

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
J.P. ...

JUN 29 1981

FILM 483 PAGE 1141

5 44236

NO. BETTE F. MCCART
REGISTER OF DEEDS

*Pat Kettler
Deputy*

COVENANT

This Declaration made this 5th day of MAY, 1981, by Bud and Joyce White, and Union National Bank, Co-Trustee of Bill E. Mesker Trust, hereinafter called Declarant,

WITNESSETH

Whereas, Declarant is owner of Lot 5, Block 2, except the following described tract; Beginning at the southwest corner of Lot 5, Block 2, thence along the south line of said Lot 5 bearing N 89° 27' 00" E a distance of 180 feet; thence bearing N 0° 00' 00" E a distance of 200 feet; thence bearing S 89° 27' 00" W a distance of 181.93 feet to a point on the west line of said Lot 5; thence bearing S 0° 33' 08" E along the west line of said Lot 5 a distance of 199.99 feet to the point of beginning, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas

and

Whereas, the Declarant, also an owner of Lot 1, Block 4, in said addition, wishes to divide said Lot 1, Block 4, into two tracts in accordance with K.S.A. 12-705b, and whereas it is required in connection therewith that a Covenant for maintenance of the existing storm water detention reservoir be placed of record:

Now, Therefore, Declarant hereby declares and covenants that the owner(s) of Lot 5, Block 2, except beginning at the southwest corner of Lot 5, Block 2; thence along the south line of said Lot 5 bearing N 89° 27' 00" E a distance of 180 feet; thence bearing N 0° 00' 00" E a distance of 200 feet; thence bearing S 89° 27' 00" W a distance of 181.93 feet to a point on the west line of said Lot 5; thence bearing S 0° 33' 08" E along the west line of said Lot 5 a distance of 199.99 feet to the point of beginning, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas of said addition will maintain the existing storm water detention reservoir located on Lot 1, Block 4, of said addition.

In the event that the owner(s) of Lot 5, Block 2, their successors or assigns, shall fail at any time to maintain said storm/water detention reservoir, the City of Wichita may serve a written Notice of Delinquency upon the owner(s) setting forth the manner in which the owner(s) have failed to fulfill their obligations. Such Notice shall include a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days within which the owner(s) may fulfill their obligation. If said obligation is not fulfilled within the time specified, the City of Wichita may enter upon said Lot 1, Block 4, and perform the obligations listed in the Notice of Deficiency. All costs incurred by the City of Wichita in carrying out these maintenance obligations of Declarant may be assessed against Lot 5, Block 2, in the same manner as provided by law for special assessments and shall be assessed to the lot herein subjected to these covenants. Said assessment may be established as a lien upon said platted lot. Should the owner(s), their successors, or assigns, upon receipt of said Notice of Delinquency believe that the obligations described in said Notice are not proper for any reason, they may within the twenty-day period to be provided in said Notice, apply for a hearing before the Board of City Commissioners to appeal said Notice and any further proceeding under said Notice shall be suspended pending the outcome of any proceedings with respect to such appeal.

This covenant is binding on the owners, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described property until such time as the Department of Engineering of the City of Wichita determines that the storm water detention reservoir is no longer needed for drainage purposes.

Copy

Copy

Executed this day and year first above written.

Bud White
Bud White

E. Dean Kennedy
Union National Bank
Co-Trustee of Bill E. Mesker Trust

Joyce White
Joyce White

State of Kansas)
SS
Sedgwick County)

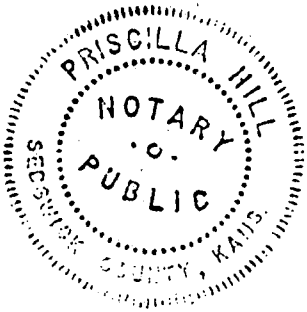
Personally appeared before me a Notary Public in and for the County and State aforesaid Bud White and Joyce White

to me personally known to be the same person s who executed the foregoing instrument of writing and said person s duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 27th day of May, 1981.

Priscilla Hill
Notary Public

(My commission expires September 27, 1982)



THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING

DATE: September 19, 1990

TO: Steve Lackey, P.E., Director of Public Works

FROM: Vicky Huang, Subdivision Engineer VH

SUBJECT: Carriage House Plaza 2nd
Addition

I have done some research concerning the pond located in Lot 1, Block 4 of the subject plat. The plat is governed under the provisions of Carriage House Community Unit Plan (DP-50). The proposed uses for Parcel 3 in the original DP-50 are open area and drainage easement until such time the plan is amended.

General Provision #2 stated: "No structure shall be permitted on Parcel #3 until such time as the Public Works Department of the City of Wichita determines that the lake is no longer needed for drainage purposes. At such time the CUP for Parcel 3 shall be amended to reflect the proposed use."

In 1980, the developer requested a change to allow portions of the lot be developed. Consequently DP-50 was amended and a new Parcel #4 which is the east 220 feet of Lot 1, was created to allow development to occur. General provision #2 was revised to read: "No structures shall be permitted on Parcel #3 until such time as the Department of Engineering of the city of Wichita determines the lake is no longer needed for drainage purposes." A maintenance covenant was also filed to tie the maintenance responsibility of the lake to the owner of Lot 2, Block 5.

The storm sewer project has not been constructed, therefore the pond can not be filled at this time.

CC: Mike Lindebak, P.E., City Engineer
Gene Rath, P.E., Assistant City Engineer

VH:gnc

WICHITA



DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION
CITY HALL — SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4501

September 24, 1990

Commissioner David Bayouth
Sedgwick County Courthouse
525 North Main, Suite 320
Wichita, KS 67202

SUBJECT: Carriage House Plaza 2nd Addition

Dear Commissioner Bayouth:

We have done some research concerning the pond located in Lot 1, Block 4 of Carriage House Plaza 2nd Addition. The plat is governed under the provisions of Carriage House Community Unit Plan (DP-50).

General provision #2 of the CUP states, "No structures shall be permitted on Parcel #3 until such time as the Department of Engineering of the City of Wichita determines the lake is no longer needed for drainage purposes." There is also a maintenance covenant on file that ties the maintenance responsibility of the lake to the owner of Lot 2, Block 5.

