

December 7, 1995

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 95-77 CAPITAL 2ND ADDITION

OWNER/APPLICANT: WK Capital Enterprises, Inc., c/o Sharol Rasberry, P. O. Box 3358, WICHITA, KS 67201

AGENT: George Sherman, Agent, 8609 Stoneridge, WICHITA, KS 67206

OWNER: Dr. Robert D. Smith, D.D.S. and Dr. Joan C. Loehr, D. D. S., 4624 E. Kellogg, Wichita, KS 67218

SURVEYOR/ENGINEER: P.E.C., P.A., c/o Gary Wiley, 303 S. Topeka, WICHITA, KS 67202

LOCATION: South of 13th Street North and west of Rock Road

SITE SIZE: 4.47 ± Acres

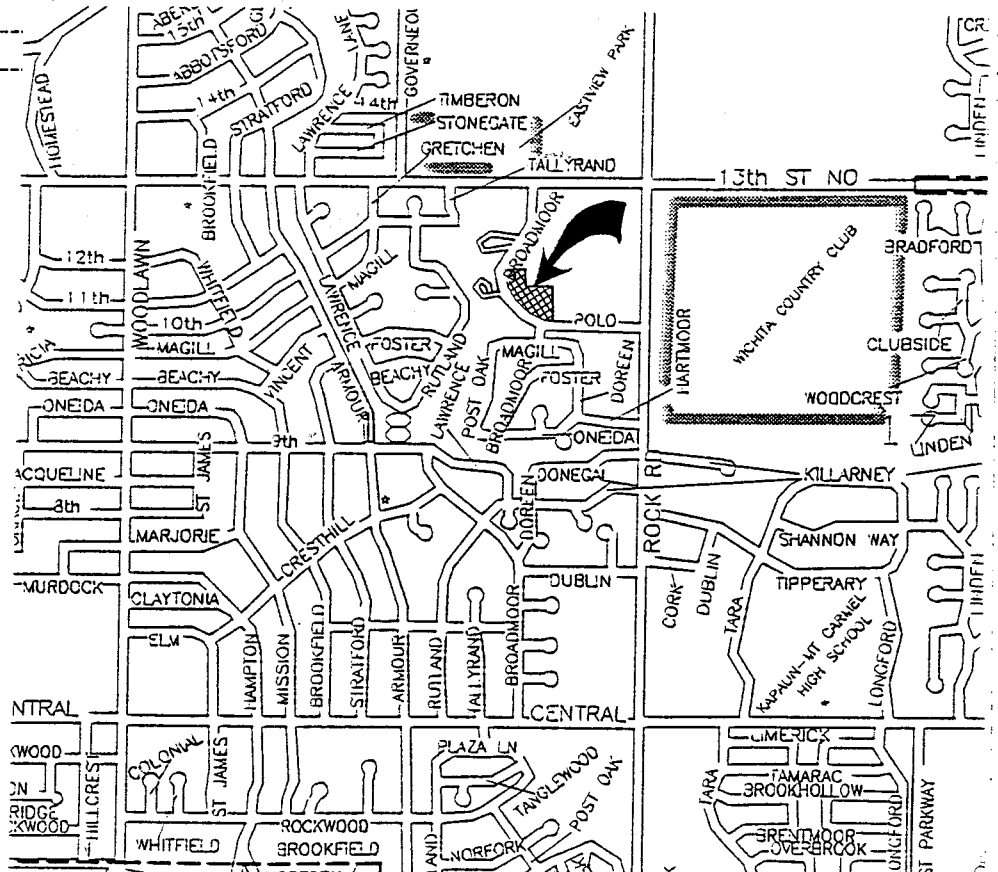
NUMBER OF LOTS

Residential:
Office:
Commercial: 3
Industrial:
Total: 3

MINIMUM LOT AREA: 24,760 Sq. ft.

CURRENT ZONING: "BB"

VICINITY MAP:



NOTE: This plat is a replat of a portion of a previous replat of an original plat. In addition, several lot splits, vacations and dedications by separate instruments have occurred within this site. Consequently, the development of this area is basically an unclear mess for which no clear explanation can be provided in a reasonably coherent manner. Nonetheless, it appears for now that the intentions are to reconfigure the present platted lots into fewer building sites, with one larger building site involving portions of these lots having been previously reconfigured into a building site by means of a lot split.

STAFF COMMENTS:

- A. **City Engineering** needs to comment upon the existing guarantees for this site and any requirements for new guarantees. In regard to existing petitions, do these petitions need to be abandoned or amended. Also, are any projects needing to be abandoned and are any costs involved. Based upon existing facilities, it does appear that new petitions for sanitary sewer will be required to serve several of the lots now being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. On the final plat tracing, the reference to a "Tract 2:" in the legal description appears to be referring to a lot split tract. In any case, this reference to a tract does not seem to be an appropriate portion of the legal description and should be deleted.
- D. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- E. 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.)
- F. 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.
- G. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- H. Recording of the plat within 30 days after approval by the City Council.
- I. The representatives from **City Engineering** should be prepared to comment on the status of the applicant's drainage plan.

Note: This plat has been submitted in final form only.

EASEMENT FOR DRAINAGE OF SURFACE WATER

THIS EASEMENT FOR DRAINAGE OF SURFACE WATER ("Easement") is made and entered this 2nd day of October, 1995, by W. K. Capital Enterprises, Inc., a Vermont corporation, d/b/a Capital Enterprises ("Capital").

WHEREAS, Capital is the owner of certain land platted as Lots 1 and 2, Block 1, Capital Addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, it is desirable to create a private drainage easement to allow certain portions of the aforesaid Lots 1 and 2 to drain surface water over a certain portion of Lot 2.

NOW, THEREFORE, Capital hereby grants to the current and future owners of the South 144.02' of the West 229' of Lot 1 and the North 47.97' of the West 229' of Lot 2 (which Lot 1 and portion of Lot 2 are hereinafter referred to as "Parcel A") the full and free right and authority to drain surface water to, over and across the South 30' of the North 47.97' of Lot 2 (which portion of Lot 2 is hereinafter referred to as "Parcel B") in accordance with the drainage plan on file with the City Engineering, City of Wichita, from time to time.

The current and future owners of Parcel B shall develop and maintain Parcel B in such a manner as to not hinder the flow of drainage from Parcel A.

This Easement shall run with the land and shall be binding on and inure to the benefit of the parties hereto and their successors in interest.

EXECUTED as of the day and year first above written.

W. K. CAPITAL ENTERPRISES, INC.

By Sharol Rasberry
Sharol Rasberry, Vice President

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Realty Title

Rt 950804 (2)

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 2nd day of October, 1995, before me, a Notary Public in and for the County and State aforesaid, personally appeared Sharol Rasberry, the Vice President of W. K. Capital Enterprises, Inc., a Vermont corporation, personally known to me to be such officer and the same person who executed, as such officer, the above and foregoing instrument in writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Linda Ayala
NOTARY PUBLIC

My Appointment Expires:

75459



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8-030

1481459 8-30

PAT KETTLER
REGISTER OF DEEDS

*Ed Reed
Deputy*