

THE CITY OF WICHITA



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

June 17, 1991

Leonard Marotte
221 S. Broadway #302
Wichita, KS 67202

Subject: Cedar Meadows Addition

Dear Mr. Marotte:

This letter is to confirm that paving, drainage, sanitary sewer, and water service has been installed to serve the above referenced addition. The improvements were constructed to urban standards and maintenance has been assumed by the City of Wichita.

Sincerely,

Michael E. Lindebak, P.E.
City Engineer

MEL:BM:cls

Shill

Agenda Item # _____

CITY OF WICHITA
CITY COUNCIL MEETING

May 7, 1991

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments -- Cedar Meadows Addition (south of 21st east of Tyler)

INITIATED BY: Department of Public Works *JK*

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: A portion of Cedar Meadows Addition (south of 21st and east of Tyler) has recently been platted and/or replatted.

Analysis: As a result of the recent platting activity, the developer of Cedar Meadows Addition has submitted an agreement to respread assessments on an equal share basis. Without the agreement, the respread will be made on a square foot basis.

Financial Considerations: There is no cost to the City.

Recommendations/Actions: It is recommended the City Council approve the Agreement and authorize the Mayor to sign.

BM:gnz

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

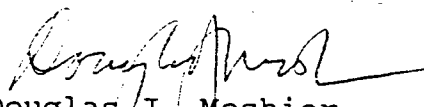
DATE: April 10, 1991

TO: Vicky Huang, Subdivision Engineer

FROM: Douglas J. Moshier, Senior Attorney

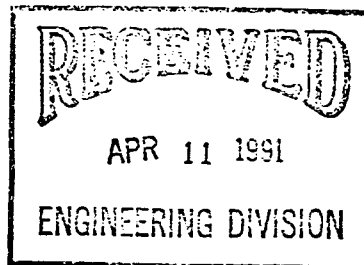
SUBJECT: Agreement for Respread
Assessments

The attached Agreement for respreading assessments in Cedar Meadows Addition is approved as to form.


Douglas J. Moshier
Senior Attorney

DJM:cdh

Attachment



AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS,
Party of the First Part

And

GREYSTONE CONSTRUCTION, INC.
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area south of 21st Street North and east of Tyler, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been platted and/or replatted; and

WHEREAS, Party of the Second Part desires that a reassessment be made to reflect the changes in platting; and

WHEREAS, the Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. Unplatted tract in the NW $\frac{1}{4}$ of Sec. 9, Twp. 27-S, R-1-W of the 6th P.M., described as follows: Beginning at the S.E. Corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 9; thence S 89°51'20" W, 1240 feet; thence N 00°08'40" W, 372.43 feet to a point on a curve to the right having a radius of 365.30 feet and a chord bearing S 89°35'39" W, 23.89 feet; thence along said curve, through a central angle of 03°44'54", 23.90 feet; thence N 01°28'06" E, 64.00 feet to a point on a curve to the left having a radius of 301.30 feet and a chord bearing N 77°29'25" E, 145.56 feet; thence along said curve, through a central angle of 27°57'21", 147.01 feet to the P.T. of said curve; thence N 63°30'45" E, 75.0 feet to a point in the south line of Lot 4, Westwind 3rd Addition; thence N 90°00'00" E, 287.44 feet; thence S 33°46'56" E, 79.58 feet; thence N 56°13'05" E, 120.00 feet; thence S 33°46'56" E, 235.71 feet; thence N 89°51'20" E, 235.71 feet; thence N 00°08'40" W, 16.00 feet; thence N 89°51'20" E, 137.13 feet; thence S 45°08'40" E, 102.32 feet; thence N 89°51'20" E, 49.24 feet to a point on the east line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 9; thence S 00°43'04" W, 247.68 feet to the point of beginning.

was part of the improvement district for the following City project(s):

Storm Water Drain #72

(Project No. 468-76-245-81701-000-000-001)

Said property was replatted as Cedar Meadows Addition

2. The Parties agree to make a reassessment for said project in the following manner:

Lots 1 through 40 inclusive, Cedar Meadows Addition, shall each pay 1/40 of the costs apportioned to the unplatted Tract described above.

3. The Party of the Second Part is the owner of the property described in section one above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A.