A storm sewer system has been designed to alleviate the need of the detention/retention pond. The pond cannot be filled before the storm sewer is constructed. If any realignment of the street is contemplated, the effect on the storm sewer system needs to be evaluated.

If we can be of any further assistance, please feel free to contact us.

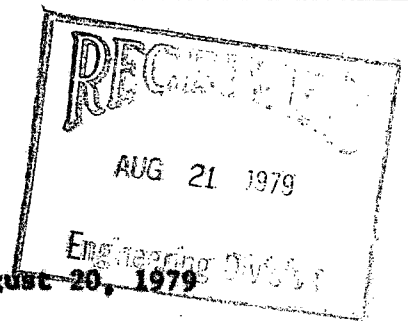
Sincerely,

Steve Lackey, P.E.
Director of Public Works

SL/VH:gnz

Flood Control and Landfill
Division

August 20, 1979



Jack Galbraith, Chief Planner, MAPD

Paul Johnston, Flood Control Engineer

- Amendment to DP-50, Carriage House C.U.P.

Reference is made to your memo of August 14th, 1979 requesting review and comments on subject above. Please be advised I have reviewed the plan submitted to this office and have the following comments.

The proposed amendment covering the east 220 feet of Parcel 3, so that it may be developed, poses several problems which must be addressed. This area covers approximately 1/2 of the lake area provided to help store the stormwater and reduce the amount of water standing in the streets along with an access road and drainage easement conveying drainage from Bailey 3rd Agdn.

With the existing lake and drainageway being eliminated or altered, a drainage plan should be provided for approval along with a guarantee to insure that any necessary installation and/or construction for drainage is followed through.

Research indicates that for Carriage House Plaza, a requirement of the Subdivision (Feb. 11, 1971) was that the applicant grant 30 feet of required drainage easement on the west line of what is called Parcel 4. This was apparently never followed through.

Due to the numerous problems and complaints from this area, it is recommended to deny the proposed amendment until such time as the problems with the existing lake and ditch are resolved and an approved drainage plan and guarantee to handle the drainage of the lake and ditch are provided.

If further information or discussion is desired, please advise.

Paul Johnston,
Flood Control Engineer
Flood Control and Landfill Division

PJ/glm

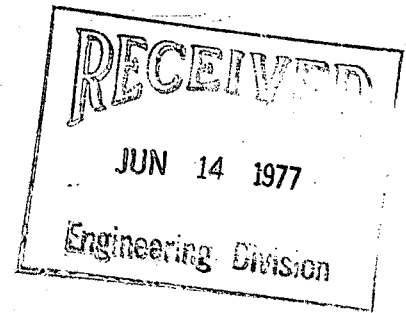
cc: Carriage House CUP Addn. Plat File
Dean Sellers- Acting City Engineer
Max Greene

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
CITY HALL—THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4351

*Porter Sherwood
267 2819*



June 10, 1977

Richard L. Mitchell
515 Turquoise Lane
Bailey Addition
Wichita, Kansas 67209

Dear Mr. Mitchell:

In response to your letter of May 5, 1977 to Commissioner Porter, I have asked the Planning Department to review the conditions imposed upon the developer, by the approved Carriage House Community Unit Plan, to determine if your stated concerns are a result of failure to comply with those conditions. Our findings are as follows:

The Carriage House Community Unit Plan is comprised of three parcels, but development has occurred on only the west half of parcel 2. Parcel 3 is the site of the lake and will remain as an open area and drainage easement until such time as the C.U.P. is amended. The balance of the site is in wheat.

With reference to your point 1 about a planting screen from Evergreen to Manor House Furniture at first planting season, the C.U.P. denotes the planting strip along the west line of parcels 1 and 2 and the north line of parcels 2 and 3, with the planting to be done in the first planting season after the recording of the associated plat. (The plat was recorded on February 25, 1976.) The only planting that has been accomplished to date is adjacent to the west and north sides of that portion of parcel 2 which is developed with a T.G.&Y. Store. These plantings are for the most part in good condition and planted as per the approved landscape plan, with the exception that a few of the plant materials have died and should be replaced. The remainder of the designated planting area has not been planted.

With regard to the unplanted areas, these areas are next to undeveloped land that is planted in wheat and adjacent to street right-of-way for Topaz Lane and Hendryx Street which have yet to be constructed. Engineering advises that storm sewers and sanitary sewers have not yet been constructed here. A water line has been installed in the south right-of-way line of Hendryx Street but has not been put in the right-of-way

of Topaz Lane as of this date. The condition as stated on the C.U.P., for landscaping to be planted in the first planting season after the recording of the plat, could undoubtedly be enforced, although from a practical viewpoint it does not seem advisable with respect to the construction activity not yet accomplished near these landscape areas and the fact that the property is still used as agriculture. At such time as building permits are issued for additional development, then additional plantings will be required as conditions of the building permits.

You also raised the question about a 5-1/2 to 8 foot decorative fence from Evergreen Street to Manor House Furniture. General provision #8 of the C.U.P. states that "a solid or semi-solid wall to prevent the passage of debris or light constructed of brick, stone, masonry or similar material at least 5 feet high but not more than 8 feet high shall be constructed at the locations indicated on the plan at the time of issuance of a building permit on portion of the parcel included in the building permit. The wall or walls shall not be constructed on any utility easement." The plan indicates a wall in the location as you described, but such wall would not be required until building permits are issued on parcel 3 and the east half of parcel 2. The wall has been constructed for that portion of the site already developed.

Pertaining to the lake on parcel 3, the Flood Control Office advises that the existing lake is functioning as a relief for some of the drainage problems of the Bailey Addition to the north, but that it was never intended to handle run-off from that part of the site already developed with the T.G.&Y. development, which drains south and west. The lake is full of water, so the depth of the lake could not be determined by our inspection, however, the Flood Control Office believes the lake is not completed and would like to inspect the lake after completion.

Regarding your concern about the platted cul-de-sac at Turquoise and Hendryx, which has not been installed, you mentioned that the cul-de-sac is needed to stop transit traffic through the neighborhood to get to the T.G.&Y. store. Turquoise Lane is a sanded street as are most of the other streets in this area. Although paving petitions for several streets were approved with the platting of Carriage House Plaza 2nd Addition, Turquoise Lane was not one of those approved. However, right-of-way was acquired for the construction of a cul-de-sac at the south end of Turquoise where it meets Hendryx Street. This cul-de-sac could now be constructed and sanded, although the City Engineer questions the need to do so until such time as Hendryx Street is opened from this point west to McCormick.

