

CU-133 - Victor B. Eisenring req.
Cond. Use to permit sand & gravel
operation on N side of 21st N in
area 1/4 mi. east of Hoover Road

ACTION

DATE

COMMITTEE

7-22-71

M.A.P.C.

Approved

8-4-71

~~B.C.C./B. CO. C.~~ Approved

closed 12-3-71

See CU 258

POSTED

6-29-71

CT

ACTION

DATE

COMMITTEE

M.A.P.C.

Approve 7-22-71

BCC/B. CO. C.

Approve 8-4-71

Closed 12-3-71

See CU 258

CU-133 - Victor B. Eisenring reg.
Cond. Use to permit sand & gravel
operation on N side of 21st N in
area 1/4 mi. east of Hoover Road

5150
 Map No. C-1-C DATA SHEET
 Sec. 2
 Twp. 27 S (ZONING & CONDITIONAL USE)
 Range 1 W
 Filed 6-25-71

APPLICATION DATA: From _____ to _____
 1. Applicant: Victor B. Eisenring, et. al.
 Address 6600 West 21st Street 67212 Phone 943-4372
 2. Agent: Don Bottenberg
 Address 519 First National Bank Bldg. 67202 Phone 264-5031
 3. General Location: On the north side of 21st Street North in an area
1/4 mile east of Hoover Road Address _____
 4. Proposed Use: Sand and gravel excavation

AREA DATA:
 1. Acres: 80.0 (1320 ft. by 2640 ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
 3. Land Use: East OIL STORAGE SAND PIT South OIL STORAGE & OIL WELLS
 West SINGLE FAM & AUTO GARAGE North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: OIL WELL & STORAGE
 6. Area (is) (is not) platted.

PROCEDURE DATA:
 1. Zoning Committee _____ by _____
 2. MAPC Meeting:

Date	Action
<u>7-22-71</u>	<u>Approve</u>

3. Governing Body ~~City of Coffeyville~~ - Bd. County Commissioners)

Date	Action	Resolution
<u>8-4-71</u>	<u>Approve</u>	
		<u>Resolution Pub. 13-3-71</u>

NOTES: 8/23/82
 Mailed copy of covenants, revised development plan + copies of construction specifications and maintenance specifications for loop levee to Charles Marker, County Dept. of Public Works.
 bbb

See CU 258

5750
 Map No. C-1-C
 Sec. 2
 Twp. 27 S
 Range 1 W

DATA SHEET
 (ZONING & CONDITIONAL USE)

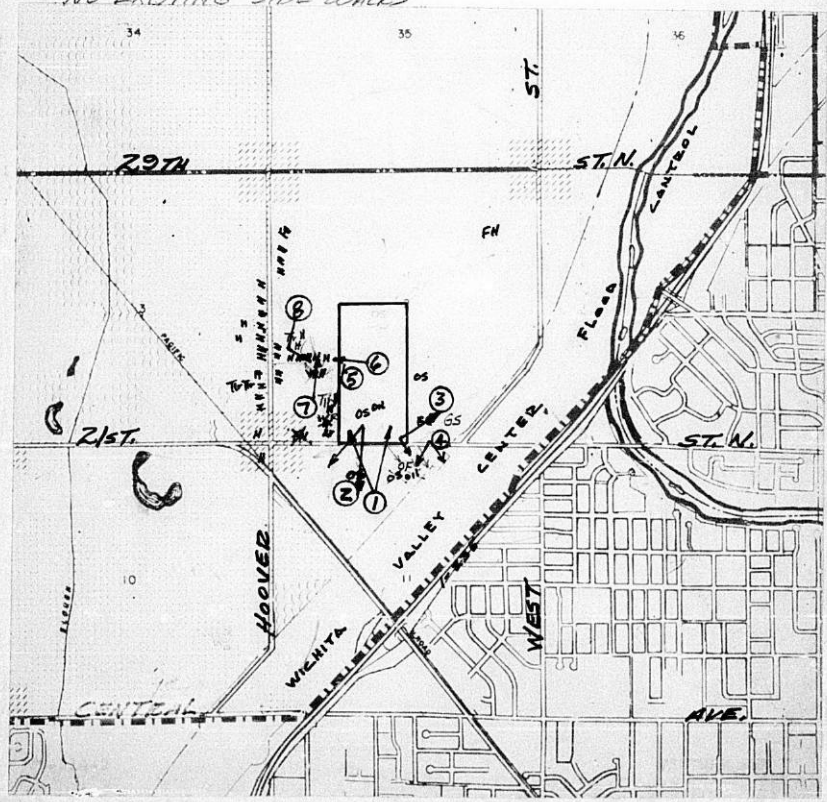
7-22-71
 X2-
 X02-
 CU- 133
 Filed 6-25-71

APPLICATION DATA: From _____ to _____
 1. Applicant: Victor B. Eisenring, et. al.
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 West SINGLE FARM & AUTO GARAGE North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: OIL WELL & STORAGE
 6. Area (is) (is not) platted.

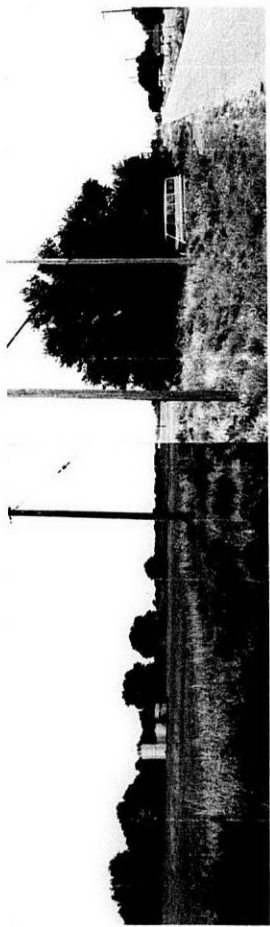
PHOTO DATA:
 Taken by F Date 7-15-71 Time 11:45

NO EXISTING SIDE WALKS





1.



2.



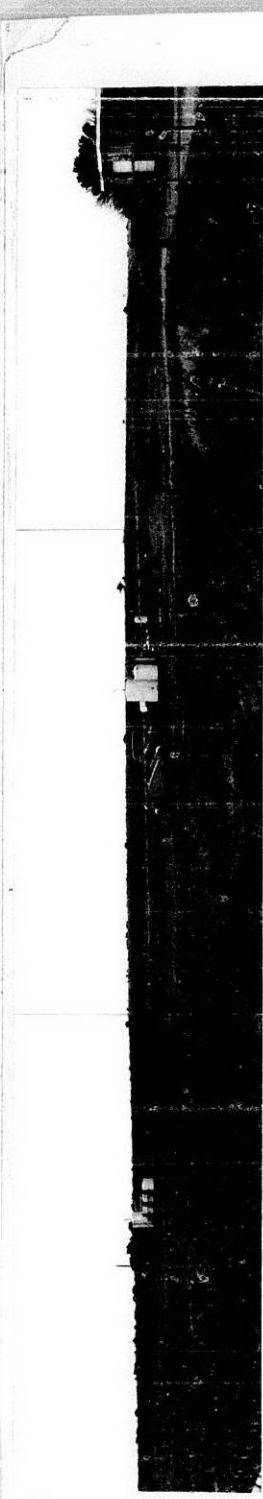
3.



4.



3.



4.



6.



5.



7.



8.

Map No. C
Sec. 27
Twp. 27
Range

APPLICATION

1. Applicant Address
2. Agent Address
3. General 1/2
4. Proposed

AREA DATA:

1. Acres:
2. Adjoining
3. Land use

PHOTO DATA:

1. Sketch
2. Present
3. Area (

Taken by

No. EX



For Clerk's Use Only

In The Eighteenth Judicial District
District Court, Sedgwick County, Kansas

SUBPOENA

The State of Kansas
Sedgwick County

} etc

Case No. 81 C 207

THE STATE OF KANSAS JACK GALBRAITH
City Planning
City Building
Central and Main
Wichita, Kansas

2:00 what time call
4:00 one called
JAG

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No.____, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 30th day of June, 1982, at 9:00 o'clock A. M., of that day, then and there to testify on behalf of the plaintiff in a certain controversy now pending and undetermined in said court, wherein Victor B. Eisenring is plaintiff and Foundation, Inc. defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 28 day of June, A. D. 1982.

(SEAL)



DOROTHY I. VAN ARSDALE
Clerk

Donald E. Lambdin
Atty. for

Dorothy I. Van Arsdale
Deputy Clerk.

SHERIFF'S (MARSHAL'S) RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

_____, 19____
_____, 19____
_____, 19____
_____, 19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

_____, 19____
_____, 19____
_____, 19____

The following persons not found in Sedgwick County:

_____, 19____
_____, 19____

PLAINTIFF'S ATTORNEY (Name and Address):
DONALD E. LAMB DIN
LAMB DIN & KLUGE, Chartered
830 N. Main; P.O. Box 454
Wichita, Kansas 67201

Sheriff (Marshal)

DEPUTY

265 3285

In The Eighteenth Judicial District
District Court, Sedgwick County, Kansas

SUBPOENA

The State of Kansas
Sedgwick County

} etc

Case No. 81 C 207

THE STATE OF KANSAS TO: Jack Galbraith
City Planning, City Building
Central and Main Street
Wichita, Kansas

Two (\$10.00 witness fee attached)
Two (\$ 2.00 witness fee attached)
Two were called

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 2., 9th of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the floor 22nd day of February, 1983, at 9:30 o'clock AM., of that day, then and there to testify on behalf of the Defendant in a certain controversy now pending and undetermined in said court, wherein Foundation, Inc. is plaintiff and Victor B. Eisenring defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, Kansas, this 22nd day of February, A. D. 1983.



DOROTHY I. VAN ARSDALE
Clerk

SIGNED BY DONALD E. LAMBDIN

DONALD E. LAMBDIN

Atty. for Victor B. Eisenring
DEFENDANT

Theresa E. Gutierrez
Deputy Clerk.

SHERIFF'S (MARSHAL'S) RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____

The following persons not found in Sedgwick County:

_____	19____	_____	19____
_____	19____	_____	19____

PLAINTIFF'S ATTORNEY (Name and Address)

Donald E. Lambdin
LAMB DIN & KLUGE, Chartered
830 North Main, P.O. Box 454
Wichita, Kansas 67201

_____ Sheriff (Marshal)

_____ DEPUTY

In The Eighteenth Judicial District
District Court, Sedgwick County, Kansas

SUBPOENA

The State of Kansas
Sedgwick County

} stc

Case No. 81 C 207

THE STATE OF KANSAS TO: Jack Galbraith
City Planning, City Building
Central and Main Street
Wichita, Kansas

(\$10.00 witness fee attached)

(\$ 2.00 witness fee attached)

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 7, 9th of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the floor 22nd day of February, 1983, at 9:30 o'clock AM. of that day, then and there to testify on behalf of the Defendant in a certain controversy now pending and undetermined in said court, wherein Foundation, Inc. is plaintiff and Victor B. Eisenring defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, ~~the 22nd~~ day of February, A. D. 1983.



DOROTHY I. VAN ARSDALE
Clerk

SIGNED BY DONALD E. LAMBDIN
DONALD E. LAMBDIN

Atty. for Victor B. Eisenring
DEFENDANT

Maria E. Gutierrez
Deputy Clerk

SHERIFF'S (MARSHAL'S) RETURN

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Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

_____, 19____
_____, 19____
_____, 19____

The following persons not found in Sedgwick County:

_____, 19____
_____, 19____

PLAINTIFF'S ATTORNEY (Name and Address):

Donald E. Lambdin
LAMB DIN & KLUGE, Chartered
830 North Main, P.O. Box 454
Wichita, Kansas 67201

Sheriff (Marshal)

DEPUTY

IMPORTANT MESSAGE

FOR Jack

DATE _____ TIME 1:20 A.M.
P.M.