12-6a12(b) with respect to the reassessment herein described.

4. The Party of the Second Part further waives his right to appeal the special assessments for the above mentioned projects (including this described reassessment) and agrees that no suit to set aside said assessment shall be brought by him nor shall he in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in constructing this project and levying the special assessments therefore.

5. The Party of the Second Part further agrees that he will indemnify the party of the First Part against any and all costs, expenses, claims and judgments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the assessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the 28th day of MARCH, 1991.

THE CITY OF WICHITA, KANSAS

BY _____
Mayor
Party of the First Part

Approved as to form:

Thomas R. Bowley
Director of Law

Attest:

City Clerk

GREYSTONE CONSTRUCTION, INC.

BY: Randy J. Dean
Randy J. Dean, President
Party of the Second Part

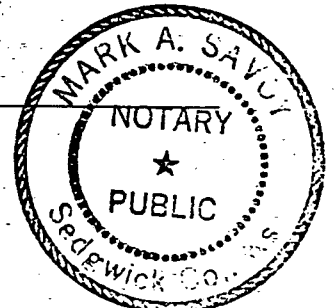
STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 28th day of MARCH, 1991, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Randy J. Dean, President of Greystone Construction, Inc., personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

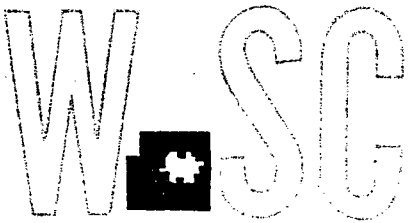
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

My Appointment Expires:
16 May 1992

Mark A. Savoy
Notary Public
Mark A. Savoy



WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

August 13, 1990

Baughman Company
315 Ellis
Wichita, KS 67211

Re: S/D 90-48 - (Final Plat) Cedar Meadows Addition

Dear Bill:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, August 9, 1990, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. Approval of this plat shall be subject to approval of the associated zoning (Z-3002) and the CUP (DP-165, Amendment #1) and any conditions of these approvals.
- B. The applicant shall resubmit those guarantees or petitions originally required by the Westwind 4th Addition plat. If projects are to be abandoned as a result of this replat, the applicant shall pay off the charges against the abandoned projects. Specifically, guarantees need to be resubmitted for: sanitary sewer, municipal water, drainage and paving of interior streets, including the extension of sidewalk from Tyler Road to the west line of Lot 40 along the north side of Westlawn Circle.
- C. As is indicated by the associated zone change and CUP amendment, the applicant shall guarantee construction of an accel/decel lane for Tyler Road, adjacent to Lots 1 and 2. This guarantee shall also provide for the removal of existing sidewalk and reconstruction of this sidewalk as made necessary by the provision of the accel/decel lane and replat. The applicant should attempt to involve the apartment development planned for Lot 38 of the Westwind 4th Addition to participate in the decel lane guarantee. This decel lane guarantee (petition) will be held until conditions warrant this improvement.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- E. As is typically required when a plat establishes reserves, a covenant is to be provided concerning the ownership and maintenance of reserves and the establishment of a lot or home owners association. Approval of the zoning case and CUP amendment have also established certain requirements concerning reserves and a lot owner's or homeowner's responsibilities. Further, this plat's boundary, along lots 30 through 40 does not correspond to the parcel boundary of the CUP. As depicted on the CUP, this plat would appear to have been intended to share in the use of an open space-landscape-floodway type area. However, this final plat appears to be excluded from this area. With these comments in mind, the following conditions shall be provided for in the covenants required with this plat:

A covenant shall be provided that notes, as indicated on the plat, that ownership and maintenance of reserves A, B, C & D and the maintenance of a wall along the east line of Lots 1 and 2 is tied to the owners of Lot 1 and 2. Further, the covenant shall clearly indicate that the provision of landscaping along Tyler will be to the curb line, with the respective lots responsible for maintenance. The applicant is readvised that a minor street permit will need to be obtained from City Public Works to allow for irrigation and other landscaping improvements being provided with Tyler's right-of-way.

This covenant shall also note that only single-story, hipped or gabled roof structures similar in appearance and compatible with the existing residences in the area shall be constructed for the office development planned on Lots 1 and 2.