Access to the T.G.&Y. site from Evergreen Street does exist via a construction road which goes around the east end of the existing masonry wall. The road is not maintained but is obviously used. Complete access control is shown on this portion of the site,

Richard L. Mitchell
June 10, 1977

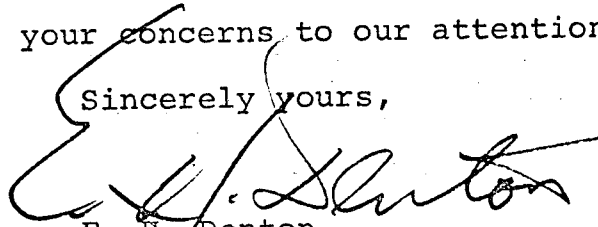
therefore, this situation could quickly be eliminated by having the developer erect a barrier designed to prohibit traffic flow.

In summary, it is our opinion that the developer has been negligent in not completing the lake, including the landscaping around the lake. We will contact the developer and request that the lake be completed as quickly as possible, including plantings that will not occupy those areas where it is expected that future utilities will be placed. The developer will also be required to request an inspection of the lake by the Flood Control Office at such time as the lake is complete. It is our opinion that the remainder of the landscaping and the construction of additional walls is not required until further development is proposed.

As to the construction of the cul-de-sac on Turquoise, I am asking by a copy of this letter that the Department of Public Works proceed with this installation of this sanded cul-de-sac. I am also directing that the Office of Central Inspection contact the developer and enforce the required access control near the south end of Evergreen; and also see that any dead plant materials are replaced.

I appreciate your bringing your concerns to our attention.

Sincerely yours,



E. H. Denton
City Manager

cc: Commissioner Garry L. Porter
Robert A. Lakin, Director of Planning
Ray Bruggeman, Director of Public Works (w/a)
M. S. Mitchell, Maintenance-Flood Control
Richard Linn, City Engineer ✓
Robert Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA

OFFICE OF ENGINEERING DEPARTMENT
Design

DATE June 18, 1981

TO Tom Powell, Senior Assistant City Attorney

FROM Chris J. Breitenstein, Drainage & Flood Control Engineer

**SUBJECT Legal Form of Maintenance Covenant and
Indemnification Agreement**

I would like the Law Department's opinion on the legal form of these documents and whether they are acceptable to the City.

Chris J. Breitenstein
Drainage & Flood Control Engineer

GF/04/04

Attachments

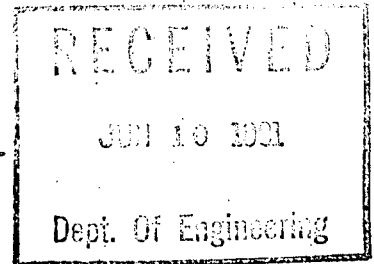
cc: Forest Nagley, Planning Department

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561



June 9, 1981

Gary Wiley
c/o Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Kansas 67211

Re: L/S-0516 - Request for lot split approval of Lot 1, Block 4,
Carriage House Plaza 2nd Addition

Dear Gary:

We have completed our review of the above-referenced request for lot split approval and find that approval can be granted subject to the following conditions:

- A. Submit a lot grading plan to the City Engineer's Office for review and approval. Regarding this requirement, I have enclosed with City Engineering's copy of this letter, a copy of the proposed maintenance covenant and indemnification agreement for the storm water detention reservoir located on this property. After the City's approval of the covenant, I will return the instruments to you for recording. Two copies of the instrument will need to be provided for City files.
- B. City Engineering has advised that the existing paving petition for Hendryx Street adjacent to this property is no longer valid because of insufficient funds. It is, therefore, required that a revised petition be submitted which provides for the paving of Hendryx Street and for a sidewalk adjacent to this light commercial property.

Once City Engineering has approved your lot grading plan, the maintenance covenant has been approved, recorded and two copies provided, and a revised petition for the paving of Hendryx Street (including a sidewalk) has been accepted, we can approve this lot split request. Should you have any questions about these requirements, please call me at 268-4421.