WHILE YOU WERE AWAY

OF Geo Sel

PHONE No. 722-7471

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

MESSAGE

Set up an appointment
some time this week
for Sel -

met with him and Cass

SIGNED hr on 10-1-82. Felt we
could not administratively adjust
operation line from lake to Selb's line

because of the distance between
Eisnering and themselves.

WICHITA-SEDGWICK COUNTY

DATE
November 10, 1982

METROPOLITAN AREA PLANNING DEPARTMENT

TO Ron Worley, County Zoning Administrator
FROM Jack H. Galbraith, Chief Planner
SUBJECT CU-258 - Conditional Use Permit to Establish a
Sand and Gravel Extraction Operation.

At last Thursday's Planning Commission Meeting, during the discussion of CU-258, the Conditional Use request for a sand pit, a number of questions were raised concerning possible violations of a previous case. Enclosed is a xerox copy of the Resolution for CU-133, which is the one currently applying to subject property. Also, enclosed is a xerox copy of the restrictive covenant satisfying conditions 4 and 10 of the resolution. I have not enclosed copies of the pertinent maps believing that you already have them in your files. If not, please let me know and I will xerox those as well.

Specifically, the question raised at the Planning Commission meeting was whether or not this resolution has been declared null and void (Condition 16). I know you have cited them for certain violations; one of which I believe has been excavating a substantial distance beyond the 200 foot line along the east property line. Other questions raised were: was the fence constructed (Condition 5); had the loop levee been constructed; had any of the other conditions of approval been violated; and has this case been declared null and void.

You advised that you would send me a copy of your letter to them citing the violations. Specifically, the question being raised by the Planning Commission is that, if violations are existing, doesn't that make the case null and void as Condition 16 states; and if that is the case why has not all the work stopped until they have filed a new application and it has been approved.

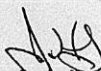
The storage of the barrels and the storage of the asphalt and concrete may not be a violation of the Conditional Use case, but they are certainly a violation of zoning and probably have to be dealt with separately.

I realize these apparent violations occurred long before your employment with the County and that it takes time to sort out violations that may have been existing. You may want to seek advice from the County Counselor as to what action, if any,

Page Two
Ron Worley
November 10, 1982

you should take to declare the case null and void. We are writing Bill Rustin on another issue pertaining to this case and that is whether or not we have a valid application since only an equitable owner signed the application.

As this latest case was deferred to December 30, 1982, perhaps we can have some answers to these questions by that time. Would be happy to discuss this matter with you or review any materials we have in the files. Appreciate your help on this.


Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

() Published in The Wichita Beacon on Nov 3, 1971

RESOLUTION

CASE NO. CU-133

A RESOLUTION PERMITTING A SAND EXTRACTION OPERATION ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, OR THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.10.f. AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 4.10.f. and Section 11.E of the Zoning Resolution, as amended, a Conditional Use Permit to allow a sand extraction operation is hereby approved on the lands legally described as follows:

The East half of the Southwest quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M. in Sedgwick County, Kansas. Generally located on the north side of 21st Street North in an area 1/4 mile east of Hoover Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant submitting revised copies of the sketch plan for redevelopment, taking into consideration a north-south collector and making provisions for the extension of the street from the west and providing for a street extension to the east.
2. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the north half of 21st Street North as indicated on the operational plan.
3. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
4. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.

5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
6. The earth shall be excavated to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
7. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
8. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
9. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the grading of the area around the perimeter the sandpit lake be maintained so as to direct drainage toward the lake.
 - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
11. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
12. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

13. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
15. The applicant shall comply with Conditions 2, 3 and 10 prior to the publication of the resolution effectuating the conditional use.
16. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this
27th day of August, 1991.

Elmer H. [Signature], Chairman

[Signature], Commissioner

Carl E. [Signature], Commissioner

ATTEST:

[Signature]
 County Clerk
 (SEAL) by [Signature]



FILED IN RECORD 21
NOV 10 1971
24182
MR. JOHN HALL
MAYOR OF WICHITA

*Paul Sillert
Deputy*

Bill Hays

RESTRICTIVE COVENANTS

Original Compared
with Record

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, VICTOR B. EISENRING, does hereby impose upon the following described real property, to-wit:

The East Half (E/2) of the Southwest Quarter (SW/4) of Section 2, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas,

covenants to run with the land as follows:

1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

4 =
City Clerk

The covenants herein contained shall be binding upon the under-
signed, his successors in interest and assigns. The said covenants
may be enforced in any appropriate action in any Court having juris-
diction thereof by the City of Wichita, the County of Sedgwick or
any member of the public in whose favor and for whose benefit these
covenants are made.


IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of
October 1971.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 25th day of *October* 1971,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came VICTOR B. EISENRING, personally known to
me to be the identical person who executed the within and foregoing
instrument and acknowledged to me that he executed the same as his
free and voluntary act and deed for the uses and purposes therein set
forth.

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

Joseph W. Stanberry
Notary Public
Joseph W. Stanberry


My commission expires: *June 6, 1972*

The above instrument appeared on its form
this *John Walker*

WICHITA-SEDGWICK COUNTY

*Approved 11/2/71
by County Commission*

DATE
November 2, 1971

METROPOLITAN AREA PLANNING DEPARTMENT

TO Ralph C. Eberly, City Clerk
FROM Jack H. Galbraith, Chief Planner *JHG*
SUBJECT CU-133 - County Conditional Use case, restrictive covenants *for your files*

Attached herewith is the executed copy of restrictive covenants which were required as a condition of approval on the above captioned county case. Your office should file said covenants with the Register of Deeds and the filing costs are to be billed to the Metropolitan Area Planning Department.

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

JHG:CLN:ls
Attachment
cc M. S. Mitchell, Asst. Supt. of Maintenance, Flood Control



STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD
NOV 10 1971
24192
JOHN HALE
CLERK OF DISTRICT

*Beard Gilbert
Deputy*

RESTRICTIVE COVENANTS

Bill Hape
Original Compared
with Record

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, VICTOR B. EISENRING, does hereby impose upon the following described real property, to-wit:

The East Half (E/2) of the Southwest Quarter (SW/4) of Section 2, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas,

covenants to run with the land as follows:

1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

*4 =
City Clerk
Room 104 City Bldg*

MISC BODY 701 PAGE 517

The covenants herein contained shall be binding upon the under-
signed, his successors in interest and assigns. The said covenants
may be enforced in any appropriate action in any Court having juris-
diction thereof by the City of Wichita, the County of Sedgwick or
any member of the public in whose favor and for whose benefit these
covenants are made.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of
October 1971.

Victor B. Eisenring
Victor B. Eisenring

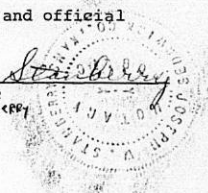
STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 25th day of October 1971,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came VICTOR B. EISENRING, personally known to
me to be the identical person who executed the within and foregoing
instrument and acknowledged to me that he executed the same as his
free and voluntary act and deed for the uses and purposes therein set
forth.

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

Joseph W. Starbuck
Notary Public
Joseph W. Starbuck

My commission expires: June 6, 1972



The above instrument appeared on to form

this
John Walker

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: That

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1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenants herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenants may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit these covenants are made.

IN WITNESS WHEREOF, I have hereunto set my hand this day of
1971.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this *25th* day of *October* 1971, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came VICTOR B. EISENRING, personally known to me to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

Joseph W. Strawberry
Notary Public

My commission expires: *June 6, 1972*

The above instrument approved as to form
this
John Miller

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Victor B. Eisenring, a single man

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The South 50 feet of the E 1/2 of the SW 1/4 of Section 2, Township 27 South, Range 1 West of the 6th P. M. Sedgwick County, Kansas

do hereby dedicate the above described real estate to the public for Road purposes.

Executed this 25th day of October 19 71.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
SEDGWICK COUNTY)^{ss}

BE IT REMEMBERED, that on this 25th day of October, 1971
came Victor B. Eisenring, a single man

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

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,
this _____,

City Clerk

Joseph W. Standberry
Notary Public

My Commission Expires: June 6, 1972

November 2, 1971

Ralph C. Eberly, City Clerk

Jack H. Galbraith, Chief Planner

CU-133 - County Conditional Use case, restrictive covenants

Attached herewith is the executed copy of restrictive covenants which were required as a condition of approval on the above captioned county case. Your office should file said covenants with the Register of Deeds and the filing costs are to be billed to the Metropolitan Area Planning Department.

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

JHG:CLN:ls

Attachment

cc M. S. Mitchell, Asst. Supt. of Maintenance, Flood Control

Covenants

*Book 701
Page 517*

Recorded Nov. 10, 1971

*Book 1540
Page 387
Recorded Nov. 16, 1971*

Dedication (D-0485)

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, VICTOR B. EISENRING, does hereby impose upon the following described real property, to-wit:

The East Half (E/2) of the Southwest Quarter (SW/4)
of Section 2, Township 27 South, Range 1 West of
the Sixth Principal Meridian, Sedgwick County, Kansas,

covenants to run with the land as follows:

1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenants herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenants may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit these covenants are made.

IN WITNESS WHEREOF, I have hereunto set my hand this day of
1971.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this *25th* day of *October* 1971, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came VICTOR B. EISENRING, personally known to me to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

Joseph W. Strawberry
Notary Public

My commission expires: *June 6, 1972*

The above instrument appeared as to form
this *John Miller*

D E D I C A T I O N

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Victor B. Eisenring, a single man

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The South 50 feet of the E 1/2 of the SW 1/4 of Section 2, Township 27 South, Range 1 West of the 6th P. M. Sedgwick County, Kansas

do hereby dedicate the above described real estate to the public for _____ Road _____ purposes.

Executed this 25th day of October 19 71.

Victor B. Eisenring
Victor B. Eisenring

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 25th day of October, 1971 came Victor B. Eisenring, a single man

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

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____,

City Clerk

Joseph W. Seandberg
Notary Public

My Commission Expires: June 6, 1972

A	TOTAL AREA	14,445,200	SQ. FT.
B	APPLICATION AREA	3,445,200	"
C	STREET R/W	244,700	"
D	NET AREA	10,755,300	"
E	20% OF NET AREA	2,151,060	"
F	NET PROTEST AREA	492,150	"
G	TOTAL % PROTESTING	4.58	%

Z-CU-133

THE CITY OF WICHITA

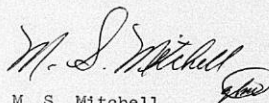
OFFICE OF Ass't. Supt. of Public Works **DATE** Oct. 15, 1971
Maintenance

TO Curtis Newby, Planning Analyst

FROM M. S. Mitchell

SUBJECT - CU-133

Attached is the original of a revised Covenant providing for a loop levee construction and maintenance. The Department of Law has approved the Covenant as to form and we approve it as to content. We also attach a copy of construction specifications 1 through 4 and maintenance specifications 1 and 2 which are incorporated in the Covenant.



M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.
Sand Pit correspondence file
CU-133, Eisenring File

Attach. - 2

RESTRICTIVE COVENANTS

*Revised
approved
copy*

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, VICTOR B. EISENRING, does hereby impose upon the following described real property, to-wit:

The East Half (E/2) of the Southwest Quarter (SW/4) of Section 2, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas,

covenants to run with the land as follows:

1. Any sand pit created upon the above described real property shall have a loop levee constructed and maintained around its entire perimeter; such levee shall be constructed in accordance with Construction Specifications, Sections 1 through 4, inclusive, and Maintenance Specifications, Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas. Such specifications are incorporated herein by this reference as fully as though set out at length herein.

To secure and guarantee the above obligation, the undersigned hereby subjects and encumbers said property with the covenant and obligation to construct and maintain said loop levee as above described as a covenant running with and burdening the land and, in event of the failure by the undersigned or any of his successors in title within sixty (60) days after receipt of written notice from the County or City to fulfill the obligation above set forth, then and in such event the Board of Commissioners of Sedgwick County or the Governing Body of the City of Wichita may order such work done and thereafter maintain and charge the entire cost of such construction and maintenance as a first lien against said land to be collected and foreclosed in the same manner as a mortgage is foreclosed.

