

$$650 \times 100 = 65,000$$

$$\begin{array}{r} 65,000 \\ - 22,500 \\ \hline 42,500 \end{array}$$

$$+ 200 \times 50 = 10,000$$

$$+ 250 \times 50 = 12,500$$

$$22,500$$

$$2640 \times 2240 = -42500$$

$$\begin{array}{r} 5913,600 \\ + 42,500 \\ \hline 5956,100 \end{array}$$

R E S O L U T I O N

Case No. CU-157

A RESOLUTION PERMITTING A SAND AND GRAVEL
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 SEDG-
WICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY
SECTION 4.A.10.f. AND SECTION 11.E OF THE ZONING
RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMIS-
SIONERS 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.A.10.f. and Section 11.E of the Zoning
Resolution, as amended, a Conditional Use Permit to allow
a sand and gravel extraction operation

is hereby approved on the lands legally described as follows:

The Southwest quarter of Section 19, Township
26 South, Range 1 East of the 6th P.M., Sedgwick
County, Kansas, except the south 400 feet thereof
and except that part condemned in Case No. A-39338.
Generally located on the east side of Meridian be-
tween 46th Street North and 53rd Street North.

SUBJECT TO THE FOLLOWING:

1. The applicant dedicating by separate instrument the
necessary 50 feet of half-street right-of-way for
Meridian.
2. The applicant shall contact M. S. Mitchell of the Flood
Control Office and shall obtain a letter stating that satis-
factory arrangements have been made to resolve the drainage
problems and construct the loop levee, a copy of which shall
be submitted to the Planning Department.

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 sandpit as may be required by M. S.
Mitchell, and shall be constructed in accordance with con-
struction 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; said covenant shall run with the land and
be binding on all owners, successors or assigns.

3. No part of the sand plant operation, including the stock-
piling of sand or storage of equipment, shall occur in the
north 360 feet or the west 100 feet except ingress and
egress to Meridian.

4. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks to the approximate 67 acre size as indicated on the approved plan.
5. A minimum 72-inch high chainlink fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site, 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.
6. The earth shall be extracted to at least 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. Seeing that all operational roads are maintained in a graveled condition.
 - c. Seeing that the two drainageways are constructed and maintained as part of the operational plan.
 - d. The construction of any structure such as culverts, ditches, ditch checks, riprap, etc., necessary to carry out this plan.
 - e. Seeing that the grading of the area around the perimeter of the sandpit lake is maintained so as to direct drainage toward the lake.
10. The applicant shall be responsible for planting and maintaining three rows of either deciduous and/or coniferous trees along the north property line. Said trees are to be planted in the first growing season after the approval of this conditional use (spring 1974).
11. The sand plant operation shall commence in the year 1974 and shall cease operating after 15 years unless a permit is authorized by the appropriate governing body.
12. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County Counselor, providing that, upon the termination of the sand excavation operation, the property shall be redeveloped in accordance with the submitted redevelopment plan; or in accordance with the permitted uses in the zoning laws at that time. Said covenant shall run with the land and be binding upon the present owners, their successors and assigns.
13. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County Counselor, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.

height
increased
by BOC

added
by BOC →

added
by BOC

added
by BOC

added
by BOC

14. 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.
15. Concrete and asphalt mixing plants, and commercial recreational activities, such as boating, fishing, skiing, etc., shall not be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
16. All slopes, excepting those slopes used for a beach or recreational purposes, 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.
17. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
18. Five copies of the revised operational plan, indicating the loop levee, relocation of the drainage, the location of the sand plant operation and the increase in the perimeter setback lines to 360 feet on the north and 200 feet on the east, shall be submitted to the Planning Department.
19. The applicant shall comply with conditions 1, 2, 12, 13, and 18 prior to the publication of the resolution effectuating the conditional use.
20. All conditions of approval shall be complied with within one year from the date of approval by the Board of County Commissioners; or the conditional use permit shall be 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 January, 1974.

Cam Scott, Chairman
Ernest Peter, Commissioner
Earl C. Rush, Commissioner

ATTEST:

Marie Warden
 Marie Warden, County Clerk
 by Sharon Slawny
 (SEAL)

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, Miles Sand, Inc., being the owner of the following described real estate in Sedgwick County, Kansas, to-wit:

The West 50 feet of the Southwest Quarter of Section 19, Township 26 South, Range 1 East of the 6th P.M. Sedgwick County, Kansas; except the South 400 feet thereof.

does hereby dedicate the above described real estate to the public for street purposes.

Executed this 12 day of February, 1974.

MILES SAND, INC.

ATTEST: Michael C. Rowe
Secretary

By W. Harley Miles
President

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 12th day of February, 1974 came V. Harley Miles and Michael C. Rowe

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

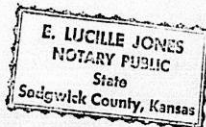
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

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,

E. Lucille Jones
NOTARY PUBLIC
E. Lucille Jones
My Commission Expires Jan. 13, 1975

this _____

City Clerk



RESTRICTIVE COVENANT
AND AGREEMENT

MILES SAND, INC., a Kansas corporation, fee owners
of the following described realty, to-wit:

That part of Lots one (1) and Two(2) of the Southwest Quarter (SW1/4), also known as the Southwest Quarter (SW 1/4) of Section 19, Township 26 South, Range One (1) East and beginning at the Northwest (NW) corner of the Northeast Quarter (NE 1/4) of Section 30, Township 26, South Range One (1) East, thence South 74 Rods, thence East 80 Rods, thence North 74 Rods, thence West 80 Rods, *Tab*
~~TO THE place of beginning, except that part condemned under the Chisom Creek diversion ditch and dyke in Sedwick County District Court, Case no. A 39338, and except the South four hundred (400) feet thereof~~

hereby make the following declaration as to restrictions, limitations, and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

1. "No rubbish, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."
2. "When the sand extraction operation is completed the realty will be redeveloped pursuant to the plan of operation submitted or in accordance with the permitted uses in the zoning laws at that time."

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted, or changed without the written consent of the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas, and may be enforced by any appropriate governmental body or agency.

IN WITNESS WHEREOF, MILES SAND, INC. has executed this covenant on the 12 day of February, 1974.

MILES SAND, INC.

ATTEST:

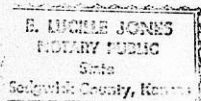
Michael Rowe
Secretary

By W. H. H. H.
President

STATE OF KANSAS)
SEDGWICK COUNTY) SS.

BE IT REMEMBERED, That on this 12th day of February,
19 74, before me, a Notary Public, in and for said County and
State, came V. Harley Miles and Secretary
and Michael C. Rowe, President of MILES SAND, INC.,
to me personally known to be the same persons who executed the
within and foregoing instrument, and duly acknowledged the
execution of the same, for and on behalf, and as the act and deed
of said company.

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



My Commission Expires:

January 13, 1975

E. Lucille Jones
NOTARY PUBLIC

E. Lucille Jones

*

This CU file

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*