Sincerely,

Forrest L. Nagley
Junior Planner

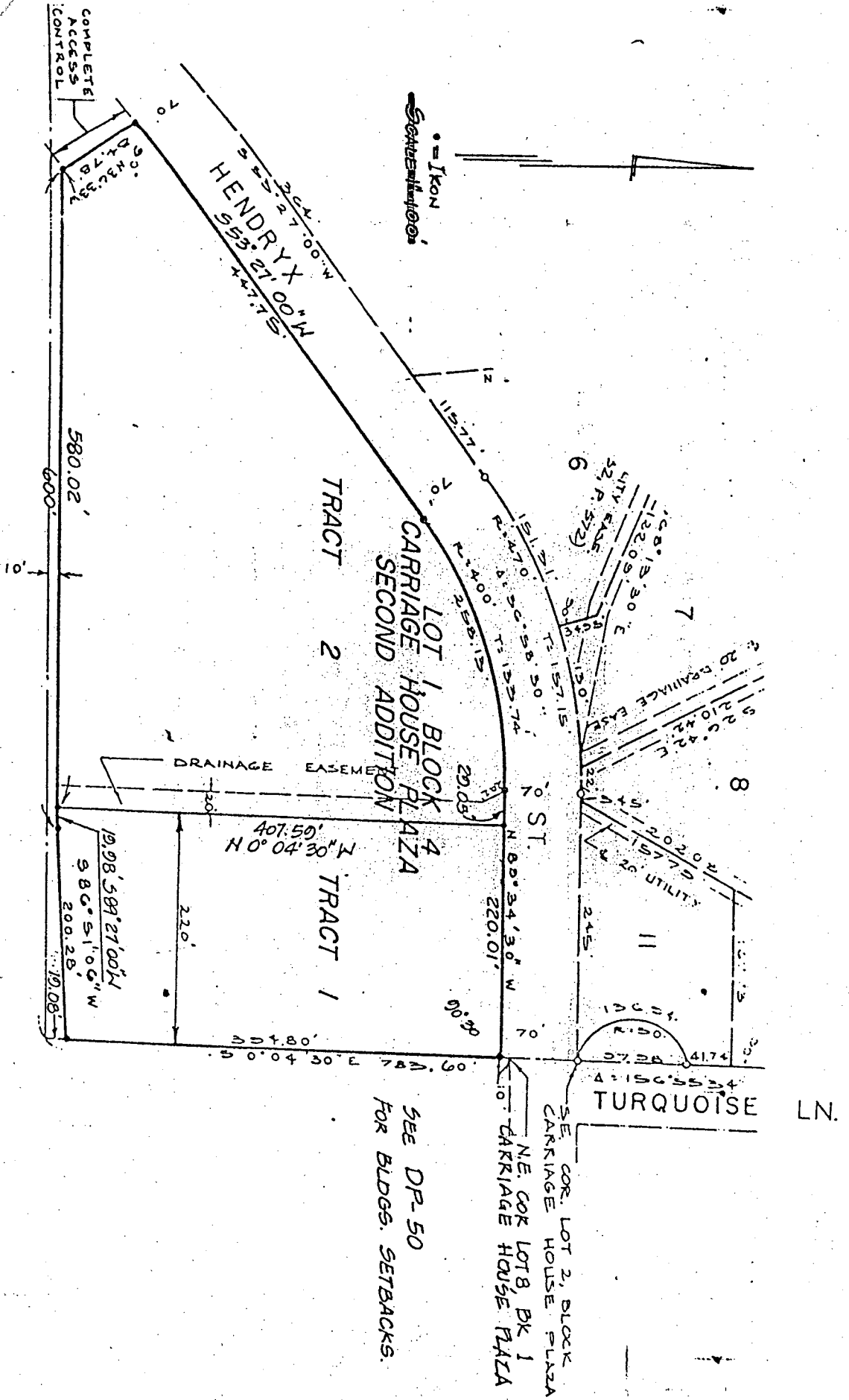
FLN:bh

WICHITA - SEDGWICK COUNTY

Gary Wiley, P.E.C., P.A.
June 9, 1981
Page 2

cc: Bud White, 210 Pattie, 67211
Chris Breitenstein, Drainage Engineer, City Engineering
Mike Lindebak, Project Development Engineer, City Engineering

Breidenstein copy



COVENANT

This Declaration made this 5th day of MAY, 1981, by Bud and Joyce White, and Union National Bank, Co-Trustee of Bill E. Mesker Trust, hereinafter called Declarant,

WITNESSETH

Whereas, Declarant is owner of Lot 5, Block 2, except the following described tract; Beginning at the southwest corner of Lot 5, Block 2, thence along the south line of said Lot 5 bearing N 89° 27' 00" E a distance of 180 feet; thence bearing N 0° 00' 00" E a distance of 200 feet; thence bearing S 89° 27' 00" W a distance of 181.93 feet to a point on the west line of said Lot 5; thence bearing S 0° 33' 08" E along the west line of said Lot 5 a distance of 199.99 feet to the point of beginning, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas

and

Whereas, the Declarant, also an owner of Lot 1, Block 4, in said addition, wishes to divide said Lot 1, Block 4, into two tracts in accordance with K.S.A. 12-705b, and whereas it is required in connection therewith that a Covenant for maintenance of the existing storm water detention reservoir be placed of record:

Now, Therefore, Declarant hereby declares and covenants that the owner(s) of Lot 5, Block 2, except beginning at the southwest corner of Lot 5, Block 2; thence along the south line of said Lot 5 bearing N 89° 27' 00" E a distance of 180 feet; thence bearing N 0° 00' 00" E a distance of 200 feet; thence bearing S 89° 27' 00" W a distance of 181.93 feet to a point on the west line of said Lot 5; thence bearing S 0° 33' 08" E along the west line of said Lot 5 a distance of 199.99 feet to the point of beginning, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas of said addition will maintain the existing storm water detention reservoir located on Lot 1, Block 4, of said addition.

In the event that the owner(s) of Lot 5, Block 2, their successors or assigns shall fail at any time to maintain said storm/water detention reservoir, the City of Wichita may serve a written Notice of Delinquency upon the owner(s) setting forth the manner in which the owner(s) have failed to fulfill their obligations. Such Notice shall include a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days within which the owner(s) may fulfill their obligation. If said obligation is not fulfilled within the time specified, the City of Wichita may enter upon said Lot 1, Block 4, and perform the obligations listed in the Notice of Deficiency. All costs incurred by the City of Wichita in carrying out these maintenance obligations of Declarant may be assessed against Lot 5, Block 2, in the same manner as provided by law for special assessments and shall be assessed to the lot herein subjected to these covenants. Said assessment may be established as a lien upon said platted lot. Should the owner(s), their successors, or assigns, upon receipt of said Notice of Delinquency believe that the obligations described in said Notice are not proper for any reason, they may within the twenty-day period to be provided in said Notice, apply for a hearing before the Board of City Commissioners to appeal said assessments and any further proceeding under said Notice shall be suspended pending the outcome of any proceedings with respect to such appeal.

This covenant is binding on the owners, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described property until such time as the Department of Engineering of the City of Wichita determines that the storm water detention reservoir is no longer needed for drainage purposes.

INDEMNIFICATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS That

For and in consideration of the execution by Union National Bank and Reba L. Angle, Co-Trustees of the Bill E. Mesker Trust of the Covenant annexed hereto dated the 5th day of MAY, 1981, wherein Bud and Joyce White and Union National Bank, Co-Trustee of Bill E. Mesker Trust are Declarant,

Bud White and Joyce White for their part and MISCO Leasing, Inc. for its part jointly, but not severally, agree for themselves, their heirs, executors, administrators, successors and assigns to indemnify and hold harmless Union National Bank and Reba L. Angle, Co-Trustees of the Bill E. Mesker Trust from any loss, cost or expense they may incur by reason of maintenance of the storm water detention reservoir located on Lot 1, Block 4, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas, as may be required by the annexed Covenant.

This indemnification agreement shall be a covenant binding upon the owners of Lot 1, Block 4, Carriage House Plaza Second Addition to Wichita, Sedgwick County, Kansas, their heirs, executors, administrators, successors and assigns and shall attach to and run with said land and shall bind all successors in title to their respective interests in the above described property until such time as the Department of Engineering of the City of Wichita determines that said storm water detention reservoir is no longer needed for drainage purposes.