2. No foreign matter, including but without limitation to, rubbish, trees, car bodies or other trash shall be deposited on the above described real property or within any sand pit excavated thereon.

The covenants herein contained shall be binding upon the undersigned, his successors in interest and assigns. The said covenants may be enforced in any appropriate action in any Court having jurisdiction thereof by the City of Wichita, the County of Sedgwick or any member of the public in whose favor and for whose benefit these covenants are made.

IN WITNESS WHEREOF, I have hereunto set my hand this day of
1971.

Victor B. Eisenring

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this day of 1971,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came VICTOR B. EISENRING, personally known to
me to be the identical person who executed the within and foregoing
instrument and acknowledged to me that he executed the same as his
free and voluntary act and deed for the uses and purposes therein set
forth.

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

Notary Public

My commission expires:

The above certification appeared on to form
this *John Miller*

CONSTRUCTION SPECIFICATIONS

SECTION I - CLEARING AND GRUBBING

1-01. ORDER OF WORK:

All clearing and grubbing as specified below will be done in advance of sub-grade preparation and levee embankment.

1-02. CLEARING: Operations shall consist of removal and disposal of trees, fallen timber, brush, logs, bushes, vines, stumps, drift wood, fences, heavy growth of crops, weeds and grass and other obstructions existing above ground level. Clearing will be done on the area beneath the levee embankment together with strips 10 feet wide beyond the embankment toe.

1-03. GRUBBING: Operations shall consist of thoroughly cleaning the area outlined in sub-paragraph 1-02 of all stumps, roots, buried logs and other matter which would be objectionable in the foundation of the levee.

SECTION II - EXCAVATION

An inspection trench 4 feet deep and 4 feet wide shall be excavated along the approximate center of the levee base.

SECTION III - EMBANKMENT

3-01. EMBANKMENT FOUNDATION PREPARATION: After clearing and grubbing of the embankment foundation and the excavation of the inspection trench has been completed, and immediately prior to the placement of embankment material, the entire earth surface on or against which fill is to be placed shall be thoroughly broken to a depth of six inches and the area to be occupied by the levee proper shall be compacted in accordance with the provisions of sub-paragraph 3-03. If for any cause this broken surface becomes compacted in such a manner that a plane of seepage or weakness might be induced, it shall again be thoroughly broken before the depositing of material thereon.

a. Drainage - The foundation receiving fill and the inspection ditch hereinbefore specified, and all partially completed fill shall be kept thoroughly drained.

b. Frozen Ground - No fill shall be placed upon frozen ground.

3-02. EMBANKMENT MATERIALS: The levee embankment shall be constructed of the most nearly impervious materials available from the construction site. Under no circumstances shall frozen earth, snow, or ice be placed in the levee. Embankment materials should be as homogeneous as possible and contain no foreign matter or pockets of soft unstable material.

3-03. EMBANKMENT CONSTRUCTION: Materials shall be placed or spread in layers not to exceed 12 inches in thickness prior to compaction. Layers shall be started full out to the toe of the embankment and shall be carried substantially horizontal with sufficient crown or slope to provide satisfactory drainage during construction. When the surface of any compacted layer is too smooth to bond properly with the succeeding layer, it shall be scarified before the succeeding layer is placed on it.

a. Moisture Control - It is the intent of these specifications to secure an embankment having the maximum density obtainable with natural moisture content of the embankment materials. However, if the material is too wet or too dry for proper compaction steps shall be taken to bring the moisture content back to near the optimum range. Wetting may be accomplished by wetting the borrow pit from which the embankment material is obtained or by distribution of sufficient moisture in each layer before rolling.

b. Rolling Operations - When moisture content and conditions of the spread layers are satisfactory, each layer shall be compacted by not less than four (4) complete passes of a tamper-type roller conforming to the requirements of sub-paragraph 3-03c,1, or by not less than two complete passes of a rubber-tired roller conforming to the requirements of sub-paragraph 3-03c,2. Portions of the embankment which the roller cannot reach for any reason must be compacted by other approved means to the density of the surrounding embankment.

c. Compaction Equipment -

1. Tamping Rollers - Tamping rollers shall consist of one or more units. Each unit shall consist of a cylindrical drum not less than 48 inches in length and not less than 48 inches in diameter. The drums shall be water or sand and water ballasted. Each drum shall have staggered feet uniformly spaced over the cylindrical surface such as to provide approximately three tamping feet for each two square feet of drum surface. The tamping feet shall be seven to nine inches in clear projection from the cylindrical surface of the roller and shall have a face area of not less than five nor more than seven square inches. The units shall be equipped with a suitable device for cleaning the feet. The rolling units of multiple-type tamping rollers shall be pivoted on the main frame in a manner which will permit the units to adapt themselves to uneven ground surfaces and to rotate independently. The weight of the roller shall be not less than 1,500 pounds per linear foot of drum length weighted, and shall be not more than 750 pounds per foot of drum length empty. The design and operation of the tamping roller shall be subject to the approval of the contracting officer who shall have the right at any time during the prosecution of the work to direct such

repairs to the tamping feet, minor alterations in the roller, and variations in the weight as may be found necessary to secure optimum compaction of the earth-fill materials. The roller shall be pulled by a crawler-type tractor of sufficient power to operate the roller at a speed of approximately 3-1/2 miles per hour.

2. Rubber-Tired Rollers - Rubber-tired rollers shall have a minimum of four wheels equipped with pneumatic tires. The tires shall be of such size and ply as to be capable of being operated at tire pressures between 80 and 100 pounds per square inch at a 25,000-pound wheel load. The roller wheels shall be located abreast and so designed that each wheel will carry approximately equal load in traversing uneven ground. The spacing of the wheels will be such that the distance between the nearest edges of adjacent tires will not be greater than 50 percent of the rated tire width of a single tire at the operating pressure for a 25,000-pound wheel load. The roller shall have a rigid steel frame provided with a body suitable for ballast loading such that the load per wheel may be varied, as directed by the contracting officer, from 10,000 to 25,000 pounds. The entire assembly (roller plus motivating equipment) must be capable of executing a 180-degree turn on a 15-foot radius. The roller shall be towed at speeds not to exceed ten miles per hour by pneumatic-tired equipment. The character and efficiency of this equipment shall be subject to the approval of the contracting officer.

d. Cross-Section of Levee Embankment - The levee embankment shall be constructed to conform with the requirements of typical standard levee section shown on Figure 1. Shrinkage and settlement allowances shall be allowed for by constructing the standard levee section plus a 5% addition in crest height.

SECTION IV - TURFING

4-01. SCOPE: It is the intent of these specifications to obtain a good firm stand of native grass or grass which will insure the stability of the levee embankment. Good vegetative cover is of prime importance to the maintenance and operation of the levee embankment. The top, slopes and a 5 foot wide strip at the base of the levee on each side shall be turfed.

4-02. MULCHING:

a. Soil Preparation - If necessary the soil shall be loosened to a depth of 2 inches before application of the mulch material.

b. Materials - Hay shall be native prairie hay and a minimum of 50 percent by weight shall be 10 inches or more in length.

c. Application of Mulch - Mulch material shall be spread uniformly in a continuous blanket over the area to be mulched at the rate of approximately $3\frac{1}{2}$ tons per acre. Mulch may be spread by hand or by mechanical means which do not break up the hay. Immediately following the spreading of the mulch material, it shall be anchored to the soil by pressing into the ground a minimum depth of $1\frac{1}{2}$ inches, leaving enough material sticking upright to accomplish its primary purpose of temporary dust and erosion control. Anchoring shall be accomplished by using a mulch anchoring machine equipped with straight rolling Coulter-type discs that are spaced not more than 10 inches or less than 7 inches apart. The rolling discs shall be sufficiently dull to prevent cutting the mulch material. If anchoring machinery is not used, the mulch material shall be anchored with a spade at 6 inch intervals.

4-03. FERTILIZING AND SEEDING:

a. Materials -

1. Fertilizer shall be dry, free-flowing materials which can be distributed uniformly, and shall be commercial grade 10-10-0 or the equivalent.

2. Seed - Seed of mixed bluestem, switch grass, blue grama grass, side oats grama, sand dropseed grass, sand lovegrass, weeping lovegrass, or native bermuda grass, or a mixture of any or all of the above may be used.

b. Application - Fertilizer shall be applied uniformly at the approximate rate of 400 lbs per acre. Seed should be applied uniformly at the rate of approximately 30 lbs per acre.

MAINTENANCE SPECIFICATIONS

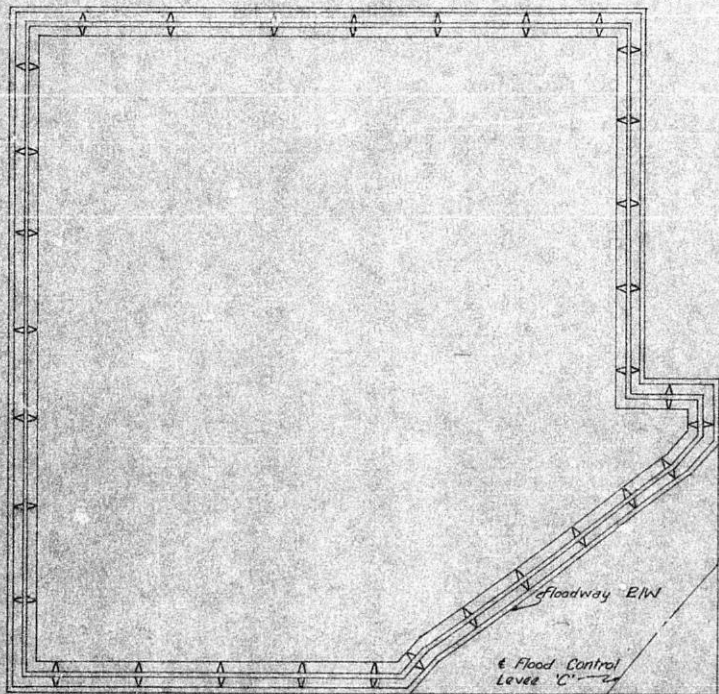
SECTION I - GENERAL

In general maintenance should provide for those things which will insure the serviceability of the levee in time of high water. Measures should be taken to promote the growth of sod, exterminate burrowing animals, provide for routine mowing, removal of wild growth and repair the damage caused by erosion. Another important maintenance responsibility is to insure the integrity of the loop levee at all times.

SECTION II - INSPECTION

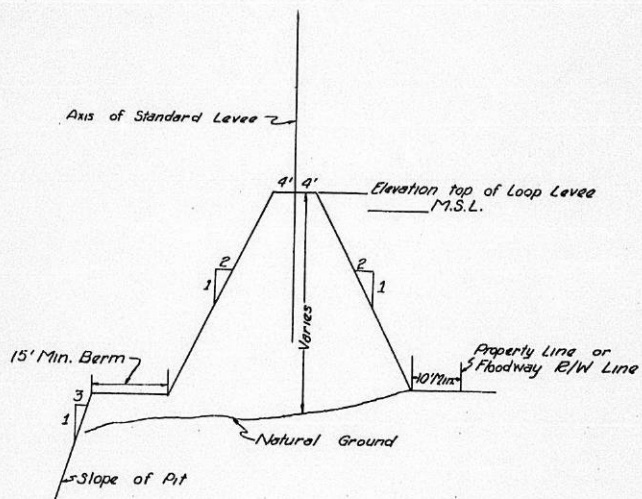
Periodic inspections should be made to insure that the above measures are being effectively carried out and to be certain that:

- a. No unusual settlement, sloughing, or material loss of grade or levee cross section has taken place.
- b. No caving has occurred on either the land side or the water side of the levee which might affect the stability of the levee section.
- c. No seepage, saturated areas or sand boils are occurring.
- d. No action is being taken, such as burning grass and weeds during inappropriate seasons, which will retard or destroy the growth of sod.
- e. Access roads to and on the levee are being properly maintained.
- f. Cattle guards and gates are in good condition.
- g. Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained.
- h. There is no damaging grazing or vehicular traffic on the levees.
- i. Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.



