

APPLICATION FOR WATER SERVICE
OUTSIDE THE CORPORATE LIMITS OF
THE CITY OF WICHITA
AND RELATED PETITION AND CONSENT TO ANNEXATION,
AGREEMENTS AND COVENANTS

Approved by Board of Commissioners
this APR 17 1984

FILM 659 PAGE 965

The Governing Body of the City of Wichita, Kansas, this 17th day of
APRIL, 1984, approves and files the application of
Dinning-Beard, Inc.,
H-C Properties, Dillis L. Hart for water service to the following property:
The Cobblestone Addition to Sedgwick County, Kansas

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
8 000 M

MAY 24 1984

NO. 6 92438

BETTE F. McCART
REGISTER OF DEEDS

*Pat Kettles
Deputy*

The applicant agrees to abide by the established rules and regulations of the Wichita Water Department now in force, or which may hereafter be enacted or adopted by said Department of the City of Wichita, Kansas, and to pay for service at the established rate, all in accordance with Section 17 of Code of the City of Wichita, or as amended. The applicant further agrees to acquire a plumbing permit from the City of Wichita; to have the service line installed by a plumber licensed by the City using City approved materials and installation methods.

The owners of land covered hereunder do hereby consent to, petition and request the annexation of such lands by the City of Wichita at such time as it determines appropriate (as contemplated in K.S.A. 12-519 et. seq.). Until such time as the annexation occurs, the owners covenant and agree they will not seek incorporation as a separate city nor annexation to any other city of the land, or any part thereof. The foregoing consent to annexation and covenants are hereby made binding on all heirs, successors and assigns and are made a covenant to run with the land and shall not be withdrawn without the consent of the City of Wichita; and in the event such consent is given, said services above may be terminated at the option of the City of Wichita.

The undersigned agrees not to transfer title to the above premises or any portion thereof without notifying the purchaser of the existence of this application, but

Copy

failures of purchasers of above property or any portion thereof to have actual notice of this application shall in no way diminish or enlarge the rights or obligations imposed hereunder.

The undersigned agrees that upon failure to comply with the terms of this agreement and permit, the covered service may be denied to the property above described and said service may be terminated without notice, all in accordance with the ordinance and regulations of the City. This remedy is in addition to all other legal remedies available to the City to assure full compliance with this agreement and permit.

APPLICANT

(fill in lines applicable)

(Name-Typed)

(Name-Typed)

If an individual, application must be signed by husband and wife, if there be such. See acknowledgment attached.

H-C Properties

A PARTNERSHIP

By Dillis L. Hart x
(Name-Typed) Dillis L. Hart
Managing Partner
(Name-Typed)

If a partnership, all partners must sign or if only one partner signs, proof of partnership authority by other partners must be attached. See form of acknowledgment attached.

Dinning-Beard, Inc.

A CORPORATION

ATTEST:

Arvis Beard
Secretary

By Arvis Beard x
(Name-Typed) President

If a corporation, it must be signed by the President and attested by the Secretary. See acknowledgment attached.

APPROVED BY:

APPROVED AS TO FORM:

John Dekker
John Dekker, Director of Law

John D. Wynkoop
John D. Wynkoop, Director of Water and Water Pollution Control

Robert A. Lakin
Robert A. Lakin, Director of Planning

Mike Lindebak
Mike Lindebak, City Engineer

ATTEST:

Donald C. Gisick
Donald C. Gisick, City Clerk

AUTHORIZED BY:

Robert G. Knight
ROBERT G. KNIGHT Mayor

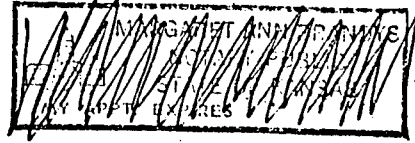
STATE OF KANSAS, SEDGWICK COUNTY, SS:

FILM 659 PAGE 967

BE IT REMEMBERED, that on this _____ day of _____, 19__ , personally appeared before me, a Notary Public in and for the County and State aforesaid, _____, husband and wife, to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution thereof.

Notary Public

My Appointment Expires: _____

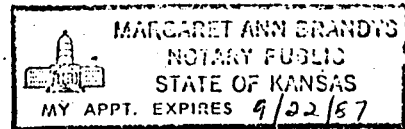


STATE OF KANSAS, SEDGWICK COUNTY, SS:

BE IT REMEMBERED, that on this 11 day of April, 19 84, personally appeared before me, a Notary Public in and for the County and State aforesaid, Dillis L. Hart, being the managing partner of H-C Properties, a partnership, to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution thereof.