EXECUTED at Wichita, Kansas, this 27th day of May, 1981.

Bud White
Bud White

Joyce White
Joyce White

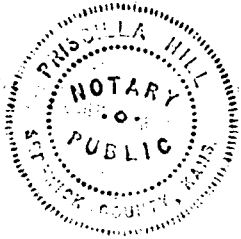
MISCO LEASING, INC.

By Larry S. Fisher
Executive Vice President

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 27th day of May, 1981, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came BUD WHITE and JOYCE WHITE, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

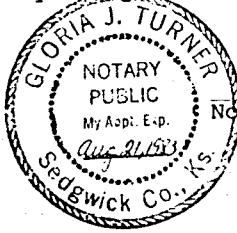


Priscilla Hill
Notary Public

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 7th day of May, 1981, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came LARRY L. GUHR, who is the Executive Vice President of MISCO Leasing, Inc., to me personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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



Gloria J. Turner
Notary Public

S/D NO. 75-19 Name CARRIAGE HOUSE PLAZA SECOND ADDITION
Date Application Rec'd. 3-10-75 Preliminary Approval 3-20-75
Scheduled S/D Meeting 5-1-75

DESCRIPTION

General Location Northeast corner of Tyler Road and McCormick

Owner Bud White and Bill Mesker
Surveyor/Engineer Kenneth O. Taylor
Address 1542 South St. Francis Phone 264-4072

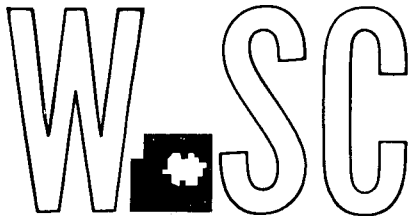
- | | |
|---|----------------------------------|
| 1. Gross Acreage of Plat <u>39.14</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>65</u> R/W <u>569</u> ft. |
| Residential <u>19</u> | b. <u>60</u> R/W <u>1350</u> ft. |
| Commercial <u>2</u> | c. <u>40</u> R/W <u>930</u> ft. |
| Industrial _____ | d. <u>70</u> R/W <u>1200</u> ft. |
| Other _____ | e. <u>10</u> R/W <u>580</u> ft. |
| Total Number of Lots <u>21</u> | TOTAL <u>4629</u> ft. |
| 3. Minimum Lot Frontage <u>75</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>10,700 sq.</u> ft. | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>AA & LC</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>No</u> (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. Approval of this plat is subject to the applicant revising the associated Community Unit Plan to reflect the addition of the cul-de-sac in the northwest corner of the plat (Tyler Court).
- B. Approval of the plat is subject to approval of the associated zone case Z-1471.
- C. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the proposed lake-drainage system indicated on subject plat and the appropriate guarantee for the drainage improvements associated with the plat.
- D. Building setbacks shown on the approved associated C.U.P. shall govern.
- E. The applicant shall contact Tim Cain of the Department of Public Works relative to indicating appropriate street names on the final plat.
- F. The applicant shall install or guarantee the installation of sidewalks adjacent to both sides of all streets included within the plat except on the south side of McCormick, the east side of Turquoise, and the north side of Tyler Court. A sidewalk will be required around the cul-de-sac on Tyler Court.
- G. The applicant shall be advised that the construction of sidewalks will be required at the time of the final building inspection when the sidewalk is a requirement of plat approval.
- H. The applicant shall guarantee the paving of all streets included within this application which are not presently paved.
- I. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution within any habitable structures to be built on said property.

- J. The applicant shall be advised that Lots 7, 8, 9 and 11, Block 2 shall not be developed until the drainage from said lots is able to be adequately handled and carried to the south.
- K. "Complete access control" shall be labeled adjacent to Lots 2, 3 and 5, Block 2 on Tyler Court.
- L. The lake indicated on Lot 1, Block 4, shall be designed such that it will be located west of the west line of the sewer line to be installed across subject lot.
- M. The applicant shall guarantee the construction of the accel-decel lane on the east side of Tyler Road.
- N. The applicant shall guarantee the extension of sanitary sewer to serve subject property.
- O. The applicant shall guarantee the extension of water to serve all lots. The Water Department shall be contacted regarding an appropriate guarantee.
- P. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- Q. Lot 1, Block 4 shall be designated as a drainage easement and shall not be developed until such time as the lake is removed and the associated drainage can be adequately handled.
- R. The appropriate street name for the road adjacent and south of Lots 6, 7, 8 and 11, Block 2, shall be appropriately referenced in the plat's text.
- S. Recording of the plat within 30 days after approval by the Board of City Commissioners.

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

March 21, 1975

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-19 - Preliminary
plat of CARRIAGE HOUSE
PLAZA SECOND ADDITION.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 20, 1975, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. Approval of this plat is subject to approval of the associated Community Unit Plan and revised zone case (Z-1471).
- B. The final plat shall not be submitted prior to approval of the associated Community Unit Plan.
- C. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the proposed lake-drainage system indicated on subject plat and the appropriate guarantee for the drainage improvements associated with the plat.
- D. Building setbacks need not be shown on the final plat inasmuch as those shown on the approved associated C.U.P. shall govern.
- E. The applicant shall contact Tim Cain of the Department of Public Works relative to indicating appropriate street names on the final plat.
- F. The applicant shall install or guarantee the installation of sidewalks adjacent to both sides of all streets included within the plat except on the south side of McCormick and the east side of Turquoise.

S/D 75-19

March 21, 1975

Page 2

- G. The applicant shall guarantee the paving of all streets included within this application which are not presently paved.
- H. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution within any habitable structures to be built on said property.
- I. Additional easements shall be indicated on the final plat as are shown on the engineer's "marked" copy of the preliminary plat.
- J. Lots 8, 9, 10 and 12, Block 2 shall not be developed until the drainage from said lots is able to be adequately handled and carried to the south.
- K. The lake indicated on Lot 1, Block 5, shall be designed such that it will be located west of the west line of the sewer line to be installed across subject lot.
- L. The applicant shall guarantee the construction of the accel-decel lane on the east side of Tyler Road.
- M. The applicant shall guarantee the extension of sanitary sewer to serve subject property.
- N. The applicant shall guarantee the extension of water to serve all lots and the Water Department shall be contacted regarding an appropriate guarantee by the applicant for relocation of a main and fire hydrant required because of the rerouting of some existing streets.
- O. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- P. Lot 1, Block 5 shall be designated as a drainage easement and shall not be developed until such time as the lake is removed and the associated drainage can be adequately handled.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the M.A.P.C. Subdivision Regulations.