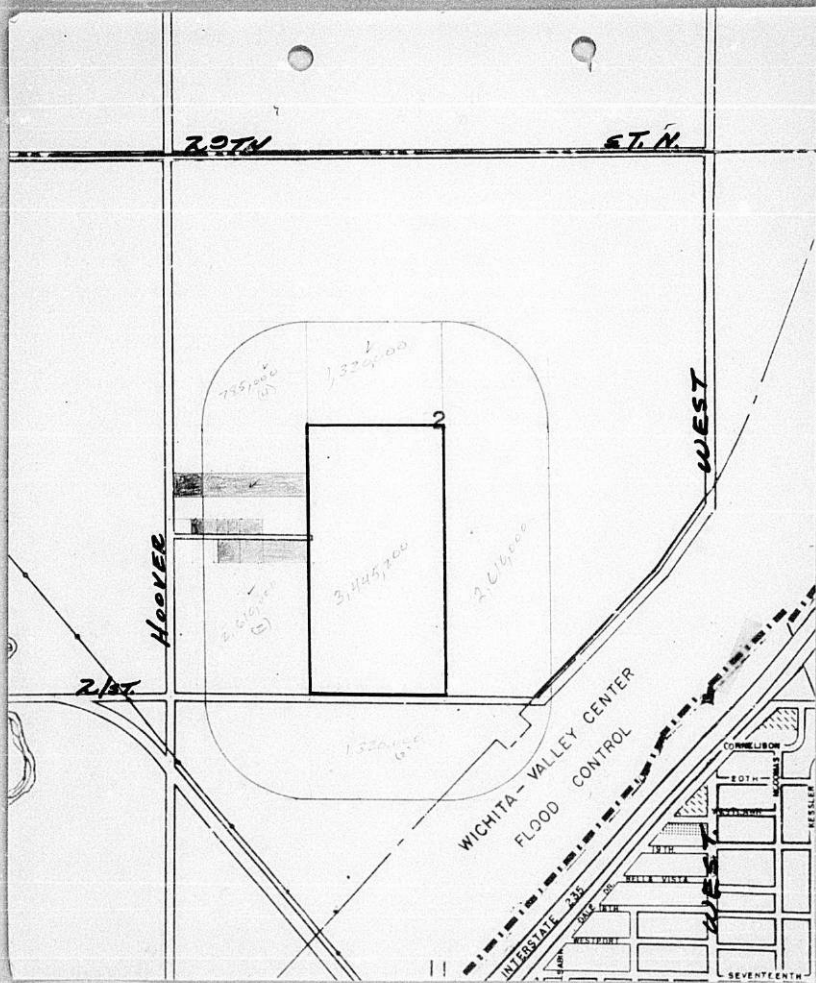
PLAN OF LOOP LEVEE

Scale 1" = 200'



No Scale

TYPICAL SECTION OF STANDARD
LEVEE



Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CASE NO. CU-133

CONSIDERED BY MAPC: 7-22-71

REQUEST FOR: Conditional Use Approval

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

Sand and Gravel Extraction.

GENERAL LOCATION: North side of 21st Street North in an area
approximately 1/4 mile east of Hoover Road

LEGAL DESCRIPTION:

The East 1/2 of the SW 1/4 of Section 2, Township 27 South,
Range 1 West of the 6th P.M., Sedgwick County, Kansas.

APPLICANT: Southwestern College, Winfield, Kansas and
Victor B. Eisenring, 6600 West 21st Street

COUNSEL FOR APPLICANT:

Don Bottenberg, Agent

PROTESTORS (LIST COUNSEL) IF ANY: John Wescott, 5410 West 23rd Street
North, spoke in opposition, and submitted a protest petition
containing signatures of 10 property owners.

SURROUNDING ZONING: To the north, east, south
and west is "R-1" zoning.

LAND USE: Subject property is occupied by an oil well and storage;
north is agricultural use; east is oil storage and sandpit; south is
oil well and storage; west is single-family and auto salvage.

PLANNING COMMISSION RECOMMENDATION:

HENNESSY moved and JACKSON seconded that the Planning Com-
mission recommend to the County Commission that this appli-
cation be approved, subject to:

(See excerpt of attached minutes of the Planning Commission
for conditions.)

NOTE: The percentage of valid protest petitions received on this applica-
tion will be pointed out at the time this case is considered by the Board
of County Commissioners.

VOTE OF PLANNING COMMISSION: Unanimous.

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning
Commission, adopt the Resolution effectuating the Conditional Use and in-
struct the Planning Department to withhold publication until such time as
the conditions of approval have been complied with; or
2. Deny the application.

mailed 7-29-71

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 22, 1971:

14. Case No. CU-133 - Southwestern College and Victor B. Eisenring request approval of a conditional use for extraction of sand and gravel on property zoned "R-1" and legally described as east half of the southwest quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M. Generally located on the north side of 21st Street North in an area 1/4 mile east of Hoover Road.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant is requesting a Conditional Use Permit to establish a sand extraction operation on approximately 80 acres of land zoned "R-1" Suburban Residential and located on the north side of 21st Street North, 1/4 mile east of Hoover. Immediately to the east of subject property are two areas which have been approved for a sand excavation operation (CU-16 and CU-24) by the Planning Commission and Board of County Commissioners in 1959.
2. The applicant has submitted an Operational Plan and a "Sketch" Redevelopment Plan in conjunction with the application. Although the operational plan appears acceptable, the proposed sketch for residential redevelopment fails to take into account lot area requirements of the "R-1" zoning and existing street patterns in the area. The plan also does not provide for a future collector street adjacent to the east or north lines of subject property, both of which are half section lines.
3. It should also be pointed out that the area in which subject property is located is not projected for urban development due to the existing high water table and therefore any determination of actual lot area and size would have to be reserved until such time in the future the actual redevelopment and platting of the property occurs.
4. Inasmuch as the Basis and Plan for the Pattern of Residential Growth does not predict any development in this area thru the year 1985, the sand extraction operation would appear to be a logical use and should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:
 1. The applicant submitting revised copies of the sketch plan for redevelopment, taking into consideration a north-south collector and making provisions for the extension of the street from the west and providing for a street extension to the east.
 2. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the north half of 21st Street North as indicated on the operational plan.
 3. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

4. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation and land operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
6. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
7. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
8. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
9. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
11. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.

12. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
13. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
15. The applicant shall comply with Conditions 2, 3 and 10 prior to the publication of the resolution effectuating the conditional use.
16. Any violation of conditions attached shall declare the conditional use permit null and void.

GALBRAITH said the Staff felt this was a logical use for the property and the sketch plan for redevelopment has been revised to provide for a north-south collector street to tie into the land to the north, and the lot size indicates that public water and sewer service is contemplated and since redevelopment would be so far into the future, the Planning Commission at that time could consider the appropriate lot size based on conditions at that time.

GALBRAITH stated that the applicant would have to immediately comply with conditions #2, 3 and 10, and the balance of the suggested conditions are the usual which have been placed on similar type excavations.

BLAKEY raised a question as to access to this area being by the zoo site and GALBRAITH pointed out that the only access would be on 21st Street.

DON BOTTENBERG, representing the applicants, spoke in support of this request and indicated they were agreeable to the conditions suggested. He indicated it might be sometime before operations would actually begin, pending completion of the present excavation operation in the area. He pointed out that this is more or less waste land and it was his feeling that with the above conditions there would be sufficient assurance that the property would be maintained in good order.

MERLE SLEASE, owner of land on the south, said he was not opposed to the request, but did voice displeasure with the appearance of the present excavation operation in this general area, and asked that subject property be maintained as an attractive area and said he would not like to see old trucks or implements or machinery not pertinent to the operation stored on the premises.

JOHN WESCOTT, 5410 West 23rd Street North, spoke in opposition and submitted a protest petition signed by ten property owners in the area. He pointed out that the area to the west is a restricted residential area and they would not like to have an excavation operation across the street which could develop into a breeding place for mosquitoes. He referred to the value of the homes involved and the detrimental affect that the proposed operation would have on their property values.

GALBRAITH pointed out that the sandpit operation is being held back 200 feet from the west property line.

MRS. PETERSON, a resident on Hoover 1/4 mile north of 21st Street, spoke in favor of the request and said that a sandpit would not be nearly so undesirable in the area as the present use of the property, which she said was used as a dumping ground for septic tank waste.

With respect to Condition #5, it was pointed out by one of the Commissioners that it would be quite a hardship to require fencing of the entire 80 acres when only a small portion thereof would actually be involved in the sandpit operation. BOTTENBERG indicated also that it would be quite expensive to fence the entire 80 acres. It was suggested that this condition be reworded to provide for fencing of the perimeter of the sand excavation operation and the fence could be moved as the pit became larger.

In view of Mr. Slease's desire that the property be maintained in an attractive manner and not utilized for storage of machinery, there was discussion with respect to condition #10 which only refers to the excavation pit so far as rubbish, trees, car bodies, etc., and the suggestion was made that such provision apply to the entire 80 acres.

BOTTENBERG agreed that they would maintain the premises according to the guidelines established and was agreeable to changes as suggested for Conditions #5 and 10.

MOTION: HENNESSY moved, JACKSON seconded and it carried unanimously that the Planning Commission recommend to the County Commission that this application be approved, subject to:

1. The applicant submitting revised copies of the sketch plan for redevelopment, taking into consideration a north-south collector and making provisions for the extension of the street from the west and providing for a street extension to the east.
2. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the north half of 21st Street North as indicated on the operational plan.
3. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
4. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or

- c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

6. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
 7. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
 8. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
 9. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the grading of the area around the perimeter the sandpit lake be maintained so as to direct drainage toward the lake.
 - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
 11. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
 12. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
 13. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
 14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
 15. The applicant shall comply with Conditions 2, 3 and 10 prior to the publication of the resolution effectuating the conditional use.
 16. Any violation of conditions attached shall declare the conditional use permit null and void.
-

FILED

PROTEST PETITION
(COUNTY CASES)

AUG 2 1971

Marie Warlow
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C11-133, zone change from _____ to _____ (for establishment of a landmark preservation in _____ zoning).

✓ OK

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition \oplus
a)	<i>Richard D. Cook</i> Signature	The North 225 feet of the South 870 feet of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of the Section 2, Township 27, Range 1 West of the Sixth P.M. Sedgwick County, Kansas		
	<u>Richard D. Cook</u> Typed or Printed Name			
b)	<i>Peggy L. Cook</i> Signature			
	<u>Peggy L. Cook</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 29th day of July, 1971, before me, a notary public in and for said County and State, came Richard D. Cook and Peggy L. Cook to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Hecatt
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

FILED

AUG 2 1971

PROTEST PETITION
(COUNTY CASES)

Marie C.
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-175, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

✓ OK

SECTION II - Protestor(s)

	Name	Property Owned		
		Lot(s)	Block(s)	Addition
a)	<u>Charles Terpening</u> Signature	<u>127</u>		<u>127</u>
	<u>CHARLES TERPENING</u> Typed or Printed Name	South 210 Feet of the West 420 Feet of the east 476.2 Feet of the South 420 Feet of the NW 1/4 of the SW 1/4 of sec. 2 Twp. 27R-1-W,		
b)	<u>Gladys Terpening</u> Signature			
	<u>GLADYS TERPENING</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 7 11TH day of July, 1971, before me, a notary public in and for said County and State, came CHARLES TERPENING AND GLADYS TERPENING to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Prescott
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Marie Warlick
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. BU-153, zone change from "R" to "CU" (for establishment of a Sand & Gravel Excavation Operation in "CU" zoning).

