

DR 80-12 - Ted Klaassen, et al  
request Special Permit to Estab-  
lish a Non-discharging Facultative  
Wastewater Treatment Lagoon -  
generally located 1/2 mile south  
of 52nd Street North, and lying

# ACTION

POSTED  
7-2-90  
SH

COMMITTEE \_\_\_\_\_

DATE \_\_\_\_\_

M.A.P.C.

Denial

7-17-80

~~B.C./B.C.C.~~

Refer back to  
M.A.P.C.

8-13-80

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Map No. 5553A  
Sec. 21  
Twp. 26  
Range 1E

DATA SHEET

DR - 80-12  
          
Filed 6-17-80

APPLICATION REQUEST: Special Permit to Establish a Non-discharging Facultative Wastewater Treatment Lagoon, on Property Zoned "R-1".

APPLICATION DATA:

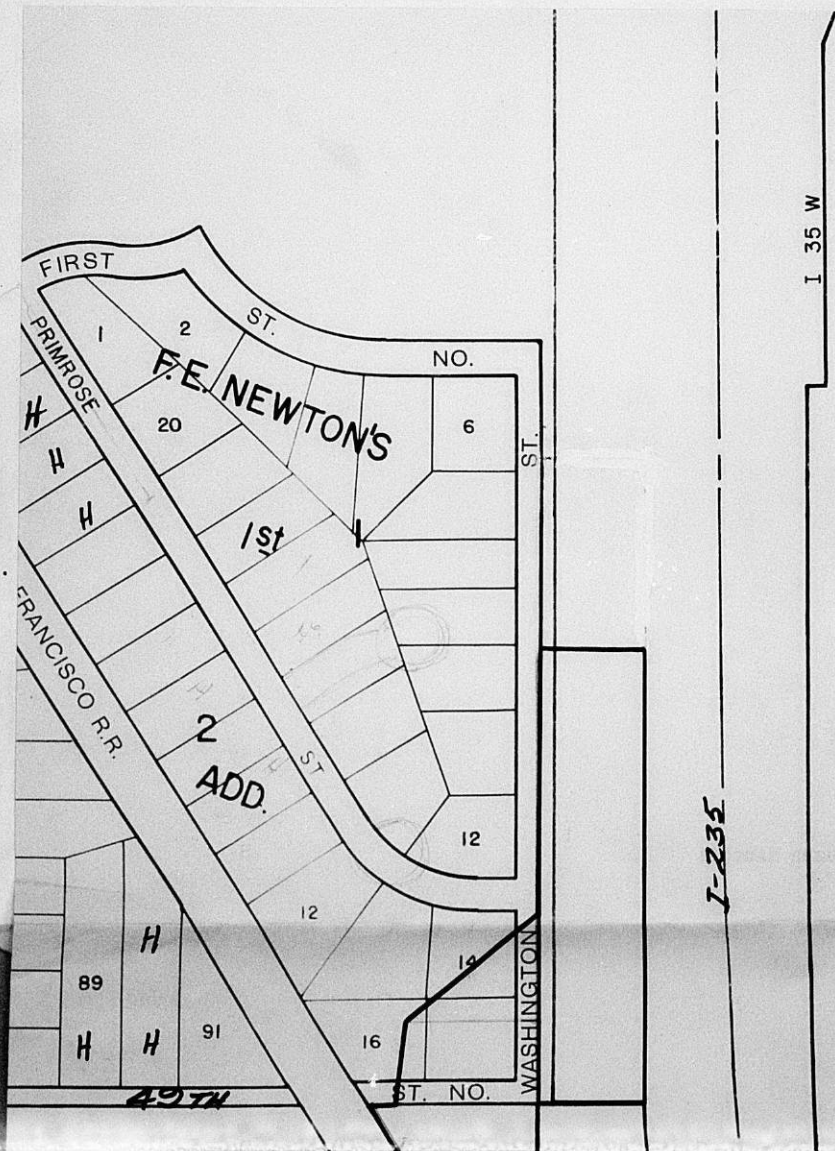
1. Applicant: Ted Klaassen, et al  
Address P.O. Box 85, Whitewater, Ks. 67154 Phone 799-2417
2. Agent: Don C. Moehring II, et al  
Address 433 S. Hydraulic, 67211 Phone 263-8291
3. General Location: 1/2 mile south of 53rd St. North, and lying west of I-35 Highway. Address
4. Proposed Use:

AREA DATA:

1. Acres: 5.6 (IRREGULAR) ( 490 ft. by 900 ft.)
2. Adjoining Zoning: E          S          W          N
3. Land Use: East I-35 HI-WAY South UNDEVELOPED  
West FRISCO RR TRACKS North UNDEVELOPED
4. Sketch Plan Land Use is for:
5. Present Land Use is for: UNDEVELOPED BW OF I-235
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by          Date          Time         