S/D 75-19
March 21, 1975
Page 3

R. Requirements for a final plat (see pages 20 through 25,
Part 4, Article 5 of the M.A.P.C. Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat
for your information and files.

If you should have any questions concerning this matter, please
call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

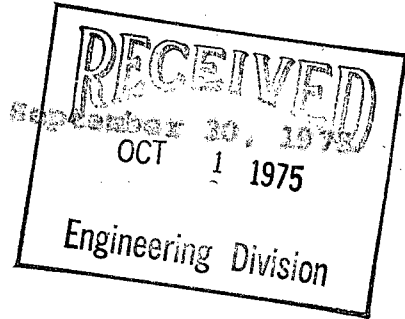
cc: Bud White, 210 Pattie, 67211
Bill Mesker, Municipal Airport
Dean Sellers, Assistant City Engineer

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



Mr. Roger Sherwood, Attorney
Century Plaza Building
Wichita, Kansas 67202

Re: S/D 75-19 - Final Plat of
CARRIAGE HOUSE PLAZA SECOND
ADDITION

Dear Mr. Sherwood:


The Board of City Commissioners, at their regular meeting on September 30, 1975, considered the above-captioned plat. The action of the Commission was to accept the assessments and covenant; disapprove the petition for McCormick/Hendryx; Evergreen/Topaz, and for Turquoise Lane; and disapprove the sidewalk petitions for the two lots (10 and 11) abutting Turquoise Lane; approve the remaining petitions and instruct the City Clerk to file the certificates, assessments and covenant with the Register of Deeds, the publication and filing cost of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission, and authorize the Mayor to sign; and instruct the Planning Department to withhold the plat tracing for recording until satisfactory arrangements have been made to serve subject property with water and until amended petitions are submitted and approved for McCormick/Hendryx, and for Evergreen/Topaz, so that it will terminate the paving at the east line of Lot 9, Block 2, as extended, with the understanding that the paving will not be installed until the drainage system for the area is completed.

Regarding the above petitions, you should contact the City Engineer and have him prepare new petitions for submission to your client for execution. Upon the receipt of the petitions they will again be scheduled for consideration by the Board of City Commissioners. Also, it is necessary that a satisfactory guarantee for installation of water be submitted and approved by the City Engineer. After the above conditions have been complied with and after action by the Board of City Commissioners, we will be in a position to release the plat tracing for recording.

Page 2 - Mr. Roger Sherwood
September 30, 1975

If you have any questions, please call.

Sincerely,



Jack H. Galbraith
Chief Planner

JHG:ber

cc: K. O. Taylor, 1542 South St. Francis 67311
Sud White, 210 Pattie 67211
Bill Mosker, Daisy Cows, Inc., International Flying
Farmers Building, Municipal Airport 67215
X Dick Linn, City Engineer

WICHITA—SEDGWICK COUNTY
W+SC

METROPOLITAN AREA PLANNING
COMMISSION
262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

May 9, 1975

Mr. Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Dear Mr. Taylor:

Re: S/D 75-19 - Final Plat of
CARRIAGE HOUSE PLAZA
SECOND ADDITION

At the regular meeting of the Metropolitan Area Planning Commission on May 8, 1975, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of May 2, 1975.

In addition to complying with these conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the plat.
4. Certification that all taxes due and payable for 1974 and prior years have been paid.

If you have any questions concerning this matter, please call.

Sincerely,
Jack H. Galbraith
Jack H. Galbraith
Chief Planner

Ed White, 210 Pattie 67211
Bill Mosker, Daisy Cove, Inc., International Flying
Farmers Building, Municipal Airport 67215
Her Sherwood, Attorney, Century Plaza Building 67202
Bill Sellers, Assistant City Engineer

Roger Sherwood
C.H. Plaza and
Aph. Blackline
all Petitions

Carrage House Plaza
and Addn

Carriage House Plans
and Address

Petitions
all kinds
Asphalt

Advise if sewer
plans are nec
if not write
to Newby

Blk Base -

Tyler Ct
Ben Dist

Lot 2, 3 & Blk 2 CHP 2nd
W 500 ft Lot 5 Blk 2

* Evergreen & Topaz
H/L Lot 1 Blk 3 CHP 2nd to
W L Turquoise Ln

Ben Dist Lot 5 Blk 2 exc W 500'
Lot 4 & 5, 6, 7 & 9 Blk 2
Lots 1 - 8 incl Blk 3
S 1/2 Lot 10 & All Lot 11 Blk D FB 3rd
Lot 5, Blk E

* Turquoise Ln W Hendryx to S L Topaz

Lots 6 - 11 incl Blk 2 CHP 2nd
* W 48 ft Lot 3 & Lots 4 - 10 incl
Blk E FB 2nd Addn
Lot 5, Blk E FB 3rd Addn.

McCormick & Hendryx
W L Tyler Rd to W L Turquoise Ln ^{North}

- E 220 Lot 1 Blk 4 CHP 2nd
- Lot 10 & 11 Blk 2 "
- Lot 5 Blk 2
- Lot 16 & 28 Fairlawm Acres Addn
- Lot 1 Carmar
- Lot 1 & FCU Addn

Except
Hiway r/w

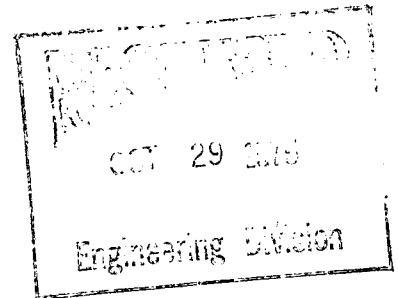
WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 29, 1975

TO Ralph Wulz, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT S/D 75-19 - CARRIAGE HOUSE PLAZA SECOND ADDITION



On September 30, 1975, the Board of City Commissioners approved the above-referred to plat, but disapproved the paving petition for McCormick, Hendryx, Evergreen/Topaz, and for Turquoise Lane; and disapproved the sidewalk petitions for the two lots (10 and 11), abutting Turquoise Lane; approved the remaining petitions and instructed the Planning Department to withhold release of the plat tracing for recording until satisfactory arrangements have been made to serve subject property with water, and until amended paving petitions for the aforementioned streets have been submitted and approved.