AK
7

SECTION II - Protestor(s)

Name	Lot(s)	Block(s)	Addition
a) <i>Kelley Cast Stone Co Inc</i> Signature			East 210 ft. Of West 420 ft. of North 210 ft. of South 420 ft.
<u>Kelley Cast Stone Company INC.</u> Typed or Printed Name			*North West 1/4 of South West 1/4 Section 2-27-1 West
b) <i>Carl Patrick Kelley</i> Signature			
<u>Carl Patrick Kelley PRES.</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 29TH day of JULY, 1971, before me, a notary public in and for said County and State, came CARL PATRICK KELLEY to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

J. C. Herath
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Marie Warden
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C.U-135, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXTRAVATION in _____ zoning).

VOK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <i>C. E. Wescott</i> Signature			EAST 105 FT. OF WEST 525 FT. OF NORTH 210 FT. OF SOUTH 420 FT. OF THE NW $\frac{1}{4}$, SW $\frac{1}{4}$, SECTION 2; TOWNSHIP 27, RANGE 1 WEST.
<u>CHARLES E. WESCOTT</u> Typed or Printed Name			
b) <i>Velma P. Wescott</i> Signature			
<u>VELMA P. WESCOTT</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 24TH day of JULY, 1971, before me, a notary public in and for said County and State, came CHARLES E. WESCOTT AND VELMA P. WESCOTT to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Wescott
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Marie Warden
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

Count 1/2

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <i>Roland E. Hutchison</i> Signature	E. 210 FT. OF W. 840 FT. OF S.		
<i>Roland E. Hutchison</i> Typed or Printed Name	210 FT. NW 1/4, SW 1/4		
		SEC. 2-27-1W.	
b) _____ Signature			
_____ Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came ROLAND E. HUTCHISON to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. McCatt

Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Maie Warden
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. 24 133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

VOK

SECTION II - Protestor(s)

Name	Property Owned
	Lot(s) Block(s) Addition
a) <i>Beno O. Parkhurst</i> Signature	The east 210 feet of the West 840 feet of the North 210 feet of the South 420 feet of the Northwest quarter of the Southwest quarter of
<i>Beno O. Parkhurst</i> Typed or Printed Name	Section 2 Township 27 South Range 1 west of the sixth Principal Meridian, Sedgwick County, Kansas
b) <i>Dorothy L. Parkhurst</i> Signature	
<i>Dorothy L. Parkhurst</i> Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came BEYO O. PARKHURST AND DOROTHY L. PARKHURST to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Meatt
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

FILED

PROTEST PETITION
(COUNTY CASES)

AUG 2 1971

Maria Wescott
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-123, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

✓ OK

SECTION II - Protestor(s)

	<u>Name</u>	<u>Property Owned</u>
	<u>Lot(s)</u> <u>Block(s)</u>	<u>Addition</u>
a)	<u><i>Emelia M. Wescott</i></u> Signature	<u>E. 210 FT. OF W. 420 FT. OF S. 210 FT. NW 1/4, SW 1/4, SEC. 2-27-1W.</u>
	<u>EMELIA M. WESCOTT</u> Typed or Printed Name	
b)	_____ Signature	<u>E. 210 FT. OF W. 630 FT. OF S. 210 FT. OF NW 1/4, SW 1/4, SEC. 2-27-1W.</u>
	_____ Typed or Printed Name	

ACKNOWLEDGMENT

State of Kansas) ss
County of Sedgwick)

Be it remembered that on this 31ST day of JULY, 1971, before me, a notary public in and for said County and State, came EMELIA M. WESCOTT to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Wescott
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

FILED

PROTEST PETITION
(COUNTY CASES)

AUG 2 1971

Maire
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C.U.-133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

X OK

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Donald N. Myers</i></u> Signature			EAST 105 FT. OF WEST 630 FT. OF NORTH 210 FT. OF SOUTH 420 FT.
<u>DONALD N. MYERS</u> Typed or Printed Name			OF NW ¹ / ₄ , SW ¹ / ₄ , SECTION 2, TOWNSHIP 27, RANGE 1 WEST.
b) <u><i>Lavelda M. Myers</i></u> Signature			
<u>LAVELDA M. MYERS</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came DONALD N. MYERS AND LAVELDA M. MYERS to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Prescott
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Marie Warden

SECTION I.

The undersigned, property owners in Sedgwick County, ^{Kansas} hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CW-133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

X
Valid
Not a protest

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Edwin McAdams</i></u> Signature	5, 105 FT. OF N. 210 FT. OF		
<u>Edwin McAdams</u> Typed or Printed Name	5, 420 FT. OF W. 210 FT.		
	OF NW $\frac{1}{4}$, SW $\frac{1}{4}$, 2-27-1W.		
b) <u><i>Jarvis K. McAdams</i></u> Signature			
<u>Jarvis K. McAdams</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came EDWIN MC ADAMS AND JARVIS K. MC ADAMS to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. Meath
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Maie Worlen
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. CU-133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

X
New York on owned per list

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u><i>Raymond R. Libby</i></u> Signature	WEST 210FT. OF THE WEST		
<u><i>Raymond R. Libby</i></u> Typed or Printed Name	SOUTH 210FT. OF NW $\frac{1}{4}$, SW $\frac{1}{4}$		
b) <u><i>Barbara J. Libby</i></u> Signature	SEC. 2-27-1W.		
<u><i>Barbara J. Libby</i></u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came RAYMOND R. LIBBY AND BARBARA J. LIBBY, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. McCall
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

PROTEST PETITION
(COUNTY CASES)

FILED

AUG 2 1971

Mavis Warden,
COUNTY CLERK

SECTION I.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning (Conditional Use Application) for property described as Case No. C.U.-133, zone change from _____ to _____ (for establishment of a SAND AND GRAVEL EXCAVATION in _____ zoning).

No change in ownership here.

SECTION II - Protestor(s)

Name	Property Owned		
	Lot(s)	Block(s)	Addition
a) <u>Pink B. Mullen's</u> Signature <u>Pink B. Mullen's</u> Typed or Printed Name	N. 210 210 FT.	OF S. 420 FT.	OF W. 420 FT. E. 476.2 FT. NW $\frac{1}{4}$, SW $\frac{1}{4}$, 2-27-1W.
b) <u>Vera J. Mullen's</u> Signature <u>Vera J. Mullen's</u> Typed or Printed Name			

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick) ss

Be it remembered that on this 30TH day of JULY, 1971, before me, a notary public in and for said County and State, came PINK B. MULLEN'S AND VERA J. MULLEN'S to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

John C. McArthur
Notary Public

My Commission expires MARCH 24, 1974

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

July 23, 1971

Mr. Don Bottenberg, Realtor
519 First National Bank Building
Wichita, Kansas 67202

Re: CU-133 - Request for Con-
ditional Use for extraction
of sand and gravel - North
side of 21st Street North
in an area approximately 1/4
mile east of Hoover Road

Dear Mr. Bottenberg:

At its regular meeting on July 22, 1971, the Metropolitan Area Planning Commission considered the above-captioned request for conditional use. The action of the Commission was to recommend approval, subject to the following conditions:

1. The applicant submitting revised copies of the sketch plan for redevelopment, taking into consideration a north-south collector and making provisions for the extension of the street from the west and providing for a street extension to the east.
2. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the north half of 21st Street North as indicated on the operational plan.
3. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.

Page 2 - Mr. Don Bottenberg
July 23, 1971

4. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the excavation and land operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

6. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
7. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
8. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
9. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.

Page 3 - Mr. Don Bottenberg
July 23, 1971

- c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the excavation after approval of the conditional use by the Board of County Commissioners.
11. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
12. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
13. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
15. The applicant shall comply with Conditions 2, 3 and 10 prior to the publication of the resolution effectuating the conditional use.
16. Any violation of conditions attached shall declare the conditional use permit null and void.

This application will be forwarded to the Board of County Commissioners for consideration at their regular meeting on August 4, 1971, at 9:00 a.m. in Room 320 Sedgwick County Courthouse. In the event the County Commission concurs with the recommendation of the Planning Commission and approves the conditional use request, it will be necessary that you comply with Conditions #2, 3 and 10 prior to the publication of the resolution effectuating the conditional use approval.

Page 4 - Mr. Don Bottenberg
July 23, 1971

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Southwestern College, Winfield, Kansas 67156
Victor B. Eisenring, 6600 West 21st Street 67212
Merle Slease, 2813 East Douglas 67211
Mrs. John F. Peterson, 5228 West 21st Street
C. E. Wescott, 5410 West 23rd Street North 67205
D. N. Myers, 5400 West 23rd Street North 67205
Charles Terpening, 5311 West 23rd Street North 67205
V. M. Mullins, 5310 West 23rd Street North 67205
Edwin McAdams, 2402 North Hoover 67205
Richard D. Cook, 2452 North Hoover 67205
Ben Parkhurst, 5354 West 23rd Street North 67205
Roland E. Hutchinson, 5333 West 23rd Street North 67205
Pat Kelley, 5502 West 23rd Street North 67205
Emelia M. Wescott, 3803 West 9th Street 67203
Tom Craig, County Zoning Administrator

July 23, 1971

Mr. C. E. Wescott
5410 West 23rd Street North
Wichita, Kansas 67205

Re: CU-133 - Conditional Use
request for sand and gravel
extraction - North side of
21st Street North in an area
1/4 mile east of Hoover Road

Dear Mr. Wescott:

At the regular meeting of the Metropolitan Area Planning Commission on July 22, 1971, the above-captioned request for a conditional use was considered. The action of the Planning Commission was to recommend that the application be approved, subject to the 16 conditions listed in the enclosed copy of our letter to Mr. Bottenberg.

If you wish to submit a protest petition, it will be necessary that it be filed in the Office of the County Clerk not later than 5:00 p.m. on Monday, August 2, 1971. A protest petition form is enclosed for your use. If additional copies are needed for others in the area who may wish to register their opposition, the forms are available at our office.

If you have any questions concerning this application, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Attachment

cc: D. N. Myers, 5400 West 23rd Street North 67205
Charles Terpening, 5311 West 23rd Street North 67205
V. M. Mullins, 5310 West 23rd Street North 67205
Edwin McAdams, 2402 North Hoover 67205
Richard D. Cook, 2452 North Hoover 67205
Ben Parkhurst, 5354 West 23rd Street North 67205
Roland E. Hutchinson, 5333 West 23rd Street North 67205
Pat Kelley, 5502 West 23rd Street North 67205
Emelia M. Wescott, 3803 West 9th Street 67203

P E T I T I O N

TO WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.

REFERENCE - CASE NO. CU-132.

WE THE UNDER SIGNED BEING PROPERTY OWNERS ADJOINING THE
PROPERTY INVOLVED IN THIS CASE DO HEREBY STATE THAT WE ARE
AGAINST THIS PROPERTY BEING USED FOR A SAND AND GRAVEL PIT,
AS IT WILL HAVE ADVERSE EFFECTS ON OUR PROPERTY AND HOMES.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
E E Urescott	5 th W-10-W-23 N	7-20-71
D. N. Myers	5400 W-23 N.	7-20-71
Charles Terpening	5311 W 23 N	7-20-71
Picky Miller	5310 W 22 nd	7-20-71
Edwin McManus	2402 N Hoover	7-20-71
Richard D. Cook	2452 N. Hoover	7-21-71
Gene Paulhurst	5354 W th 23 rd St.	7-21-71
Noland E. Wintchen	5233 W. 23 rd St.	7-21-71
Pat Kelley	5502 W 23 rd N	7-21-71
Emilia Wiscott		7-22-71

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: July 22, 1971

Case No. CU-133

Request: Conditional Use to permit sand and gravel extraction

Location: North side of 21st Street North in an area approximately 1/4 mile east of Hoover Road

Reason: Sand and gravel extraction

Acres: 80

Size: 1320 ft. by 2640 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing	Oil well & storage	"R-1"
North	Agricultural use	"R-1"
East	Oil storage & sandpit	"R-1"
South	Oil well & storage	"R-1"
West	Single-family & auto salvage	"R-1"

Existing R/W - 21st Street (north half) 30 ft.	Platted: No
Proposed R/W - 21st Street (north half) 50 ft.	Sidewalks: No

Comments

1. The applicant is requesting a Conditional Use Permit to establish a sand extraction operation on approximately 80 acres of land zoned "R-1" Suburban Residential and located on the north side of 21st Street North, 1/4 mile east of Hoover. Immediately to the east of subject property are two areas which have been approved for a sand excavation operation (CU-16 and CU-24) by the Planning Commission and Board of County Commissioners in 1959.
2. The applicant has submitted an Operational Plan and a "Sketch" Redevelopment Plan in conjunction with the application. Although the operational plan appears acceptable, the proposed sketch for residential redevelopment fails to take into account lot area requirements of the "R-1" zoning and existing street patterns in the area. The plan also does not provide for a future collector street adjacent to the east or north lines of subject property, both of which are half section lines.

