State of Kansas, hereby certifies that I did prepare the above legal description.

Date of Survey: January 15, 1999

Donald C. Armstrong  
LAND SURVEYOR  
1-15-99

Page ..

EXHIBIT  
B

**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: November 13, 2001

TO: Mr. Doug Moshier  
Law Department  
City of Wichita  
13th Floor, City Hall  
455 North Main  
Wichita, KS 67202

SUBJ: Kansas General Wire

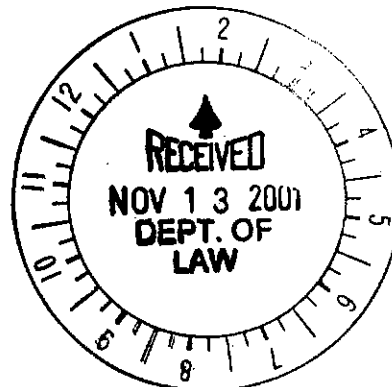
FROM: Harlan D. Foraker, P.E.

COMMENTS: Attached find a copy of the utility easement in conjunction with the Kansas General Wire Addition. I have been asked by Vicki Huang in the Engineering Department to get your opinion on this Utility Easement. Please review at your earliest convenience, I will be contacting you to discuss this matter and give you more information.

If you have any questions, please contact me at (316) 262-8808.

attachments

*3500 N Hillside*



# IMPORTANT MESSAGE

FOR DJMDATE 11-14 TIME 12<sup>55</sup> A.M. P.M.M Opix Carpenter

OF \_\_\_\_\_

PHONE ~~888~~ 838-1808

AREA CODE

NUMBER

EXTENSION

 FAX MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU		WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU		RUSH	<input type="checkbox"/>
RETURNED YOUR CALL		SPECIAL ATTENTION	<input checked="" type="checkbox"/>

MESSAGE \_\_\_\_\_

Re: Legal "stuff" from  
Tardak  
Please call!!

SIGNED \_\_\_\_\_ *d*FORM 3002S  
MADE IN U.S.A.

GARY  
CARPENTER

838-7463

SEE ITEM No. 5

STATE OF KANSAS }  
SEDGWICK COUNTY }

1000627 4-78

REC 928 PAGED 903

JUN 7 12 44 PM '99

Doss Notice

UTILITY EASEMENT

BILL MEEK  
REGISTER OF DEEDS

This Utility Easement is made and entered into as of the 3rd day of June, 1993, by and between Deborah K. Ochs and Peter L. Ochs, husband and wife (collectively "Ochs"), and Nela Mae Luther, Rick Luther, and Shella Wagner Co-Trustees of the Nela Mae Luther Revocable Trust ("Luther").



*[Signature]*  
DEPUTY

RECITALS

- A. Ochs is the owner of that certain parcel described as Tract 1 on Exhibit A to this agreement.
- B. Luther is the owner of that certain parcel described as Tract 2 on Exhibit A to this agreement.
- C. The parties now desire to create a non-exclusive easement for utility purposes which Utility Easement Area is over, upon and under the Utility Easement Area as described on Exhibit B to this Utility Easement (the "Utility Easement Area").

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Deborah K. Ochs and Peter L. Ochs, as Grantors, hereby grant to Luther, as Grantee, for the benefit of Luther and Tract 2, a perpetual, non-exclusive easement over, across and under that portion of the Utility Easement Area located within Tract 1 for the purpose of constructing, operating, maintaining, repairing and replacing sewers, water lines, telephone and electrical conduits and systems, gas lines, and other public utility facilities necessary or advisable for the orderly development and operation of Tract 2 and any improvements located or to be located on Tract 2 together with rights of ingress and egress for the foregoing purposes.
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- 3. All utilities shall be installed and maintained below the ground level of the Utility Easement Area.

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4. The easement granted herein shall be appurtenant to Tract 1 and Tract 2 and shall run with the land.

5. The provisions of this agreement are intended to be binding upon and inure to the benefit of the parties and their heirs, personal and legal representatives, successors and assigns, including their successors in interest to Tract 1 and Tract 2. The easement granted herein shall be for the benefit of any public utility providing service to Tract 1 or Tract 2, and the parties agree to execute, acknowledge and deliver from time to time such additional instruments as a public utility may reasonably request to further evidence the authority granted to such utility with regard to the Utility Easement Area.