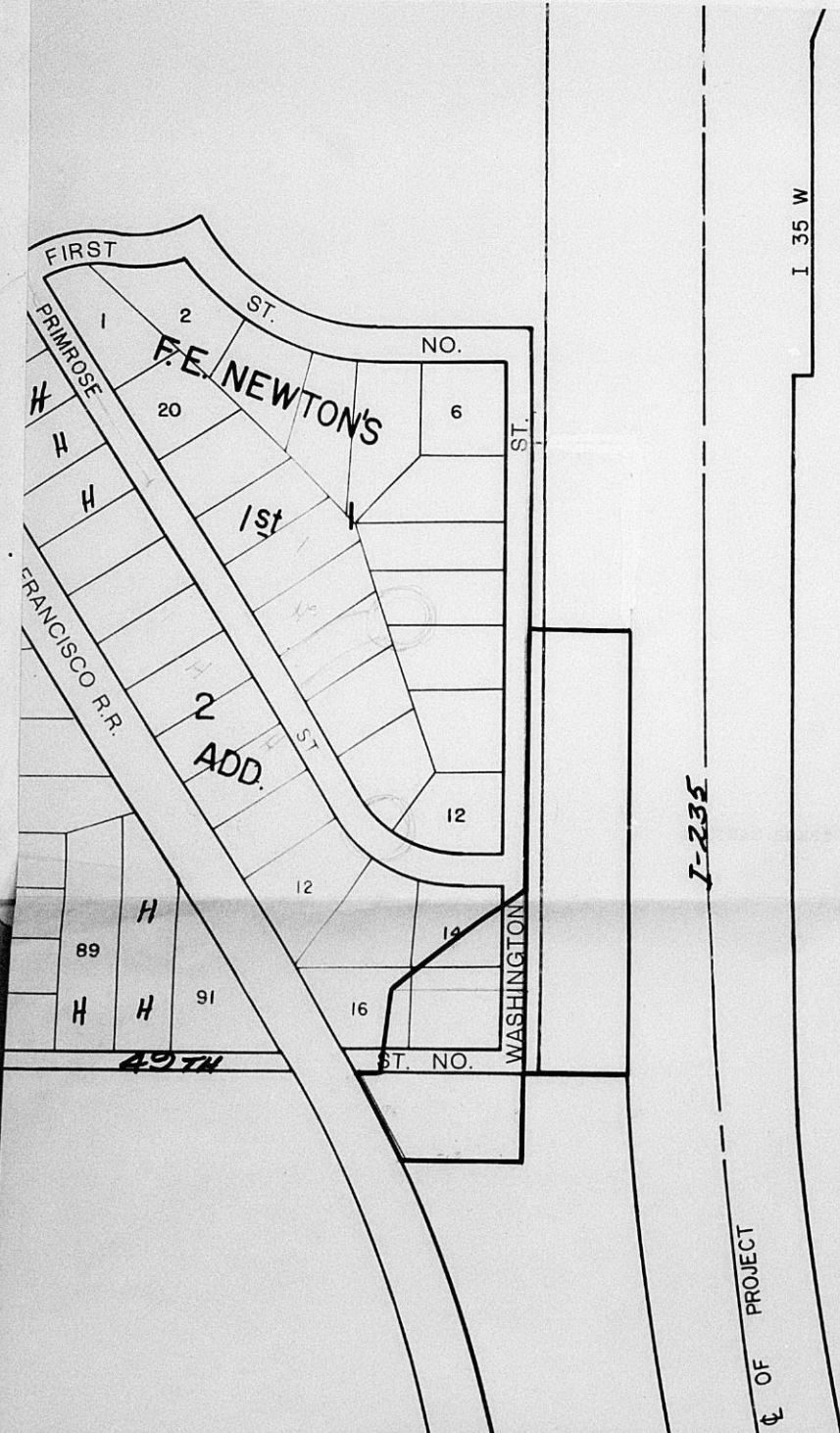


37. General Location: 1/2 mile south of 33rd St. North, and lying west of I-35 Highway. Address \_\_\_\_\_

4. Proposed Use: \_\_\_\_\_

- AREA DATA:
1. Acres: 5.6 ( 490 ft. by 900 ft.) *(IRREGULAR)*
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East I-35 HI-WAY South UNDEVELOPED  
West EPISCOPAL RR TRACKS North UNDEVELOPED
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: UNDEVELOPED BLDG OF I-235
  6. Area (is) (is not) platted.

PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

3

July 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, July 17, 1980, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider the following application. You may appear either in person or by agent or attorney if you so desire.

CASE NO. DR 80-12

Request for a Special Permit to Construct  
A Non-discharging Facultative Wastewater Treatment Lagoon

The South 800.0' of that part of the NE 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, lying West of the centerline of Interstate Highway I-135; except the East 150.0' thereof

AND ALSO

A tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 158.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-way; thence Northwesterly along said Right-of-way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning. All generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

3

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
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AND ALSO

A tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 150.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-way; thence Northwesterly along said Right-of-way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning. All generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

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CASE NO. DR 80-12

Request for a Special Permit to Construct  
A Non-discharging Facultative Wastewater Treatment Lagoon

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AND ALSO

A tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 153.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-way; thence Northwesterly along said Right-of-way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning. All generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

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Robert A. Lakin  
Secretary

Final site for  
lagoon is  
5 1/2 of section  
which is zoned  
"E"

received 8/1/90

IMPORTANT MESSAGE

FOR Salpach  
DATE 7/21 TIME 10:09 A.M. P.M.

WHILE YOU WERE AWAY

Elizabeth Cullsey  
OF 5117 Fremont 67219  
PHONE No. 265-3351 (work)

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 I'd like a copy of the minutes (page 707) or consideration of lagoons around 53rd St. North.

SIGNED Leahy

FORM 000-017

IMPORTANT MESSAGE

FOR Lakin 433 Mullica  
DATE 7/19 TIME 9:33 A.M. P.M.

WHILE YOU WERE AWAY

Elvin H. ...  
OF Frederonia, Ks. 66736  
PHONE No. (316) 378-2505 (collect)

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 Important that he talk with you re: a hearing being held this afternoon.

SIGNED Leahy

FORM 000-017

Re =:

95

NE 1/4 of 21 -

- own SE 1/4 w/ floodway thru it.

53rd to ~~the~~ Property - S; need to  
increase for possible.

Keep on Klause land:

Taxon Property for H<sub>2</sub>O -

27  
28  
29

4 wells would produce H<sub>2</sub>O

Write response - - send minutes

- would stop 49th E of RR.  
wants street opened.