3. It should also be pointed out that the area in which subject property is located is not projected for urban development due to the existing high water table and therefore any determination of actual lot area and size would have to be reserved until such time in the future the actual redevelopment and platting of the property occurs.
4. Inasmuch as the Basis and Plan for the Pattern of Residential Growth does not predict any development in this area thru the year 1985, the sand extraction operation would appear to be a logical use and should the Planning Commission recommend approval of this application, the following conditions of approval should be included in the recommendation:
 1. The applicant submitting revised copies of the sketch plan for redevelopment, taking into consideration a north-south collector and making provisions for the extension of the street from the west and providing for a street extension to the east.
 2. The applicant dedicating by separate instrument 50 feet of half-street right-of-way for the north half of 21st Street North as indicated on the operational plan.
 3. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction and/or maintenance of a loop levee around the entire sandpit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
 4. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
 5. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

- a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
- b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

6. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
7. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
8. All of the area outside of the sandpit lake shall be graded so as to drain into the lake.
9. The sand plant operator shall be responsible for:
 - a. Insuring that the loop levee elevation be maintained.
 - b. That the grading of the area around the perimeter of the sandpit lake be maintained so as to direct drainage toward the lake.
 - c. Construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
10. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.
11. The natural drainage flow shall be protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.

12. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
13. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
14. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
15. The applicant shall comply with Conditions 2, 3 and 10 prior to the publication of the resolution effectuating the conditional use.
16. Any violation of conditions attached shall declare the conditional use permit null and void.

CU-133 - 25 NOTICES MAILED 7-8-71 FOR MAPC 7-22-71

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
WICHITA, KANSAS 67202

NOTICE TO ADJOINING PROPERTY OWNERS

JUL 8 1971

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m., on JUL 22 1971, at which time you may appear either in person or by agent or attorney, if you so desire.

Case No. CU-133
Conditional Use Request to Permit a Sand and Gravel
Excavation Operation

The East 1/2 of the SW 1/4 of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 21st Street North in an area 1/4 mile east of Hoover Road.

(25)

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by permit rather than as a use by right.

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maintenance

DATE June 29, 1971



TO Jack Galbraith, Chief Planner
FROM M. S. Mitchell

SUBJECT - Request for Conditional Use
Application for Southwestern
College, east half of Southwest
Quarter, Section 2-27-1W

Reference is made to your memorandum of June 25th, and the attached operational and redevelopment sketch plans for subject area. You are advised that this 80 acres is bordered on the east by a sand pit for which a Conditional Use permit was granted in 1959 as CU 16. CU 16 in turn is bordered on the east by an area which was the subject of a Conditional Use permit No. CU 24 granted in late 1959 or early 1960. Both areas are being used as one site by Globe Construction Company and we expect that most of the area will eventually be excavated within the limits of both sites. This would place one large body of water immediately adjacent to right bank levee 'C' which would form the eastern border of subject tract. For these reasons, we recommend that a "Covenant Running with the Land" to guarantee the construction of a levee completely encircling the excavated area be required. Without the benefit of topography, we cannot be sure of the height of the proposed loop levee, however, it is our opinion that the single family lots shown on the redevelopment sketch plan, or the limit of the land available for excavation shown on the operational sketch plan, will have to be revised to accommodate the levee.

If further information or discussion is desired, please advise.

A handwritten signature in cursive script that reads "M. S. Mitchell".

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/elm

cc: G. H. Wilton, Supt. of Public Works Maint.
Southwestern College Plat File



June 25, 1971

M. S. Mitchell, Flood Control
Grover McLure, County Engineer

Jack H. Galbraith, Chief Planner

Conditional Use Application - Sand Excavation on the north
side of 21st North in an area 1/4 mile east of Hoover

Attached for your information and review is a copy of the
proposed plan for sand excavation operation. This case has
been scheduled for the Planning Commission meeting on July 22,
1971.

We would appreciate any comments you may have on subject case
before July 9 so that we can prepare a Planning Department
recommendation for the Planning Commission.

JHG:ls
Attachment

6-25-71 Mitchell commented that he would require a standard
agreement for construction of a loop levee. (Use
standard form for C.U.'s)

JHG

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT. THE FORM MUST BE COMPLETED AND FILED AT THE PLANNING DEPARTMENT, ROOM 402, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, IN ACCORDANCE WITH DIRECTIONS ON THE ACCOMPANYING INSTRUCTION SHEET. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. NAME OF APPLICANT OR APPLICANTS AND/OR THEIR AGENT OR AGENTS. ALL OWNERS OF ALL PROPERTY REQUESTED TO BE CONSIDERED IN THIS APPLICATION MUST BE LISTED IN THIS ITEM.

- A. APPLICANT ✓ Southwestern College,
ADDRESS Winfield, Kansas 67156 PHONE (316) 221-4150
AGENT ✓ Don Bottenberg, Realtor
ADDRESS 519 1st Nat'l Bldg 67202 PHONE 264-5031
- B. APPLICANT ✓ Victor E. Eisenring
ADDRESS 6600 West 21st Street, Wichita, Ks. 67212 PHONE 943-4372
AGENT ✓ Don Bottenberg, Realtor
ADDRESS 519 1st Nat'l Bank Bldg PHONE 264-5031
- C. APPLICANT _____
ADDRESS _____ PHONE _____
AGENT _____
ADDRESS _____ PHONE _____

(USE SEPARATE SHEET IF NECESSARY FOR NAMES OF ADDITIONAL APPLICANTS).

- II. THE APPLICANT PROPOSES TO ESTABLISH A _____
Sand & Gravel Extraction (USE)
ON PROPERTY LEGALLY DESCRIBED AS LOT(S) _____
_____, Block(s) _____ OF THE
_____ ADDITION.

(IF APPROPRIATE, METES AND BOUNDS DESCRIPTION MAY BE PROVIDED IN THE SPACE BELOW OR ON AN ATTACHED SHEET).

East 1/2 of the Southwest 1/4 of Section 2, Township 27 South,
Range 1 West of the 6th P. M. Sedgwick County, Kansas.

III. THIS PROPERTY IS LOCATED AT (ADDRESS) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR 1/4 mile East of Hoover

B. ON THE North SIDE OF 21st St. North (AVENUE) STREET BETWEEN _____ (AVENUE) STREET AND _____ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 (ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

It is necessary that I move from my past operation on what is now called the Sedgwick County Zoo property, and I feel that it is important that I be able to supply sand and gravel to my many customers in the North part of Wichita.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Southwestern College, Winfield, Kans Victor H. Eisinger
By *Earl David* AUTHORIZED AGENT (IF ANY) By *Alan Bollenberg* AUTHORIZED AGENT (IF ANY)

By _____ AUTHORIZED AGENT (IF ANY) By _____ AUTHORIZED AGENT (IF ANY)

By _____ AUTHORIZED AGENT (IF ANY) By _____ AUTHORIZED AGENT (IF ANY)

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 1,000 ft.
 of: The East One-Half (E $\frac{1}{2}$ SW $\frac{1}{4}$) South-West One Fourth of Section 2, Township 27, Range 1 West. Sedgwick County, Kansas.


Fidelity
Title
Company,
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

- De-52: E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec 2-27-1W. ↘ Southwestern College,
 Winfield, Kansas 67156
- De-53: E 56.2 ft of S 420 ft NW $\frac{1}{4}$
 SW $\frac{1}{4}$ Sec 2-27-1W, exc N 40
 ft of S 230 ft. ✓ V. M. & Mary R. Brooks, ux
 2920 Ridge Road (N) 67205
- ✓ De-53-10: S 210 ft of W 420 ft of E
 476.2 ft of S 420 ft of NW $\frac{1}{4}$
 SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Charles & Gladys M. Terpening, ux
 5311 W 23rd St. N. 67205
- De-53-14: N 210 ft of S 420 ft of W 420
 ft of E 476.2 ft of NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓ V. M. Brooks
 Sec 2-27-1W. % Buddy G. Mullens
 5310 W 23rd St. N. 67205
- ✓ De-53-2: E 210 ft of W 840 ft of N 210
 ft of S 420 ft of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-
 Twp 27- R 1 W. ✓ Ben O. & Dorothy L. Parkhurst, ux
 5324 W 23rd St. N. 67205
- De-53-4: E 210 ft of W 840 ft of S 210
 ft of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Roland E. & Carol A. Hutchinson,
 1044 N. Topeka, Apt #4 ux
 67214



- ✓ De-53-5 E 210' of W 630' of S 210' of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 2-Twp 27, R 1 West. ✓ Emelia M. Wescott 3803 W. 9th St. 67203
- ✓ De-53-3 E 105' of W 630' of N 210' of S 420' of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ D. N. & Lanelda Myers, ux 5400 W 23rd St. North 67205
- ✓ De-53-3A E 210' of W 630' of N 210' of S 420' NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ C. E. & Velma R. Wescott, ux 5410 W 23rd St. North 67205
- De-53-6 E 210' of W 420' of S 210' of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Emelia M. Wescott, 3803 W 9th St. 67203
- ✓ De-53-9 E 210' of W 420' of N 210' of S 420' of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Kelley Cast Stone Co., Inc. 7080 W 29th St. North 67205
- De-53-13 S 225' of N 450' of S 870' of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Laurence R. Fast Lester D. Fast 6041 N. Broadway 67219
- ✓ De-53-12 N 225' of N 450' of S 870' of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Richard D. & Peggy L. Cook, ux 6158 N. Broadway 67219
- De-53-8 N 220.5' of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Teall Construction Co., Inc. 709 N. St. Francis 67214
- De-53-11 S 225' of N 445' of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 2-27-1W. ✓ Teall Construction Co., Inc. 709 N. St. Francis 67214
- De-55 E 10 Acres of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W, exc S 880'. ✓ John F. & Peggy J. Petersen, ux 5228 W. 21st St. N. 67212
- De-55-1 Beg SE cor SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W; th N 880'; W 165'; S 880'; E to beg. ✓ Helen M. Petersen 5400 W 21st St. 67212
- De-55-2 Beg 165' W of SE cor SW $\frac{1}{4}$ SW $\frac{1}{4}$; W 165'; N 880'; E 165'; S 880'; to beg; Sec 2-Twp 27- R 1 W. ✓ John F. & Peggy J. Petersen, ux 5228 W 21st St. 67212
- De-54 W 20 Acres of E 30 Acres of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Charles N. Carp Wallace F. Carp D/B/A Carp Brothers 2700 N. Hoover 67205
- De-54-1 W 10 Acres of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2-27-1W. ✓ Forrest H. & Eunice A. Berry, 2130 Hood Ave., 67203 ux
- De-48 NW $\frac{1}{4}$ Sec 2-27-1W exc Beg 156.8' S of NW cor; S 531.9'; E 245.7'; N 531.9'; W to beg. ✓ E. C. Carp, Charles N. Carp, & Wallace F. Carp. 2728 N 55th St. W. 67204
- De-47 S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 2-27-1W. ✓ Kenneth W. & Winifred Ott, ux Box 143, Maize, Ks. 67101
- DE-49 N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 2-27-1W., exc Fldway. ✓ Kenneth W. & Winifred Ott, ux Box 143, Maize, Ks. 67101
- De-50 S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 2-27-1W, exc Fldway. ✓ Globe Construction Company 1041 N. Water 67203
- De-51
- De-104 N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 11-27-1W, exc Rry ROW & exc a tract Beg 500' E of SW cor; th E 155.9' to W line of ROW; NWly along ROW 243.4' to a pt N of Beg; S to beg. & exc Fldwy. ✓ Merle Slease 2813 E. Douglas 67211
- De-104-3 W 500' of N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 11-27-1W, exc Rry ROW & exc part lying S & W of Rry ROW. ✓ Lloyd B. Stewart 480 Fourth Natl Bank 67202
- De-103 NE $\frac{1}{4}$ Sec 11-27-1W lying N & W of Fldway. ✓ Drillers Production Co., Inc. Fourth Natl Bank Bldg. 67202

-3-

Dated at Wichita, Kansas this 18th day
of June , 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Edwin M. Farnell OEM
Sec.