IN WITNESS WHEREOF, this agreement has been executed effective the day and year written above.

Deborah K. Ochs  
DEBORAH K. OCHS

Peter L. Ochs  
PETER L. OCHS

"Ochs"

Nela Mae Luther  
Nela Mae Luther, Co-Trustee  
of the Nela Mae Luther Revocable Trust

Rick Luther  
Rick Luther, Co-Trustee  
of the Nela Mae Luther Revocable Trust

Sheila Wagner  
Sheila Wagner, Co-Trustee  
of the Nela Mae Luther Revocable Trust

"Luther"

**ACKNOWLEDGMENTS**

STATE OF KANSAS )  
 ) SS.  
COUNTY OF SEDGWICK )

This instrument was acknowledged before me on this 3rd day of June, 1999, by PETER L. OCHS and DEBORAH K. OCHS, husband and wife.

Diana L Bower

Notary Public

My appointment expires:

5-1-2000



STATE OF KANSAS )  
 ) SS.  
COUNTY OF SEDGWICK )

This instrument was acknowledged before me on this 4th day of June, 1999, by Nela Mae Luther, Rick Luther, and Sheila Wagner, Co-Trustees of the Nela Mae Luther Revocable Trust.

Diana L Bower

Notary Public

My appointment expires:

5-1-2000



EXHIBIT A

TO

UTILITY EASEMENT

TRACT 1 ("OCHS" TRACT)

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TRACT 2 ("LUTHER" TRACT)

COMMENCING AT A POINT 602.10 FEET NORTH AND 40 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER OF SECTION 34, T26S, R1E OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE ON AN ASSUMED BEARING OF S 89 DEGREES 37' 30" W PARALLEL WITH THE SOUTH LINE OF SAID S.E. 1/4, A DISTANCE OF 388.89 FEET; THENCE N 0 DEGREES 45' 12" W, A DISTANCE OF 188.61 FEET FOR A POINT OF BEGINNING; THENCE S 89 DEGREES 37' 30" W PARALLEL WITH THE SOUTH LINE OF SAID S.E. 1/4, A DISTANCE OF 680.26 FEET TO THE WEST LINE OF SAID S.E. 1/4; THENCE N 0 DEGREES 15' 42" W ALONG THE WEST LINE OF SAID S.E. 1/4, A DISTANCE OF 648.25 FEET TO THE NORTHWEST CORNER OF SAID S.E. 1/4; THENCE S 89 DEGREES 42' 37" E ALONG THE NORTH LINE OF SAID S.E. 1/4, A DISTANCE OF 678.53 FEET; THENCE S 0 DEGREES 45' 12" E, A DISTANCE OF 642.31 FEET TO THE POINT OF BEGINNING.



Armstrong Land Survey, P.A.  
DONALD C. ARMSTRONG

110 MATHERTON  
WICHITA, KANSAS 67214  
(316) 261-0022

UTILITY DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE S 89 DEGREES 57' 30" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 634.59 FEET; THENCE N 0 DEGREES 45' 13" W, 402.04 FEET; THENCE N 1 DEGREE 37' 49" W, 48.00 FEET FOR A POINT OF BEGINNING; THENCE N 3 DEGREES 17' 20" E, 152.22 FEET; THENCE N 0 DEGREES 45' 12" W, 742.37 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N 89 DEGREES 42' 40" W ALONG SAID NORTH LINE, 20.00 FEET; THENCE S 0 DEGREES 45' 12" E, 743.07 FEET; THENCE S 3 DEGREES 17' 20" W, 152.19 FEET; THENCE N 88 DEGREES 22' 11" E, 20.00 FEET TO THE POINT OF BEGINNING.

Armstrong Land Survey, P.A., registered and authorized to practice land surveying in the State of Kansas, hereby certifies that I did prepare the above legal description.

Date of Survey: January 15, 1999

  
Donald C. Armstrong  
DONALD C. ARMSTRONG  
KANSAS  
LAND SURVEYOR  
1-15-99

Page 1

EXHIBIT  
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