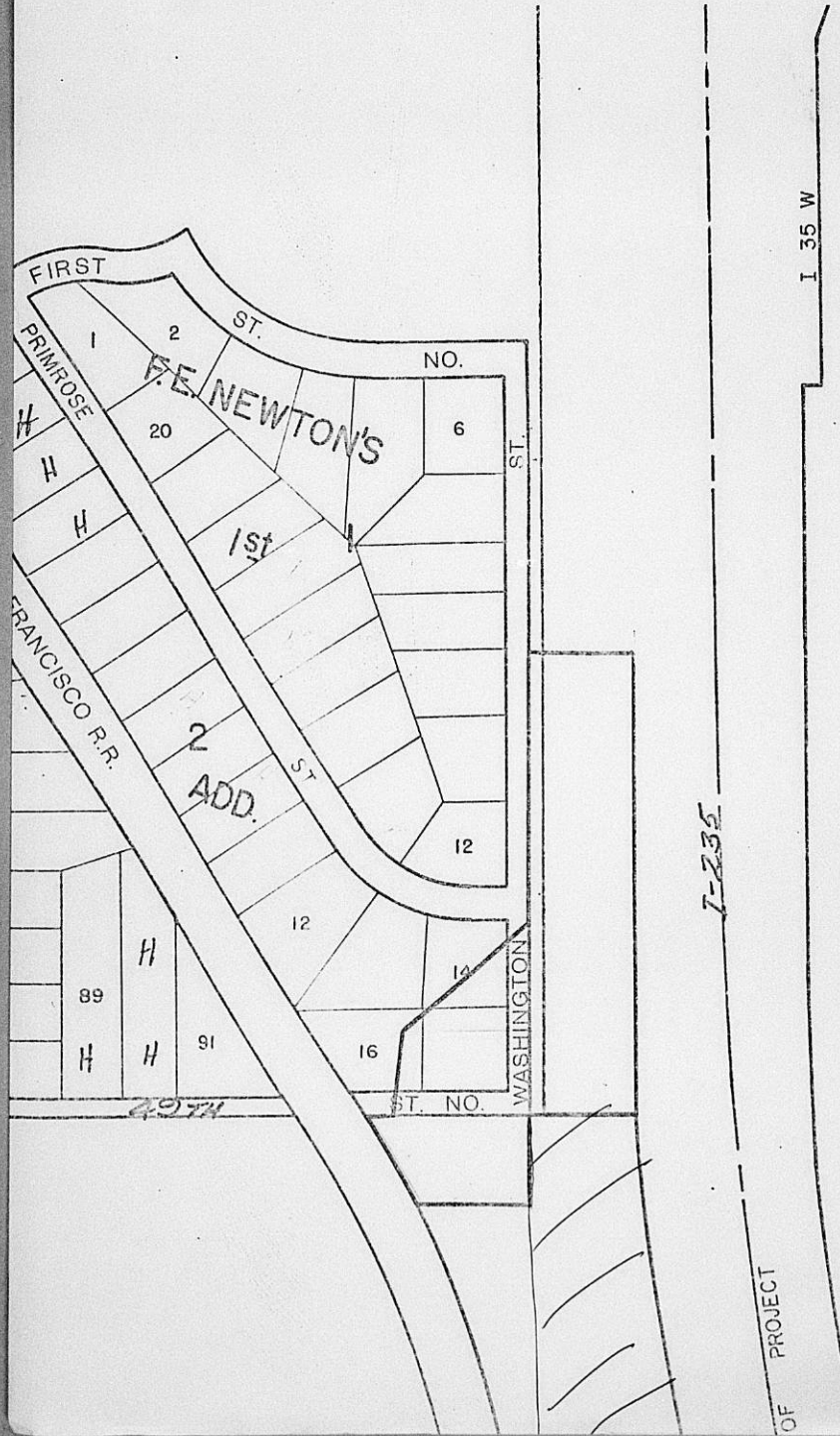
advise also of any reflect to N.

5. present Land Use is for: EXCEPTED V.D. 051-235

6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

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

August 13, 1980

Don C. Moehring II  
433 South Hydraulic  
Wichita, Kansas 67211

Re: DR-80-12 - Special permit to  
establish a non-discharging  
facultative wastewater treat-  
ment lagoon 1/2 mile south of  
53rd Street North and lying  
west of I-135 Highway

Dear Mr. Moehring:

The Board of County Commission on this date considered the above-captioned case and your request for a deferral of 90 days. There were a number of adjacent property owners in attendance. After some discussion, their action was to refer the case back to the Metropolitan Area Planning Commission for rehearing of new plans.

Based on this action, Mr. Lakin asked that I advise you that we will not reschedule this case until we receive a new proposal from you. If you select a site further south that is zoned industrial, a special use permit will not be necessary. If that is the outcome, you will first need approval for the lagoon from the State and local Health Departments. Such approvals would first need to be obtained prior to proceeding with the platting of the property.

At such time as an industrial zoned area to the south is approved for such use, please provide us a letter withdrawing this case from further consideration.