Attached are the amended street paving petitions, the City Engineer having sent appropriate notification letters to affected property owners, which should be placed on the agenda for the City Commission meeting of November 4, 1975, for formal approval by the Board of City Commissioners. In addition, we have been advised by the Water Department that the applicant has submitted a valid water petition which has been scheduled for consideration by the governing body at the November 4 meeting.

We would recommend that these items appear together on the agenda so that all the petitions may be considered at one time.

If you have any questions concerning this matter, please call.

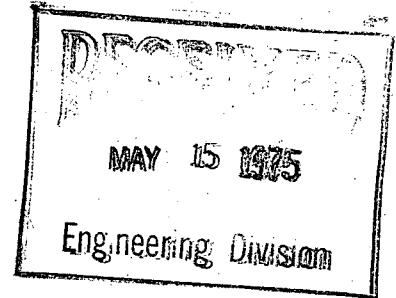
Robert A. Lakin
Director of Planning

RAL:CLN:ber
Attachments

cc: X Dick Linn, City Engineer
Bill Otten, Water Department
Roger Sherwood, Attorney, Century Plaza Building 67202

COPY

ROGER SHERWOOD
ATTORNEY
516 CENTURY PLAZA BUILDING
WICHITA, KANSAS 67202
AREA 316 267-2819



May 14, 1975

Mr. R. W. Bruggeman
Director of Public Works
104 South Main
Wichita, Kansas 67202

Re: S/D 75-19, Carriage House Plaza
Second Addition

Dear Mr. Bruggeman:

The Metropolitan Area Planning Commission recommended approval of the above-captioned plat, subject to a number of conditions, one of which is that the applicant furnish some type of guarantee of completion of the drainage improvements associated with the plat. I have discussed this matter with M. S. Mitchell and Dick Linn as to the form of the guarantee, and Dick Linn suggested that this letter be submitted to you to fulfill that requirement.

Please be advised that the applicant will agree that at the time the first building permit is requested on the above-captioned property, the applicant will include with such request the necessary excavation for the drainage improvements. The applicant understands that the issuance of the first building permit will only be on the condition that such drainage improvements be included.

Respectfully yours,

ROGER SHERWOOD

RS/ct

cc: MAPC
Mr. Dick Linn
Mr. M. S. Mitchell
Mr. Bud White
Mr. Bill E. Mesker
Mr. Vernon Jacobs
Mr. Monty K. Gentry

COMMISSIONERS PROCEEDINGS

5224

October 4, 1977

DISCUSSION OF CUL-DE-SAC & REOPENING OF TURQUOISE LANE

Discussion of the cul-de-sac and possible reopening of Turquoise Lane, appeared on the agenda.

Requested by Mrs. William B. Walker, 580 Turquoise Lane.

Mrs. Walker

Mrs. William B. Walker, with reference to the area platted as the Carriage House Plaza 2nd Addition, objected to the cul-de-sac on Turquoise since Hendryx has not been constructed as a through street. She pointed out that the dead ending of Hendryx on one side of their property, and the half cul-de-sac on Turquoise, causes vehicles to use their driveway to turn around as no turnaround is provided on Hendryx, and some of the larger vehicles just cut across their lawn to Turquoise. She felt that Turquoise should be opened or Hendryx extended. Mrs. Walker answered questions by the Commission.

Bob Lakin

Director of Planning, informed the Commission that a part of this plat West of this area had been developed, but the developer has indicated that this particular area would not be developed for possibly 15 years.

Bill Metzker

Bill Metzker, the developer stated that his sympathies lie with Mrs. Walker. He stated that she is in the area where he had had to develop the ponding for drainage and that area will not be developed until the drainage problem is solved. He further stated that the construction of the freeway on West Kellogg was to possibly solve his drainage problem, but with the new design on West Kellogg, he doesn't know just how long it will be before he will be able to develop that area. Mr. Metzker recommended that he be allowed to design a new CUP for that particular area.

Ray Bruggeman

Director of Public Works, verified that only part of the CUP has been complied with in that area for the barricading of Turquoise Lane which was put up at the request of some of the residents of the area to reduce traffic on Turquoise Lane.

Fred Linde

Grievance Officer, verified Mr. Bruggemans' statement that the barricade was put up at the request of some of the residents on Turquoise Lane.

Discussion

Considerable discussion was had in regard to development of the CUP.

Motion--

Casado moved that the City Manager be instructed to return the item to the Planning Department with the instructions to contact the neighbors, the developer, to take another look at the CUP and return to the City Commission at the proper time. Motion carried 5 to 0.

--carried

DEMONSTRATION OF SPECIALLY, SAFETY-EQUIPPED 1977 AUTOS

Demonstration of specially, safety-equipped 1977 automobile, presented.

During the morning break (approximately 10:00 to 10:30 A.M.), Mr. Alec Nations an official with the National Highway Traffic Safety Administration, has asked to demonstrate a specially, safety-equipped 1977 automobile to the City Commissioners. The automobile will be in the lot immediately west of the Commission chambers.

The Mayor noted that it was a little early for break, and they would return to this item 5 minutes before break.

Later the Commission returned to this item and Mr. Alec Nations, reviewed the various safety features that the new cars would contain. He stated that by 1981, the new cars are to have the inflatable air bag retention system installed in all new cars and in his opinion, he felt this was by far the safest of all injury protecting equipment and he briefly reviewed the development of the air bag system. During the Commissioners recess, Mr. Nations demonstrated the deployment of the air bags.

No action

No further action was taken.

CLAIM FOR DAMAGES - WM. E. PORTER

Claim for damages - William E. Porter, d/b/a Bill Porter Wrecking and Excavating in the amount of \$5,000.00, presented.

John Dekker

City Attorney, stated that the City has been named in a three party suit in this item and recommended that it be stricken.