The applicant shall either provide a copy of an existing, recorded covenant, indicating that this plat's homeowners can share in the use of the open space area along the plat's north line or a covenant shall be provided allowing for such use.

- F. On the final plat, as indicated in the CUP for 64-foot street rights-of-way, 25-foot building setbacks shall be indicated as the front yard setback for all residential lots.
- G. On the face of the plat and in the plattor's text, it shall be indicated if the minimum building pad elevations refer to the minimum floor or opening level.
- H. On the final plat tracing, the following revisions shall be made to the plattor's text:

Line 3 shall be revised to indicate "platted into Lots, Reserves and streets. . ."

The reference to the Westlawn Court Cul-De-Sac being dedicated, noted in the lower section of the text should accordingly be deleted and replaced with the standard reference of "The streets are hereby dedicated to and for the use of the public."

On line five, the word reserved has been repeated and needs to be corrected.

Reserve D shall also be indicated as intended for "the preservation of the existing row of trees."

In regard to the location of openings being allowed in the areas of access control it shall be indicated that the City Engineer is to approve the location of any such openings.

- I. As requested by KG&E, the final plat tracing shall indicate a 10-foot utility easement along Lot 37 and 38's common lot line and between Reserve B & C's and Lots 1 and 2's common lot lines.
- J. As indicated by this site's drainage plan, off-site drainage easements shall be provided for this plat. These easements shall be provided to Engineering for approval and to Planning for recording with the plat's approval.
- K. 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.
- L. 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.
- M. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- O. Recording of the plat within 30 days after approval by the City Council.

S/D 90-48 Cedar Meadows Addition

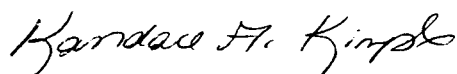
Page 4

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. The certificate will be required if petitions are submitted. Forms for the bond and irrevocable Letter of Credit are available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, August 16, 1990 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,



Kandace A. Kimple
Associate Planner

KK:sg

Enclosure

cc: Richard E. Huffman, Vice President
Greystone, Inc.
155 N. Market
Wichita, KS 67202

Mike Lindebak, City Engineer

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 3

August 9, 1990

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 90-48 - CEDAR MEADOWS ADDITION

OWNER/APPLICANT: Richard E. Huffman, V.P., Greystone, Inc., 155 N. Market, Wichita, KS 67202

SURVEYOR/ENGINEER: Baughman Company

LOCATION: In an area south of 21st Street and east of Tyler Road

SITE SIZE: 9.5 Acres

NUMBER OF LOTS

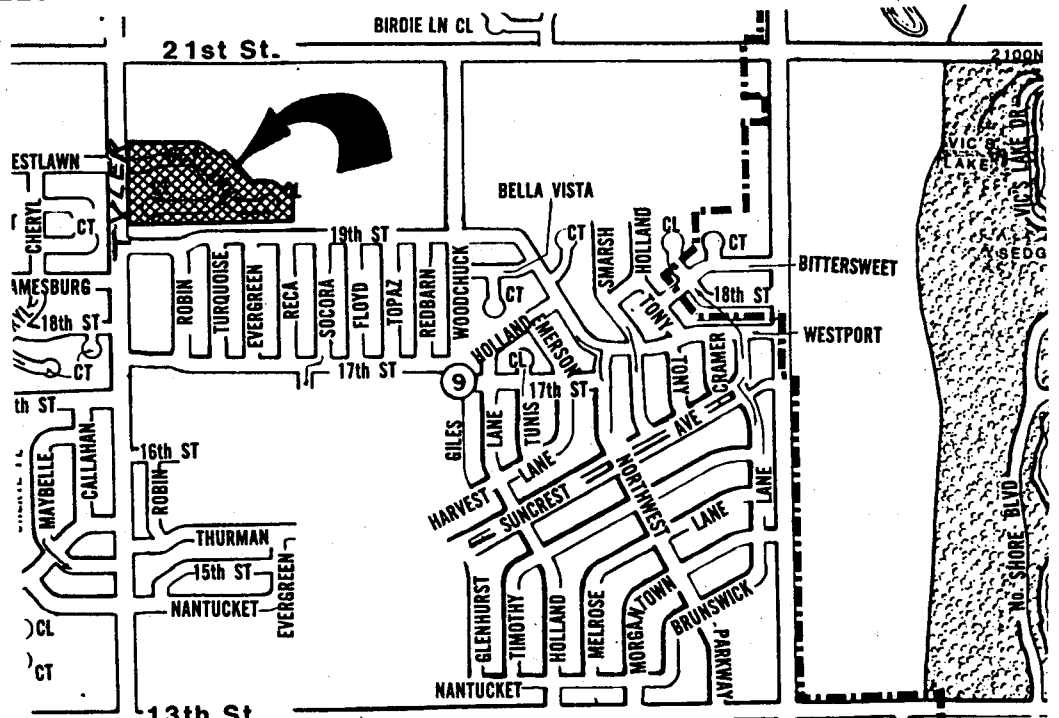
Residential:	38
Office:	2
Commercial:	
Industrial:	
Total:	40