If you have any question on how to proceed, please call.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

WICHITA - SEDGWICK COUNTY

cc: Board of County Commissioners

Syd Werbin, County Zoning Officer

Mr. & Mrs. Ted Klaassen, P. O. Box 85, Whitewater, Ks. 67154

Mr. W. H. Ogan, P.E., State Transportation Engineer, State Office  
Building, Topeka, Kansas 66612

Jim Aiken, Environmental Health Director, Health Department, 1900 East 9th,  
Wichita, Kansas 67214

Lawrence Mullins, Director of Public Works, County

Clarence Henderson, 6012 Danbury Street, Wichita, Ks. 67220

Ben Spencer, 2929 River Park Drive, Wichita, Ks. 67203

Kathy Steward, 14721 West Selma, Wichita, Ks. 67227

Everett Spangler, 5120 Primrose Street, Wichita, Ks. 67219

John Harrison, 5059 Primrose Street, Wichita, Ks. 67219

Eldon Scott, 820 East 49th Street North, Wichita, Ks. 67219

Elvin Hull, R.R. #4, P. O. Box 35, Fredonia, Ks. 66736

Norman Walters, 5133 Primrose Street, Wichita, Ks. 67219

**MOEHRING & ASSOCIATES**

**CONSULTING ENGINEERS**

12 August 1980

Everett Patrick, Chairman  
Board of County Commissioners  
Sedgwick County Courthouse  
Wichita, KS 67202

Re: DR 80-12 - Special permit to  
establish a non-discharging  
facultative wastewater treat-  
ment lagoon 1/2 mile south of  
53rd Street North and lying  
west of I-135 Highway.

Dear Mr. Patrick:

On July 17, 1980, the Metropolitan Area Planning Commission considered the above-captioned Special permit request. The action of the Planning Commission, after considerable discussion, was to recommend that the application not be approved, and at the same time urged the applicant to consider possible alternate site locations further away from existing residences.

In an attempt to affect compliance with the Planning Commission's recommendation, alternate site evaluations have been made. Due to the multiplicity of ownership, negotiations for site acquisition have not been completed.

We would therefore request that consideration and final disposition of the Board of County Commission of this Special permit application be deferred for ninety (90) days.

Sincerely yours,

MOEHRING & ASSOCIATES  
CONSULTING ENGINEERS

*Don C. Moehring II*  
Don C. Moehring II

cc: Commissioner Tom Scott  
Commissioner Don Gragg  
Robert Lakin, M.A.P.C.  
Theodore Hill, County Counselor  
Ted Klaassen, et al

8/13/80

BGC

Refer back to M.A.P.C.

for retaining of new plan -  
ML

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR SPECIAL PERMIT

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CASE NO. DR 80-12

CONSIDERED BY MAPC: 7-17-80

REQUEST FOR: Special Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To construct a non-discharging facultative wastewater treatment lagoon."

GENERAL LOCATION: 1/2 mile south of 53rd Street North and west of I-135 Highway.

LEGAL DESCRIPTION:

(see excerpt from Planning Commission minutes of July 17, 1980).

APPLICANT: Ted Klaassen, et al, P. O. Box 85, Whitewater, KS.

AGENT FOR APPLICANT: Don C. Moehring, II, 433 S. Hydraulic.

PROTESTORS ( LIST AGENT ) IF ANY: Everett Spangler, 5120 Primrose St.; John Harrison, 5059 Primrose St.

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE: Existing, Undeveloped; North, I-135 Highway right-of-way; East, I-135 Highway; South and West, Undeveloped & railroad.

**PLANNING COMMISSION RECOMMENDATION:**

That this application not be approved, and urged that the applicant consider a possible alternate site location further away from existing residences. The applicant may file a new request at anytime and does not have to wait a year. Gardner moved, Wright seconded and it carried with a vote of 6 in favor (Gardner, Wright, Goebel, Hennessy, Jones and Lofton), and 1 opposed (Bayouth). Martens, Shook and Savina were absent.

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**ACTION:** 1. Concur with the findings of fact of the Metropolitan Area Planning Commission and deny the application; or  
2. Take such action as the County Commission desires.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 17, 1980

15. Case No. DR 80-12 - Ted Klaassen, et al request Special Permit at the South 800.0' of that part of the NE 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, lying West of the centerline of Interstate Highway I-135; except the East 150.0' thereof; AND ALSO a tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 158.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-way; thence Northwesterly along said Right-of-way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning. All generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. County zone case SCZ-0373 requesting "LC" zoning for 14 acres at the southwest corner of 53rd and I-135 has been approved subject to platting. A 6-lot preliminary plat, F.E. Newton's 2nd Addition, was approved in 1978. One of the conditions of plat approval was that the applicant make satisfactory arrangements for sewer service to the site. The applicant is now requesting a special permit to allow the construction of a wastewater treatment lagoon system on land zoned "R-1" Suburban Residential and located on the west side of I-135 approximately 1/2 mile south of 53rd Street North.
2. This treatment system is proposed as a temporary facility to handle wastewater from the proposed light-commercial F.E. Newton's 2nd Addition as well as a number of platted but undeveloped residential lots in F.E. Newton's 1st Addition and the Sedgwick County North Yard property. The future Park City Interceptor, which is now under study, would appear to be the method of providing eventual permanent sewer service to this area. The Park City Interceptor study, when completed, will provide information for decisions as to the continuation (expansion and modification) of the Park City Sewage Treatment Plant and/or the construction of an interceptor sewer from the City of Wichita to serve Park City and/or the area between Park City and Wichita.
3. Part of the property in the application area is owned by Ted Klaassen, applicant, while the balance is owned by the Kansas Department of Transportation. KDOT has indicated a willingness to allow the use of this portion of their right-of-way, on a temporary basis, for the purpose of a sewage lagoon system. A county sewer district must be established to provide for the construction and maintenance of the sewer laterals and the lagoons. Also a joint use agreement between the applicant, KDOT and Sedgwick County Public Works will be necessary since the land to be utilized for the lagoons is under two separate ownerships.