Tracer # 8830

CONSTRUCTION CASE A-31649
SLUGH-COWSKIN CREEK FLOODWAY

WAY

DE-49

DE-49

DE-51

DE-103

DE-52

7-2-7-100

DE-104

DE-104

DE-53-11

DE-53-12

DE-53

DE-53-13

Part of DE-53-14

Part of DE-53-15

DE-56

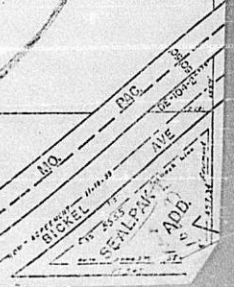
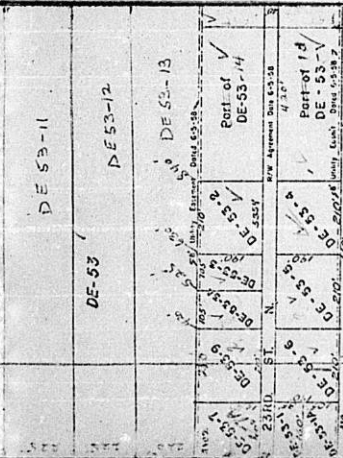
DE-54

DE-54-1

DE-55-1

DE-55-2

DE-104-3



Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

PULPERS PIPELINE

WITH BARBED WIRE
58" HIGH CHAINLINK FENCE

58" HIGH CHAINLINK FENCE
WITH BARBED WIRE

5:1 SLOPE ON BANK

200' MINIMUM

PLANT

50

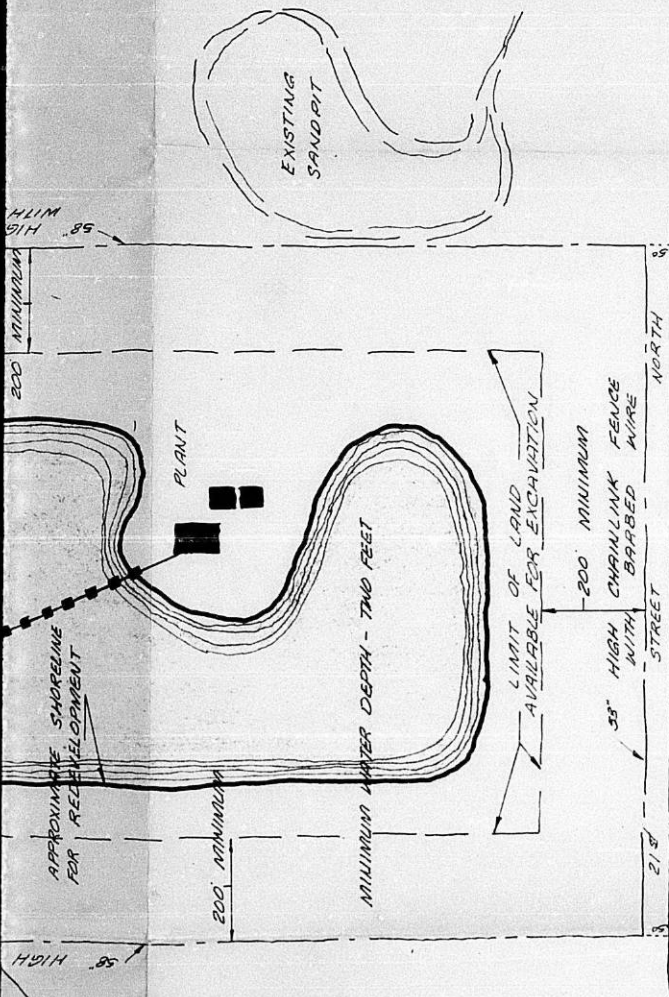
APPROXIMATE SHORELINE
FOR REDEVELOPMENT

200' MINIMUM

58" HIGH CHAINLINK FENCE
WITH BARBED WIRE

EXISTING
SAUPOIT





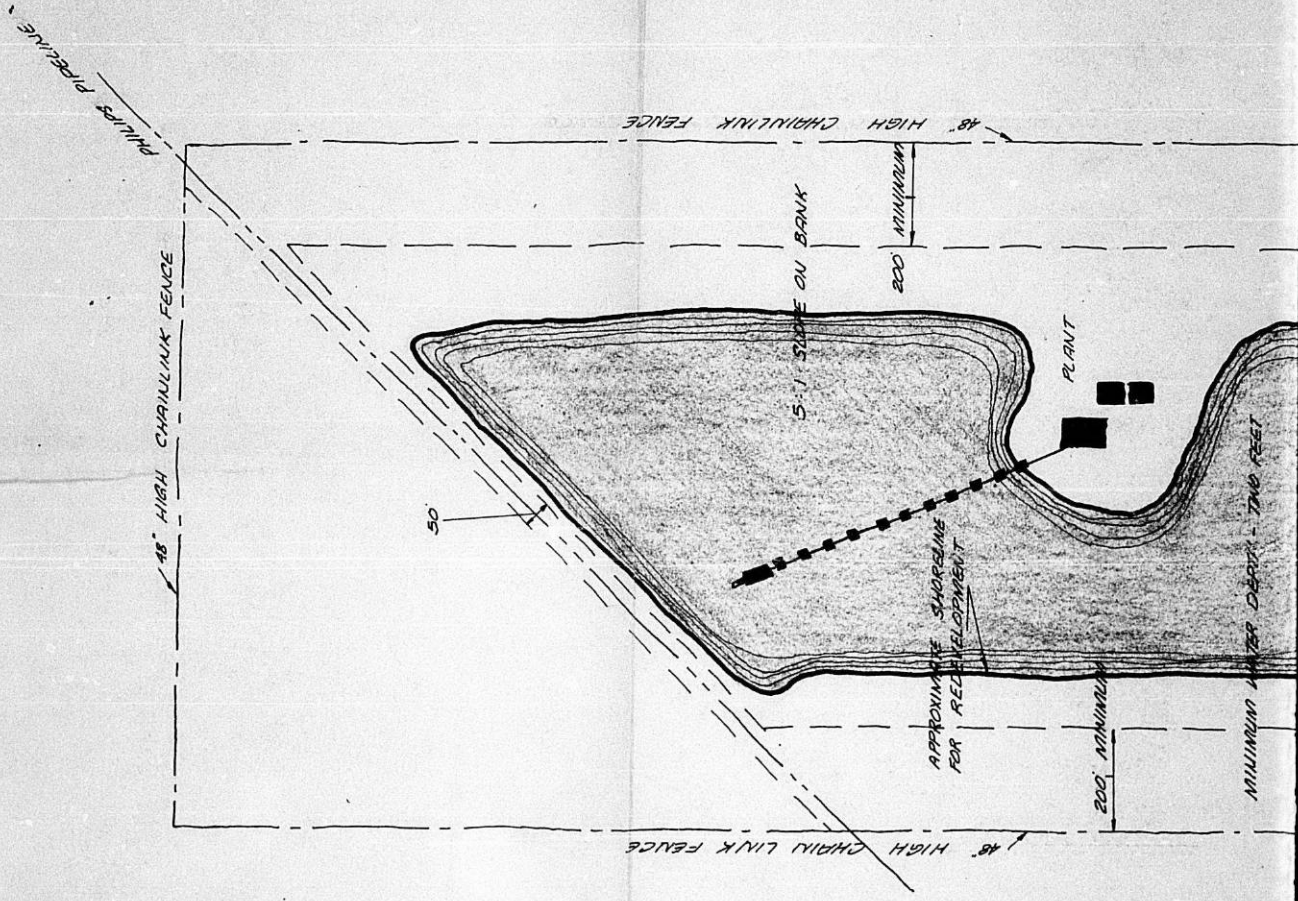
OPERATIONAL SKETCH PLAN FOR

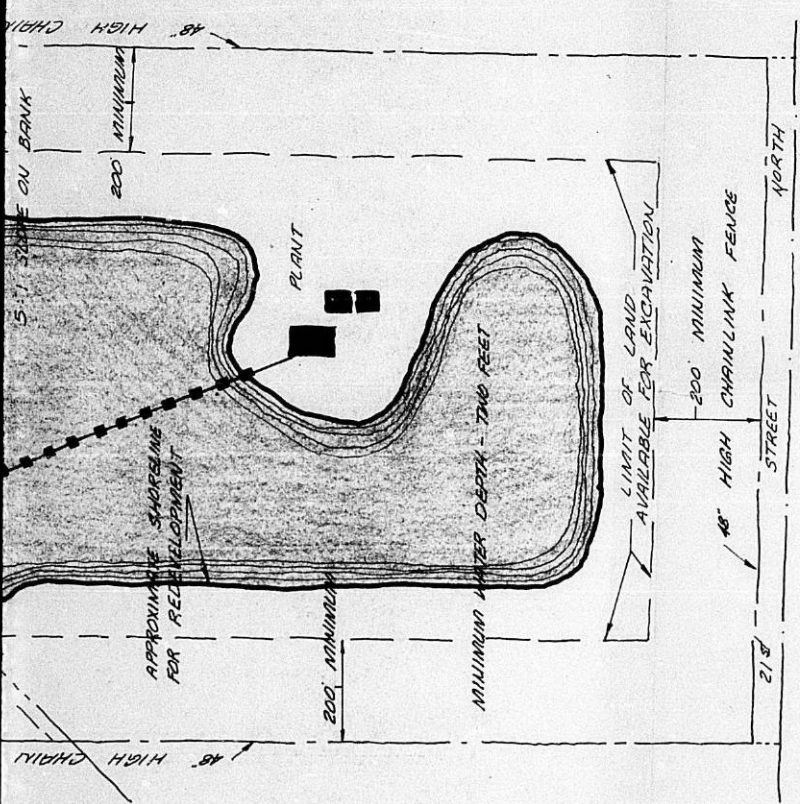
VICTOR B. EISENRING

Revised Copy
G.M.D.