MINIMUM LOT AREA: 7,200 sq. ft.

CURRENT ZONING: "AA" One Family Dwelling

PROPOSED ZONING: "AA" One Family Dwelling & "BB" Office District

VICINITY MAP:



STAFF COMMENTS:

NOTE: Although this plat exceeds the limitations for a final form only plat, it has been accepted as such since it is a replat of an existing addition, which largely only changes in lot numbers or configurations. This change in lots basically is a result of the establishment of Lots 1 and 2 on this plat for "BB" office district development rather than the single family lots originally platted for this site. A zone change (Z-3002) to "BB" zoning was heard by the MAPC July 19, 1990 and is going to the City Council August 14, 1990. Also, all of this site was originally within CUP, DP-165 or the Westwind II Residential CUP. This CUP is also now being amended (DP-165, Amendment #1) to exclude out these two non-residential lots. This amendment was also heard by the MAPC July 9, 1990 and is scheduled for City Council review August 14, 1990. To obtain the zone change and approval of the CUP, platting of this site is required by July 19, 1991.

- A. Approval of this plat shall be subject to approval of the associated zoning (Z-3002) and the CUP (DP-165, Amendment #1) and any conditions of these approvals.
- B. The applicant shall resubmit those guarantees or petitions originally required by the Westwind 4th Addition plat. If projects are to be abandoned as a result of this replat, the applicant shall pay off the charges against the abandoned projects. Specifically, guarantees need to be resubmitted for; sanitary sewer, municipal water, drainage and paving of interior streets, including the extension of sidewalk from Tyler Road to the west line of Lot 40 along the north side of Westlawn Circle.
- C. As is indicated by the associated zone change and CUP amendment, the applicant shall guarantee construction of an accel/decel lane for Tyler Road, adjacent to Lots 1 and 2. This guarantee shall also provide for the removal of existing sidewalk and reconstruction of this sidewalk as made necessary by the provision of the accel/decel lane and replat.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. As is typically required when a plat establishes reserves, a covenant is to be provided concerning the ownership and maintenance of reserves and the establishment of a lot or home owners association. Approval of the zoning case and CUP amendment have also established certain requirements concerning reserves and the homeowner's responsibilities. Further, this plat's boundary, along lots 30 through 40 does not correspond to the parcel boundary of the CUP. As depicted on the CUP, this plat would appear to have been intended to share in the use of an openspace-landscape-floodway type area. However, this final plat

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This covenant shall also note that only single-story, hipped roof structures similar in appearance and compatible with the existing residences in the area shall be constructed for the office development planned on Lots 1 and 2.

If not already provided for by an existing covenant, a covenant shall be submitted which indicates when a homeowner's association is to be formed for the residential portion of this site. This or another covenant also needs to indicate that the homeowners association will be responsible for the maintenance of a wall to be built along the west line of Lots 3, 12, 13 and 14. Installation of this wall shall be indicated as the responsibility of this site's owner or until such time as the homeowners's association is formed.

The applicant shall either provide a copy of an existing, recorded covenant, indicating that this plat's homeowner's association can share in the use of the open space area along the plat's north line or a covenant shall be provided allowing for such use.