4. The proposed lagoon system is described as a non-discharging facultative wastewater treatment lagoon which relies on natural organic treatment processes and uses no mechanical equipment of any kind. The designer of the system states that its operation will produce no noise, no by-products, no ground or surface water pollution, and none of the odors which might be commonly associated with other methods of sewage treatment. The facility will have the appearance of three small ponds and will be completely fenced. Operation of the facility will be monitored by state and local health departments. A 3-foot free-board depth above maximum operating level provides a safety factor exceeding the total average annual precipitation for this area.
5. Should the Planning Commission determine that this is a feasible request and recommend its approval, the following are suggested conditions of approval:
  - a. The applicant shall arrange for a consulting engineer to design a sewage treatment system that is acceptable to the State Department of Health and Environment, the Wichita-Sedgwick County Department of Community Health, and the Sedgwick County Department of Public Works, and which conforms to the general size, capacity and operating characteristics described in the application.
  - b. The applicant shall request the formation of a County Sewer District which shall be approved prior to publication of the resolution granting a special permit for the lagoon system.
  - c. The applicant shall provide an agreement signed by the lagoon site property owners which provides for the utilization of this site by a sewage lagoon system until such time as a municipal type sewer system is available. The agreement shall be binding upon the current property owners' heirs and assigns. It shall grant the County the right to assume the operation, improvement, maintenance and repair of the system in accordance with the approved plans upon completion of the construction of the system.
  - d. The applicant shall acknowledge, through an appropriate legal document, that the properties within this lagoon benefit district will be required to connect to public sanitary sewers when they become available and that the costs of connecting to the public sewers will be borne by the owners of the lots when connections are made. This acknowledgement shall state that the lagoon treatment system is temporary and when public sewers are available, the use of the lagoon system will be terminated and the land returned to its original state.
  - e. The applicant shall replat a portion of F. E. Newton's 1st Addition in order to vacate street right-of-way for Washington and for 49th Street and to vacate several lots now located where cell number three of the lagoon system is proposed. The buildable area on each lot of the replat shall be located at least 350 feet from the edge of any cell in the lagoon system. It is recommended that this replat be included in the F. E. Newton 2nd Addition plat.
  - f. Operation of the lagoon system shall not commence until such time as the applicant has constructed along the perimeter of the ponds a 72-inch or higher chainlink fence with three or more strands of barbed wire along the top and with posts set not more than one rod apart. The fence shall 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.

- g. This approval shall be void unless construction shall have commenced within 12 months and completed within 24 months after adoption of the special permit resolution by the Board of County Commissioners.

GALBRAITH pointed out history of the application, and stated that the lagoon system that is proposed is viewed as a temporary system. He said that the applicant has proposed this system because other answers for extension for municipal type sewer systems have not been forthcoming. GALBRAITH stated that if the lagoon system was to be developed, it would be maintained by the County Public Works Department. He said that Jim Aiken, Environmental Health Director, submitted comments that an additional condition should be added to assure that the proposed system would be temporary. The additional condition is that the County District that is formed shall petition the City for a sewer system when later extended. He wants on record when the plat is processed that this District is petitioning the City for extension of the sewer system whenever it is available. GALBRAITH commented that it was not only proposed that the balance of the Klaassen property be in this benefit district, but there had been some indication that the County Yard on 53rd Street is desirous of building and they are wanting to be included in this benefit district. GALBRAITH said that other property owners in the area could tie into this system if desired. He said that there had been a number of calls about the lagoon system, pointing out that the private systems that they have are quite adequate, and that they not only object to this proposal, but feel that they would not desire to hook into this system.

DON MOEHRING, engineer representing the applicant, stated that working with the Flood Control Department and M. S. Mitchell, they have filed with the County a commitment not to try to obtain building permits until such time as there was improvement to the drainage facilities. He gave some history of the site, and stated that this site has a unique situation. The lower ground has better soil and as you go up the hill, there is more clay in the soil and it is not suitable for septic tanks.

**MOTION:** That Mr. Moehring be given additional time to finish his presentation. Hennessy moved, Jones seconded and it carried unanimously. Martens and Shook were absent.

MOEHRING showed a number of slides of similar residential developments in the proximity of lagoons, pointing out that the houses in the area were valued up to \$150,000.

LOFTON asked if this was a new chemical system and if it was being used in other areas. MOEHRING said that there were no chemicals involved, it was a natural organic process.

BERT HENDERSON, 6012 Danbury Street, owner and operator of the Echo Hills golf course north of subject property, said that he felt the facility as presented would be a tremendous asset to the neighborhood, and in their future plans, they intend to expand their clubhouse facilities and would need a sewer system of some type.

KATHY STEWART, 14721 West Selma, said that she was present because she was approached both by the applicant and the opposition. She said that the applicant had asked her for an unbiased opinion because she lived within 500 feet of a lagoon in Kechi, Kansas. The applicant asked her if they got an odor from the lagoon, and wanted an honest answer. She gave an honest answer, no,

they did not get an odor within the three years that she lived there. She mentioned that they got an odor usually twice a year when the lagoon turned over. STEWART said that one of the persons in opposition that they had known for 15 years asked her the same thing, and she gave him the same answer.

BEN SPENCER, 2929 River Park Drive, a co-owner of 78 acres south of 49th Street immediately adjacent to the proposed treatment facility, stated that they believe this to be a very fine project and will improve the area on a temporary basis. He had no objection to the project.

LAKIN, for the record entered an objection that he received this morning from Mr. Elvin Hull, owner of land immediately to the south and southeast. He indicated that he was unable to be present today because of his age and the heat problem, but wanted to state to the Commission his concerns of access, and not being able to get a service road built through the area to his land. If this area was developed for other reasons and must use water wells, he was concerned about the quality of water from the wells if the lagoon is permitted to the north.

SAVINA was excused from the meeting.