Margaret Ann Brandys
Notary Public

My Appointment Expires: 9/22/87



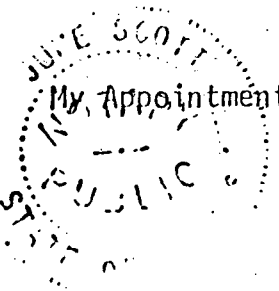
STATE OF KANSAS, SEDGWICK COUNTY, SS:

BE IT REMEMBERED, that on this 16th day of April, 1984, personally appeared before me, a Notary Public in and for the County and State aforesaid, Doris Beard, President of Dinning-Beard, Inc., and Doris Beard, Secretary of Dinning-Beard, Inc., to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of the same for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year above written.

Jane Scott
Notary Public

My Appointment Expires: January 17, 1985



SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 83-90 Name COBBLESTONE
 Date Application Rec'd. 10-14-83 Preliminary Approval 11-10-83
 Scheduled S/D Meeting 2-2-84

DESCRIPTION

General Location Northwest corner of 13th St. North and 127th St. East

Owner H-C Properties
 Surveyor/Engineer Mid-Kansas Engineering Consultants, P.A.
 Address 240 N. Rock Rd., Suite 130-Wichita Zip Code 67206 Phone 682-6561

- | | | | |
|--|---|--|---------------------------------|
| 1. Gross Acreage of Plat | <u>42.6</u> | 7. Lineal Feet of New Street | |
| 2. Number of Lots : | | a. <u> </u> R/W <u> </u> ft. | |
| Residential | <u>64</u> | b. <u> </u> R/W <u> </u> ft. | |
| Commercial | <u> </u> | c. <u> </u> R/W <u> </u> ft. | |
| Industrial | <u> </u> | d. <u> </u> R/W <u> </u> ft. | |
| Other | <u> </u> | e. <u> </u> R/W <u> </u> ft. | |
| Total Number of Lots | <u>64</u> | TOTAL | <u> </u> ft. |
| 3. Minimum Lot Frontage | <u>37 ft.</u> | 8. Sidewalk adjacent to all streets | <u> </u> yes <u>X</u> no |
| 4. Minimum Lot Area | <u>9500 sq. ft.</u> | | |
| 5. Existing Zoning | <u>R-1</u> | | |
| 6. Proposed Zoning | <u>AA (SCZ-0528)</u> | | |
| 9. Is public water available | <u>X</u> Yes <u> </u> No, Name <u>City of Wichita</u> | | |
| 10. Is sanitary sewer available | <u> </u> Yes <u> </u> No, Name <u> </u> | | |
| 11. Has Health Dept. approval been obtained (where applicable) | <u> </u> Yes <u> </u> No | | |
| 12. City of Wichita | <u> </u> 3-Mile Area <u>X</u> <u> </u> Outside of 3-Mile Area <u> </u> | | |

STAFF COMMENTS:

NOTE: The applicant's associated zone case (SCZ-0528) and associated conditional use case (CU-267) requesting cluster single-family development has been approved subject to replatting and payment of all taxes and special assessments and subject to the filing of covenants prohibiting mobile homes. This final plat is a portion of the preliminary plat reviewed on November 10, 1983.

- A. Approval of this replat shall be subject to the applicant completing the conditions of his associated zone case (SCZ-0528) and associated conditional use case (CU-267). It shall also be subject to approval of sanitary sewer service for all proposed development. The capacity of the Crestview sewer plant is limited. The applicant shall obtain from County Public Works written approval and conditions for sewer service to all proposed units.
- B. The applicant shall guarantee extension of sanitary sewer laterals to all lots not already served. This will require a petition as well as payment of the \$60,000 sewer plant expansion fee which became due when sewer lateral construction was first begun in this 80-acre tract. Additional fees may be required depending on final agreements and resolutions for sewer plant expansion.
- C. The representative of the County Engineer's office should be prepared to comment on the status of the applicant's drainage plan for this plat and on the acceptability of the proposed floodway and minimum building pads.
- D. The applicant shall make satisfactory arrangements with the Wichita Water Department for installation of any new water meters or relocation of existing meters made necessary by this replat. A new outside-the-City water service application will be required.