- F. On the final plat, as indicated in the CUP for 64-foot street rights-of-way, 25-foot building setbacks shall be indicated as the front yard setback for all residential lots.
- G. On the face of the plat and in the plattor's text, it shall be indicated if the minimum building pad elevations refer to the minimum floor or opening level.
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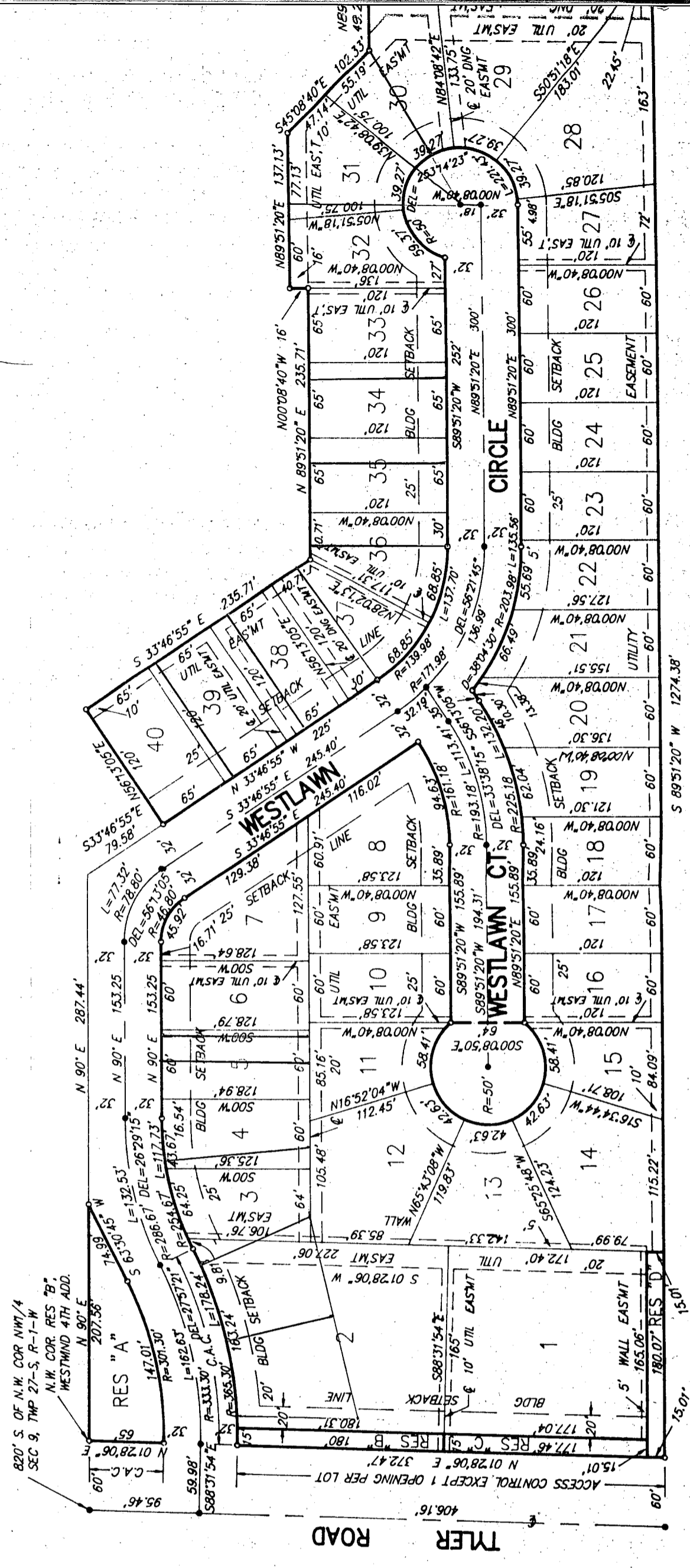
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- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- M. Recording of the plat within 30 days after approval by the City Council.
- N. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- O. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, is the minimum building pad correct, and are any drainage guarantees required with the platting of this property?

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

WICHITA, SEDGWICK COUNTY, KANS.



820' S. OF N.W. COR NW1/4
SEC 9, TWP 27-S, R-1-W
N.W. COR RES "B"
WESTMIND 4TH ADD.