EVERETT SPANGLER, 5120 Primrose Street, presented a petition of opposition to the Commission. He stated that he had bought his property from the applicant about two years ago, and at that time was given a choice of any lot as far south as the one he is on now. He said that he had asked the building contractor on previous occasions about the possibility of a lot further south, but was told that there wasn't an accurate platting. He felt that maybe at that time the reason he was not offered anything further south was that he would have been too close to the lagoon system. He said that there was nothing mentioned about a lagoon system when he purchased his property, and had he known about the lagoon he would not have bought his property. He mentioned the restrictive covenants that apply to all of the residents in the area. These rules were established for the protection of the people who choose to live in the area, and they were to let them know what type of neighborhood they could expect to develop. He said that they could also feel secure that they would have a good investment knowing that a certain minimum would be within their standards. SPANGLER said that since he accepted these restrictions and choosing to make this area his home, he did not feel comfortable with the thought of having a sewerage pond approximately 500 feet from his back door.

JOHN HARRISON, 5059 Primrose Street, speaking in opposition, asked the people in the audience for a show of hands opposed to the lagoon system (about 30 people). He said that his house was one of the two closest houses to the proposed lagoon system, and they all have their own septic systems and they are working well. HARRISON said that he was approached some time last year by Mr. Klaassen asking him to sign a waiver of agreement with the idea that he would receive a consideration of approximately \$5,000 for his signature for a lagoon system about 300 feet from his property. He said that the waiver is still unsigned, and if he did not want a lagoon system for \$5,000 then, he would not want one for nothing now. HARRISON showed pictures of telephone cables being buried in the vicinity, and stated that the telephone cables would be of no use if this ground is replatted and the lagoon system is put in. He said that because this lagoon would serve multiple dwellings and also may serve a commercial area, it comes under State regulations. He was concerned about the smell of the lagoon.

**MOTION:** That additional time be granted to Mr. Harrison to finish his presentation. Gardner moved, Jones seconded and it carried unanimously. Martens, Shook and Savina were absent.

HARRISON continued that this is platted land and could be built upon. He pointed out that there were owners of this property, and wanted it of public record that all of the owners were not listed on the application, and that the Planning Commission had not been presented with a complete application.

ELDON SCOTT, 820 East 49th Street North, stated that he had lived on his property for 20 years. He felt that a lagoon would not help the valuation of his property.

MOEHRING commented that the source or who contributes to the lagoon has nothing to do with its odors. The cost of replacing telephone lines or utilities would be taken care of at the time of replatting. He said that the lots that were platted most could not be built upon since they were part of the area that the applicant had made a commitment to the County to not develop or sell lots in that area until the drainage was taken care of. He said that he knows that lagoons will work, the Health Department knows they will work, and they are working today and are not a detriment to an area. He said that this had been planned since 1977 and this has not been a surprise item, and was just a part of orderly development until such time as municipal sewers were available.

LOFTON said that it was quite obvious that as many people that were present in opposition, that they do not want the lagoon. LOFTON stated that he read from the report that this was being built for light commercial, and wondered where it would be located. GALBRAITH pointed the location out on the map.

WRIGHT asked Galbraith or Lakin about the Park City sewer long range plan, and when it would be available.

LAKIN said that it would probably be another year before the study would be complete, and at that time they would know in which direction they would be going. Before anything would be built, there would have to be a substantial demand existing to justify the investment.

HARRISON called the Commission's attention to the fact that these are relatively new homes, and the newest one was built within the last two years since Mr. Klaassen applied for replatting and at that time he was aware that there may be a lagoon put in.

GALBRAITH said that Mr. Harrison raised the question about the validity of the application not showing all of the existing owners. He said that he viewed the abstract ownership list and the owner of the property was shown as Mr. Klaassen's wife. No place in the ownership list does it indicate joint ownership.

BAYOUTH pointed out that the County Health Department and State approves of this site and location, and could not see how the lagoon system could be denied.

HARRISON said that he would like to make the notation that the lagoons that the Commission had approved in the past were only to serve houses in the area, and there were no houses built in the area at the time and were not built as close as they would be to the lagoon. He said that the people that moved into the area of

a lagoon had an opportunity to look at the nuisance before they bought the property, and not after they bought the property.

GOEBEL agreed with Commissioner Bayouth, and felt the word "lagoon" should be banned from the dictionary because it frightens people.

MOTION: I move that we recommend to the governing body that this special permit be approved subject to the staff comments. Bayouth moved.

The motion died for lack of a second.

GOEBEL commented that the applicant had zoned this property when he was on the Planning Commission several years ago, and felt that the Commission should consider getting together with the Health Department. He felt the owner has some rights and the area residents have rights too.

GARDNER stated that probably the parcel considered today involves several elements that perhaps the Commission should review. The development rules have changed for the developer in this area in terms of standards for septic tanks and septic field use. He is obviously caught in a hardship situation in terms of dealing with the balance of his property. He said that by the same token that has been a risk for many people when they have developed outside the City limits with questionable or marginal utilities available. There has been a risk factor for those persons for a number of years whether or not the soil had adequate percolation, and whether or not municipal utilities would eventually be extended to them. He said that he was inclined to believe personally the amount of property lying undeveloped south of this area probably presents an alternate for the developer in terms of acquiring additional land for a lagoon system with the proximity factor being a major consideration with the residents. Possibly the applicant could make arrangements to locate a lagoon facility somewhere far enough south where it wouldn't be as objectionable to the residents. GARDNER said that by the same token the residents need to recognize that if the applicant was able to move a facility farther away to the south that the facilities are certainly acceptable in many areas without substantial property loss when they are designed to current standards, and that they are a feature which would probably be evident in an area between Wichita and Park City as that area infills. He continued that a neighborhood maintaining in an attitude of the first one in closes the door and prevents any of the last ones from coming in would probably eventually be disappointed because at some point or other the area would develop.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into account the extent to which removal of the restrictions will affect nearby property, the opposition of neighborhood residents, and the inappropriateness of the location of the lagoon; I move that we recommend to the governing body that the application not be approved and urged that the applicant consider a possible alternate site location further away from existing residences. The applicant may file a new request at anytime and does not have to wait for a year. Gardner moved, Wright seconded.