Motion---carried

Casado moved to strike the item. Motion carried 5 to 0.

RESOLUTION RE: EXTENSION OF SS (LAT. 25, MAIN 4, SIS)

Resolution authorizing the acquisition of easements in connection with the extension of sanitary sewer service to an area east of Tyler Road and north of U.S. 54 (Lateral 25, Main 4, Southwest Interceptor Sewer), presented.

PUBLIC AGENDA

1. PRESENTATION OF AN INVITATION TO THE CITY COMMISSIONERS TO ATTEND LINCOLN ELEMENTARY SCHOOL DEDICATION AND OPEN HOUSE ON OCTOBER 11, 1977, AT 7:30 P.M.

The presentation will be made by Julie Duggin (spokesperson), James Thomas, Deanna Coleman and David Combs, sixth grade students at Lincoln School.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

2. DISCUSSION OF FUNDING FOR THE 1978 TWILIGHT POPS CONCERT BY THE WICHITA SYMPHONY ORCHESTRA.

Requested by Ms. Patricia I. Christgau, Wichita Festivals.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

3. DISCUSSION OF THE CUL-DE-SAC AND POSSIBLE REOPENING OF TURQUOISE LANE.

Requested by Mrs. William B. Walker, 580 Turquoise Lane.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

CITY MANAGER'S AGENDA

SECTION I

No items have been submitted for this Section.

SECTION II

1. DEMONSTRATION OF SPECIALLY, SAFETY-EQUIPPED 1977 AUTOMOBILE.

During the morning break (approximately 10:00 to 10:30 a.m.), Mr. Alec Nations an official with the National Highway Traffic Safety Administration, has asked to demonstrate a specially, safety-equipped 1977 automobile to the City Commissioners. The automobile will be in the lot immediately west of the Commission chambers.

2. CLAIM FOR DAMAGES - WILLIAM E. PORTER, D/B/A BILL PORTER WRECKING AND EXCAVATING IN THE AMOUNT OF \$5,000.

The claim for damages was filed against the City on August 4, 1977. The claim arises from the cleaning up of debris caused by a truck damaging a building at 1406-1408 ½ North Broadway on January 12, 1977.

DRAINAGE EASEMENT

THIS EASEMENT made this 28th day of May, 1975,
BUD WHITE and JOYCE B. WHITE, Husband and Wife, and
by and between BILL E. MESKER and DORIS JEAN MESKER, Husband and Wife,
parties
of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing drainage system according to the plans and specifications now on file in the office of the City Engineer of the City of Wichita, Kansas, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

A strip of land 20 ft. in width, 10 ft. either side of a line crossing Lots 8, 9 and 11, Block 2, as platted in Carriage House Plaza Second Addition, further described as follows: Beginning at a point on the south line of said Lot 11, 205 ft. west of the southeast corner of said Lot 11; thence northerly to a point on the north-westerly property line of said Lot 9, 40 ft. southwesterly from the north property corner of said Lot 9.

Approved by Board of Commissioners
this SEP 30 1975 day of 19

Original Compared
With Record

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
OCT 10 1975
NO. 2 50833
BETTE F. MCCARTY
NOTARY OF DEEDS
Pat. Record

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first written.

Bud White
BUD WHITE

Bill E. Mesker
BILL E. MESKER

Joyce B. White
JOYCE B. WHITE

Doris Jean Mesker
DORIS JEAN MESKER

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid BUD WHITE, JOYCE B. WHITE, BILL E. MESKER and
DORIS JEAN MESKER.

to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 28th day of May, 1975.

CONNIE L. TRUMMEL
NOTARY PUBLIC
Sedgwick County, Ks.
My Commission Expires
Sept 30, 1975

Connie L. Trummel
Notary Public

My Commission expires Sept. 30, 1975

300 City Clerk Bm. 104
City Bldg

NW 1/4 Sec 28 T 27 N R 10

D 50832

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D. 75-19 Name CARRIAGE HOUSE PLAZA SECOND ADDITION
Date Application Rec'd. 3-10-75 Preliminary Approval
Scheduled S/D Meeting 3-20-75

DESCRIPTION

1 Location Northeast corner of Tyler Road and McCormick.

Bud White and Bill Mesker

Surveyor/Engineer Kenneth O. Taylor

Address 1542 South St. Francis

Phone 264-4072

Gross Acreage of Plat 39.14

Number of Lots:

Residential 19

Commercial 2

Industrial

Other

Total Number of Lots 21

3. Minimum Lot Frontage 75 ft.

4. Minimum Lot Area 10,700 sq. ft.

5. Existing Zoning AA

6. Proposed Zoning AA & LC

7. Lineal Feet of New Streets:

a. 65 R/W 569 ft.

b. 60 R/W 1350 ft.

c. 40 R/W 930 ft.

d. 70 R/W 1200 ft.

e. 10 R/W 580 ft.

TOTAL 4629 ft.

8. Sidewalk adjacent to all streets? yes X no

9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita X : Three-Mile Area

STAFF COMMENTS:

- A. Approval of this plat is subject to approval of the associated Community Unit Plan and revised zone case (Z-1471).
- B. The final plat shall not be submitted prior to approval of the associated Community Unit Plan.
- C. Due to the delineation of building setbacks, a lot shall be indicated at the northeast corner of Tyler Road and McCormick to conform with the 35 foot building setback shown at that location and Parcel 1 on the C.U.P.
- D. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the proposed lake-drainage system indicated on subject plat and the appropriate guarantee for the drainage improvements associated with the plat.
- E. Building setbacks need not be shown on the final plat inasmuch as those shown on the approved associated C.U.P. shall govern.
- F. The applicant shall contact Tim Cain of the Department of Public Works relative to indicating appropriate street names on the final plat.
- G. The applicant shall install or guarantee the installation of sidewalks adjacent to both sides of all streets included within the plat except on the south side of McCormick; the east side of Turquoise and where complete access control has been indicated. ?
- H. The applicant shall guarantee the paving of all streets included within this application which are not presently paved.
- I. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution within any habitable structures to be built on said property.

(OVER)

J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the M.A.P.C. Subdivision Regulations.

K. Requirements for a final plat (see pages 20 through 25, Part 4, Article 5 of the M.A.P.C. Subdivision Regulations).