RES "A"
L=147.01'
R=301.30'

L=132.53'
R=288.67'
DEL=26.2915°

L=128.79'
R=254.67'
DEL=43.6716.54°

L=128.64'
R=128.64'
DEL=71.91°

L=77.32'
R=78.80°

L=235.71'
R=65°

L=245.40'
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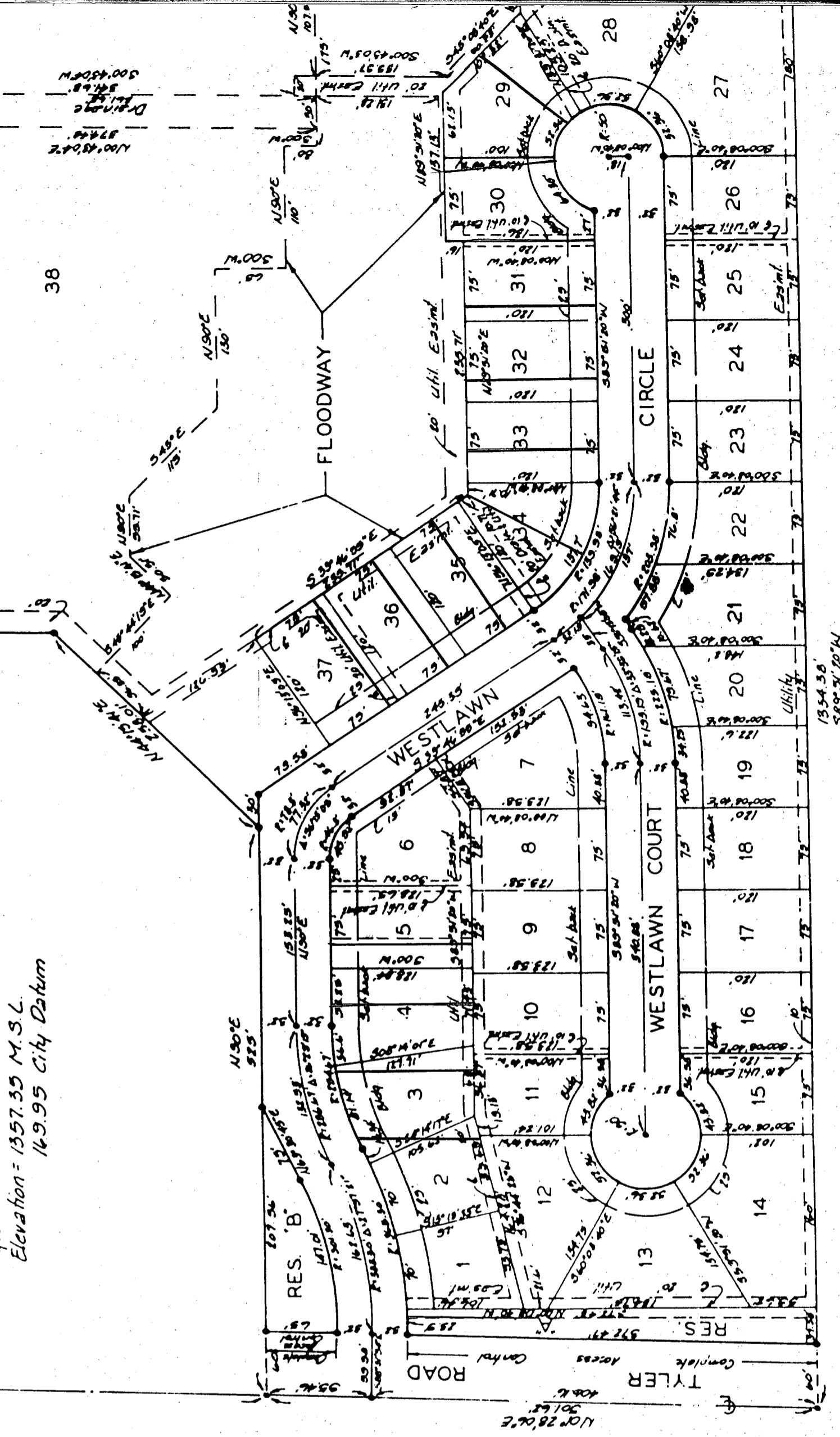
L=245.40'
R=65°

L=245.40'
R=65°

L=245.40'
R=65°

Elevation = 1357.35 M.S.L.
149.95 City Datum

38



State of Kansas } S.S. The foregoing instrument known
Sedgewick County } 16th day of September 198

1354.58
589°31'20"W