LOFTON felt that since there were so many objections from the neighborhood perhaps an alternate site should be arranged, and he was in agreement with the motion.

BAYOUTH remarked to Lofton that that does not make it right just because all of the neighborhood objected to it.

LOFTON agreed, but in cases where there are objections and there is room for alternates, it should be given some consideration.

VOTE ON THE MOTION: It carried with a vote of 6 in favor (Gardner, Wright, Goebel, Hennessy, Jones and Lofton), and 1 opposed (Bayouth). Martens, Shook and Savina were absent.

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July 18, 1980

Don C. Moehring II  
433 South Hydraulic  
Wichita, Kansas 67211

Re: DR 80-12 - Special permit to  
establish a non-discharging  
facultative wastewater treat-  
ment lagoon 1/2 mile south of  
53rd Street North and lying  
west of I-135 Highway

Dear Mr. Moehring:

At its regular meeting of July 17, 1980, the Metropolitan Area Planning Commission considered the above-captioned special permit request. After considerable discussion, the action of the Planning Commission was to recommend that the application not be approved and urged that your client consider possible alternate site locations further away from existing residence.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, August 13, 1980, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad

cc: Syd Werbin, County Zoning Officer  
Mr. & Mrs. Ted Klaassen, P. O. Box 85, Whitewater, Ks. 67154  
Mr. W. H. Ogan, P.E., State Transportation Engineer, State  
Office Building, Topeka, Kansas 66612  
Jim Aiken, Environmental Health Director, Health Department  
1900 East 9th, Wichita 67214  
Lawrence Mullins, Director of Public Works, County

5/ao

Clarence Henderson, 6012 Danbury Street, Wichita 67220  
Ben Spencer, 2929 River Park Drive, Wichita 67203  
Kathy Steward, 14721 West Selma, Wichita 67227  
Everett Spangler, ~~5230~~ Primrose Street, Wichita 67219  
John Harrison, 5059 Primrose Street, Wichita 67219  
Eldon Scott, 820 East 49th Street North, Wichita 67219  
Elvin Hull, R.R.#4, P. O. Box 35, Fredonia, Ks. 66736  
Norman Walters, 5133 Primrose Street, Wichita 67219

Reference: CASE NO. DR 80-12

Request for a Special Permit to Construct A Non-discharging Facultative Wastewater Treatment Lagoon

By signing my name below, I affirm that I am opposed to the construction of the lagoon(s) set forth in the referenced case.

<u>NAME</u>	<u>ADDRESS</u>
B. McFARLEN	5127 IRVING DR.
Jane McFarlen	5127 Irving Dr
Deborah Watson	5127 Irving Dr.
RAY MCFARLEN	5127 IRVING DR.
Judy Albrecht	5110 Irving Dr.
C. W. Albrecht	5110 Irving Dr.
Bayle Thomas	5055 Irving Drive
Jessie B. Thomas	5055 Irving Dr.
Leg A. Salter	5021 Irving Drive
Myra Salter	5021 Irving Drive
Peggy L. Hindman	5045 IRVING DRIVE
Jan A. Hassell	5009 N. IRVING DR.
Julie Hassell	5009 N. IRVING DR.
Pauline Biggs	5001 Irving Dr.
Harold L. Biggs	5001 Irving Dr.
Patsy R. Cole	5002 Irving Dr.
Bileen A. Kern	5008 Irving Dr.
Wanda B. Lamm	5015 N. Irving Dr.
Kendall E. Lamm	5015 N. Irving Dr.
Margaret Rutschman	5046 Irving Drive
Alvin D. Rutschman	5046 Irving Dr.
Daniel T. Rutschman	5046 IRVING DRIVE

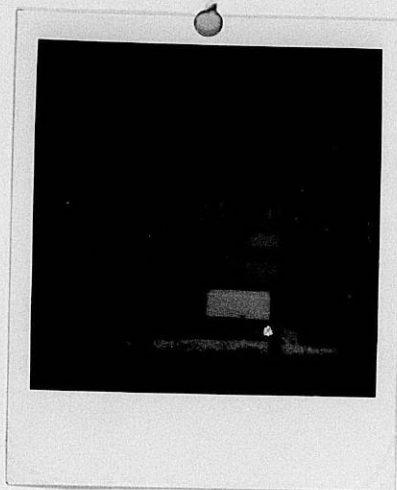
Reference: CASE NO. DR 80-12

Request for a Special Permit to Construct A Non-discharging Facultative  
Wastewater Treatment Lagoon

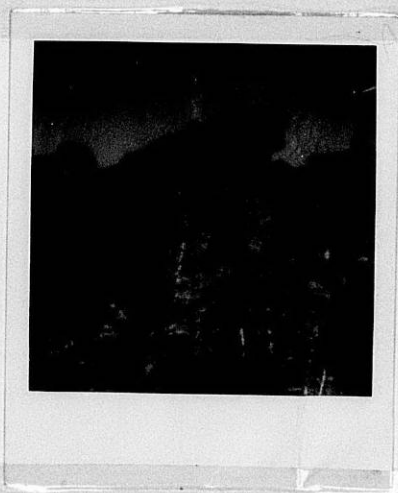
By signing my name below, I affirm that I am opposed to the construction of  
the lagoon(s) set forth in the referenced case.