(Over)

- E. On the final plat tracing, the recording information for the Continental Pipeline Company easement shall be indicated. The applicant shall submit a copy of this easement agreement to the Planning Department so that adequacy of the easement and any necessary setbacks can be determined. Any lowering or encasement of the pipeline made necessary by development of this site shall be without cost to the County or City.
- F. On the final plat tracing, the utility easement at the northeast corner of Lot 1, Block 4 shall be more fully dimensioned. The K.G. and E. representative shall be prepared to comment on the need for a 10-foot utility easement between Lots 28 and 29, Block 1, as requested at the preliminary plat hearing.
- G. As the floodway in Block 4 is no longer designated as a "reserve," it shall be delineated as part of Lot 1 by showing a dashed line rather than a solid line along its westerly boundary.
- H. Since this property is a replat of a portion of Bridgewood Addition which included several reserve areas for which maintenance covenants were filed of record, the appropriate legal documents shall be submitted to the Planning Department for recording which subject this replat to those same maintenance covenants.
- I. Closure computations shall be submitted with the final plat tracing.
- J. Recording of the plat within 30 days after approval by the Board of City Commissioners.

S/D No. 83-90 Name Cobblestone
Date Application Rec'd. 10-14-83 Preliminary Approval _____
Scheduled S/D Meeting 10-27-83

DESCRIPTION

General Location NW corner of 13th St. North and 127th St. East

Owner H. C. Properties
Surveyor/Engineer Bill G. Yung Design
Address 8225 E. 35th North, Wichita, Ks. Zip Code 67226 Phone 683-5567

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>74.1 acres</u> | 7. Lineal Feet of New Street |
| 2. Number of Lots : | a. _____ R/W _____ ft. |
| Residential <u>97</u> | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>97</u> | TOTAL _____ ft. |
| 3. Minimum Lot Frontage at setback, <u>45 ft.</u> | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>8,700 sq. ft.</u> | streets _____ yes <input checked="" type="checkbox"/> no |
| 5. Existing Zoning <u>R-1</u> | |
| 6. Proposed Zoning <u>AA with conditional use and variances</u> | requested |
| 9. Is public water available <input checked="" type="checkbox"/> Yes _____ No, Name <u>City of Wichita</u> | |
| 10. Is sanitary sewer available <input checked="" type="checkbox"/> Yes _____ No, Name <u>Crestview Improvement Dist</u> | |
| 11. Has Health Dept. approval been obtained (where applicable) _____ Yes _____ No | |
| 12. City of Wichita _____ 3-Mile Area <input checked="" type="checkbox"/> Outside of 3-Mile Area _____ | |

STAFF COMMENTS:

NOTE: This property was platted several years ago as Crestview Country Club Estates-Bridgewood Addition. The streets were paved and sewer and water lines were installed but no homes have been built. This replat retains all existing improvements and reduces the lot sizes. Some side lot utility easements are being vacated because of the change in lot lines. A zone change from R-1 to AA has been requested as well as conditional use permits to allow some duplexes and some clustered single-family homes. Duplexes are proposed on Lots 1 and 2, 17 thru 21, Block 1; 2 and 3, Block 2; and 1 thru 9, Block 3. Clustered single family homes are proposed on Lots 1 and 4, Block 2; Lot 41, Block 3; and 1 thru 3, Block 5. An existing conditional use permit allows up to 75 multi-family units on Lot 1, Block 6. A variance has also been filed to reduce one side yard of Lots 22-29, Block 1 to zero feet and to reduce the minimum lot frontage (at the setback line) to forty feet.

- A. Approval of this replat shall be subject to approval of associated cases SCZ-0528 (R-1 to AA), CU-267 (cluster single-family), and COBZA 10-83 (variance of side yards and lot widths). It shall also be subject to approval of sanitary sewer service for all proposed development. The capacity of the Crestview sewer plant is limited. The applicant shall obtain from County Public Works written approval for sewer service to all proposed units.
- B. The applicant shall guarantee extension of sanitary sewer laterals to all lots not already served. This will require a petition as well as payment of the \$60,000 sewer plant expansion fee which became due when sewer lateral construction was first begun in this 80-acre tract. Additional fees may be required depending on final agreements and resolutions for sewer plant expansion.

- C. The applicant shall make satisfactory arrangements with the Wichita Water Department for installation of any new water meters or relocation of existing meters made necessary by this replat. The Water Department representative shall be prepared to state whether or not a new outside-the-City water service application will be required.
- D. New covenants will be required which provide for the ownership and maintenance of all Reserves. It is recommended that each of the three Reserve A's be designated with a different letter to avoid confusion in legal descriptions.
- E. The private drives within the cluster single-family areas should not be shown on the final plat as each serves only the lot on which it is located.
- F. The Utility Advisory Committee should be prepared to comment on the acceptability of the 10-foot utility easement west of Lot 2, Block 3. The applicant's agent shall be prepared to discuss where the utility easement ends and the drainage easement begins in the vicinity of Lot 11, Block 1.
- G. 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.
- H. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).