CU-133

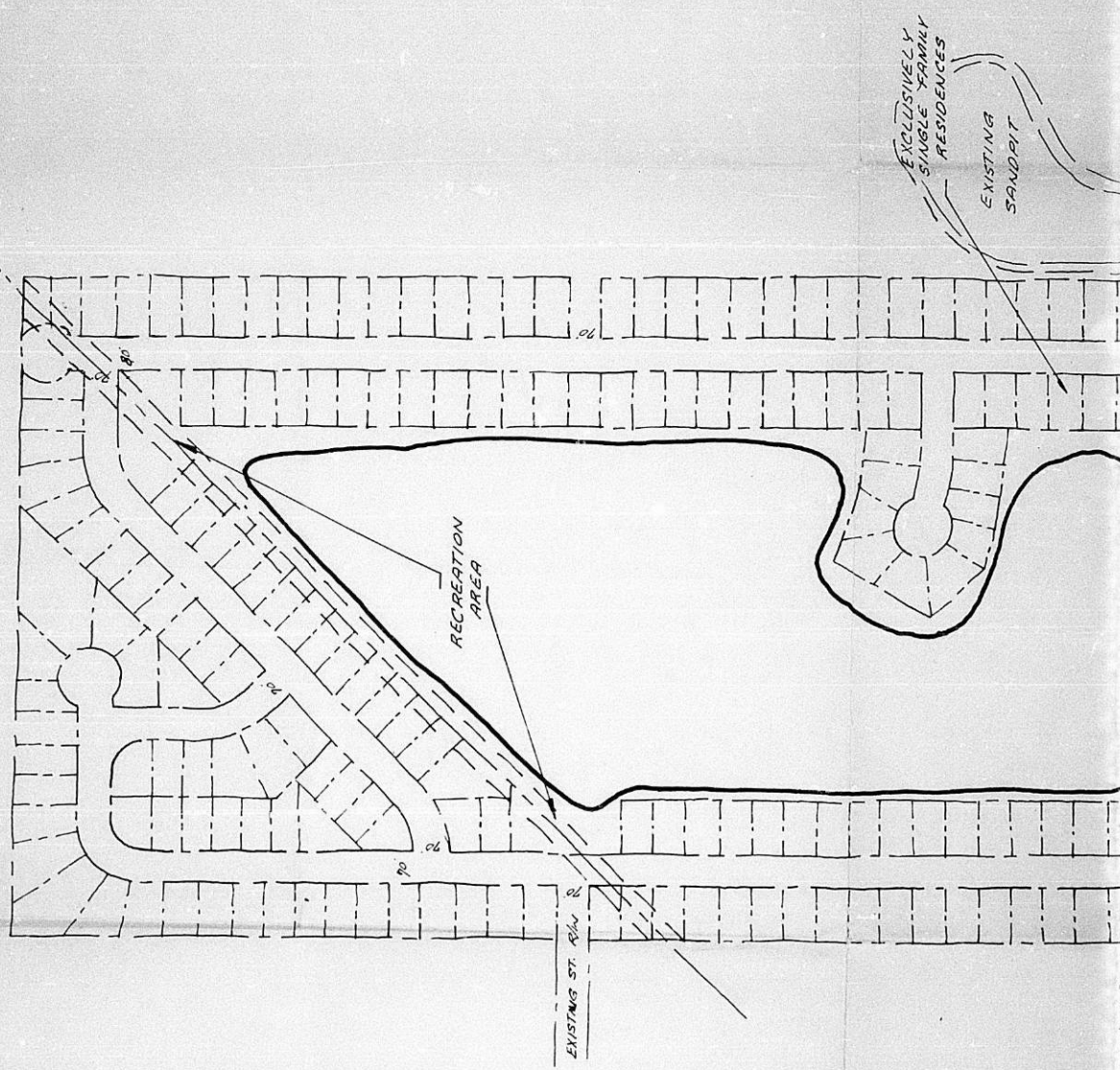
1" = 200'





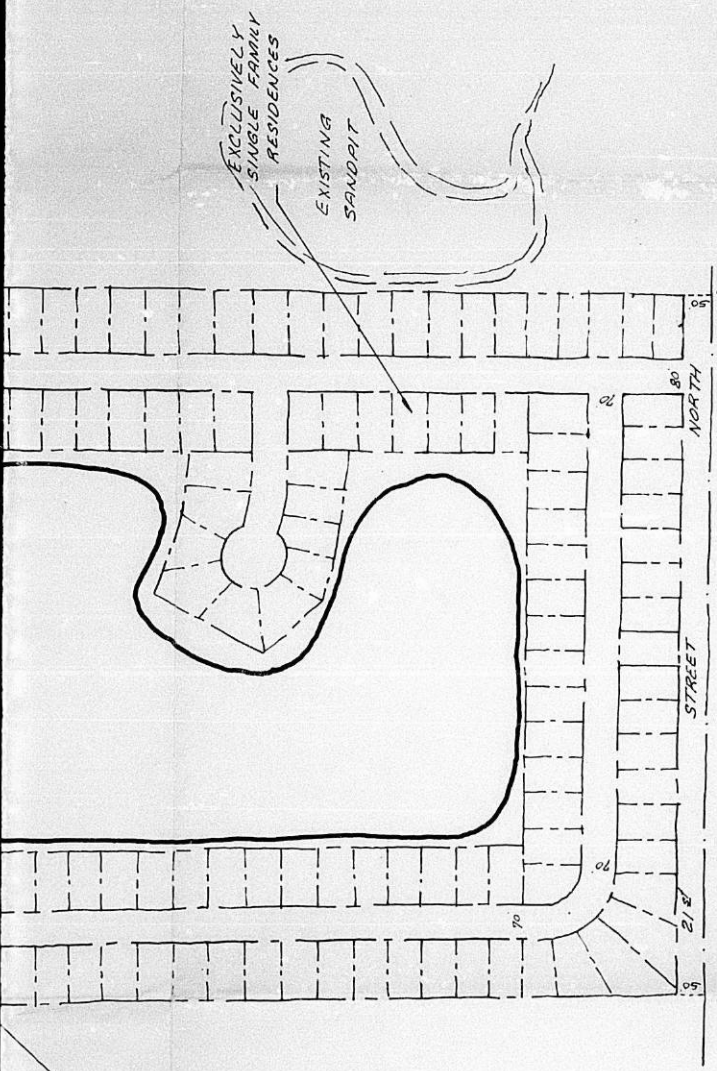
OPERATIONAL SKETCH PLAN FOR
SOUTHWESTERN COLLEGE
 WINFIELD KANSAS

PHILIPS PIPES



EXCLUSIVELY
SINGLE FAMILY
RESIDENCES
EXISTING
SANDPIT





SE COR of S1/4 of
Sec 9, Twp. 27-N, R. 1-W

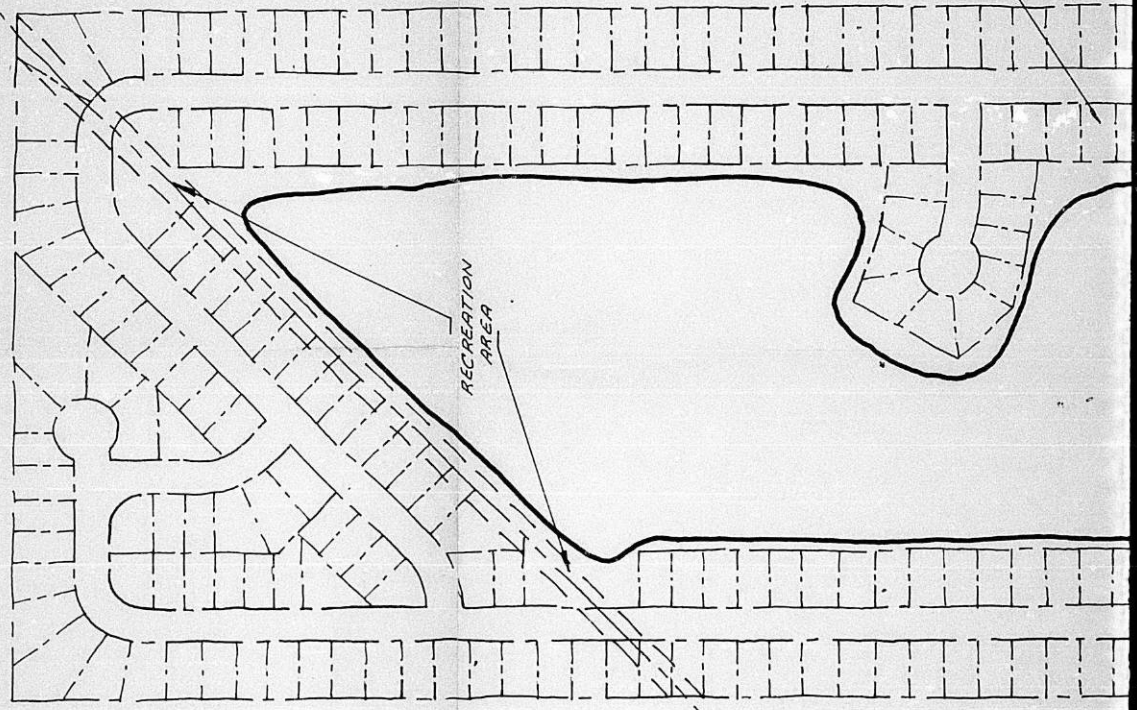
1" = 200'

SKETCH PLAN 167

VICTOR B. EISENRING

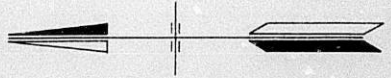
CU-133 Revised Copy
JHB

PHILIPS DRIVE

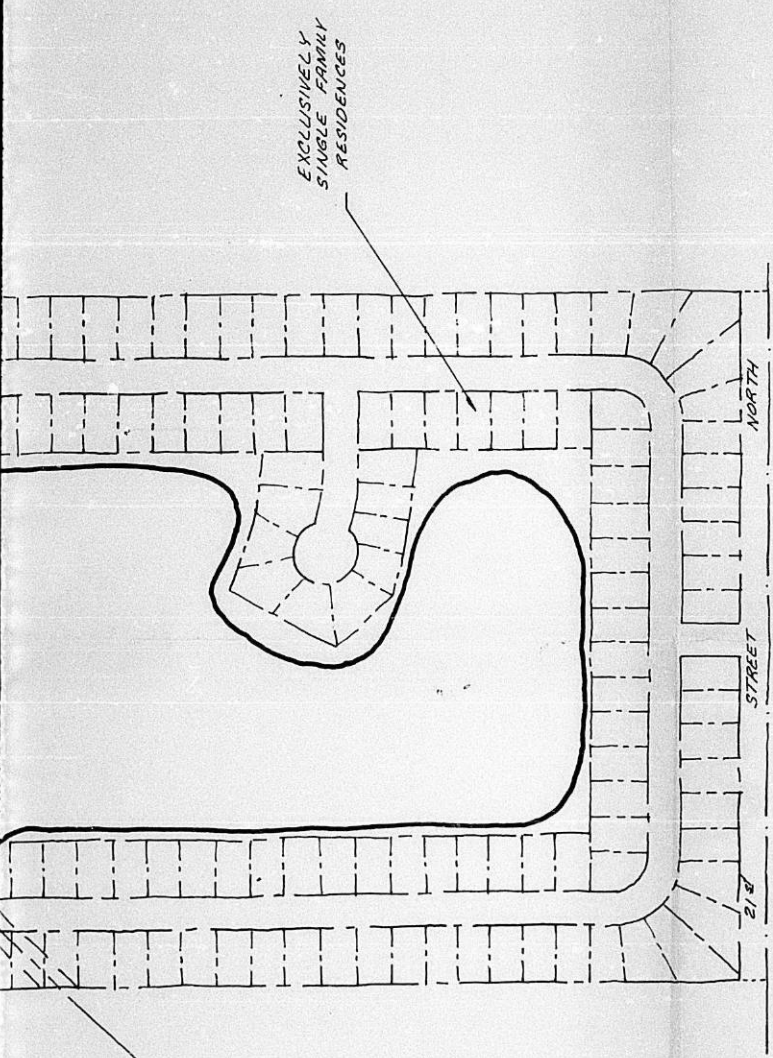


EXCLUSIVELY SINGLE FAMILY RESIDENCES

N



1" = 200'



EXCLUSIVELY
SINGLE FAMILY
RESIDENCES

SE COR of SW 1/4 of
SEC 2, Twp. 27-N, R-1-W

SKETCH PLAN OF
SOUTHWESTERN COLLEGE
 WINFIELD KANSAS

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