<u>NAME</u>	<u>ADDRESS</u>
Barbara Walters	5133 Primrose
G. Thomas Walters	5133 Primrose
John F. Harris	5059 Primrose
Nelson L. Parker	5165 Primrose
R. G. Parker	5165 PRIMROSE
J. H. Champ	5162 Primrose
J. H. Champ	5162 Primrose
James H. M. Nelly	5253 Primrose
Kenneth F. Coburn	5958 Primrose
Judith J. Mc-Nelly	5253 Primrose
Nois Beckham	5215 Primrose
Ms. Spangler	5215 Primrose
Nancy McPherson	510 E. 49th Ave.
Don McElhinny	5141 Primrose
Jean McElhinny	"
Elizabeth Paulay	5117 Primrose
John A. Conley	5117 Primrose
Robert L. McLeod	5109 Primrose
Betty Foxwood	5109 Primrose
Phu E. Colett	5128 Primrose
Dorana L. Colett	5128 Primrose
Ed Spangler	5100 Primrose
Shirley Ann Spangler	5120 Primrose
John L. Koehler	701 E 51st N
John Koehler	701 E 51st N





143rd E & Central





Four Mile Creek





WAIVER AGREEMENT

WHEREAS, TED KLAASSEN and TALMA KLAASSEN, his wife, are the owners of the following described real estate, to wit:  
TRACT I.

upon which they desire to construct a waste stabilization pond for sanitation purposes, and

WHEREAS, in order to construct the aforesaid waste stabilization pond it is necessary that the same be constructed so that there is a 500 foot separation from the pond to the nearest existing habitation in accordance with the standards set forth by the "Minimum Standards of Design" of Kansas State Department of Health & Environment unless any adjoining property owner shall waive such requirement, and

WHEREAS, \_\_\_\_\_ and \_\_\_\_\_ his wife, are the owners of the following described real estate, to wit:  
TRACT II.

which is adjacent to the area described as Tract I, and

WHEREAS, the said proposed pond located aforesaid on Tract I would be more than 350 feet and less than 500 feet from the existing habitation located on Tract II, and

WHEREAS, the owners of Tract II are willing to waive any objection or claim that they might have as a result of the construction of the proposed pond within the 500 foot separation required, and

NOW, THEREFORE, the parties hereto do stipulate and agree as follows, to wit:

1. That the owners of Tract I may construct a waste stabilization pond as set forth above on Tract I using such standards to comply with "Minimum Standards of Design" of Kansas State Department of Health and Environment, adopted 8-17-78.
2. That the owners of Tract II do hereby waive any objection or claim that they might have with respect

to the construction of the aforesaid pond notwithstanding the fact that the pond constructed on Tract I will be less than 500 feet from the common boundary between Tract I and Tract II.

3. That the within agreement shall be binding upon the respective parties hereto, the survivor of them and the heirs and assigns of the survivor of them for such period of time as such pond shall be in existence of the purpose aforesaid.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1979.

\_\_\_\_\_  
Ted Klaassen

\_\_\_\_\_  
Talma Klaassen

Owners - Tract I

\_\_\_\_\_  
\_\_\_\_\_

Owners - Tract II

STATE OF KANSAS )  
                  ) SS:  
SEDGWICK COUNTY )

\_\_\_\_ day of \_\_\_\_\_, 1979, by Ted Klaassen and Talma Klaassen.

My Appointment Expires: \_\_\_\_\_  
Notary Public

STATE OF KANSAS )  
                  ) SS:  
SEDGWICK COUNTY )

\_\_\_\_ day of \_\_\_\_\_, 1979, by \_\_\_\_\_ and \_\_\_\_\_.

My Appointment Expires: \_\_\_\_\_  
Notary Public



OBSERVATIONS AT 3-HOUR INTERVALS

9 DAYS

HOUR	WIND			TEMPERATURE			MOISTURE	WIND			TEMPERATURE			MOISTURE	WIND			TEMPERATURE			
	DIR	SPD	GUST	AIR	SEA	WIND		DIR	SPD	GUST	AIR	SEA	WIND		DIR	SPD	GUST	AIR	SEA	WIND	
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0600	000	0	0	13	13	13	100	000	0	0	13	13	13	100	000	0	0	13	13	13	100
0900	000	0	0	13	13	13	100	000	0	0	13	13	13	100	000	0	0	13	13	13	100
1200	000	0	0	13	13	13	100	000	0	0	13	13	13	100	000	0	0	13	13	13	100
1500	000	0	0	13	13	13	100	000	0	0	13	13	13	100	000	0	0	13	13	13	100
1800	000	0	0	13	13	13	100	000	0	0	13	13	13	100	000	0	0	13	13	13	100
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- NOTES
- CEILING
  - WIND INSTRUMENTS
- WEATHER
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  - 2 MOSTLY CLOUDY
  - 3 OVERCAST
  - 4 BKN
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SPEED IS EXPRESSED IN KNOTS, MULTIPLY BY 1.15 TO CONVERT TO MILES PER HOUR.

STATION  
WEICHTA, KANSAS

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Feb.  
LEWIS MONTH  
78 00

U.S. DEPARTMENT OF COMMERCE  
NATIONAL CLIMATIC CENTER  
FEDERAL BUILDING  
ASHEVILLE, N.C. 28801

POSTAGE AND FEES PAID  
U.S. DEPARTMENT OF COMMERCE  
COM-210



FIRST CLASS













OBSERVATIONS AT 3-HOUR INTERVALS

*21 days*

HOUR	WIND			TEMPERATURE			HUMIDITY			WIND			TEMPERATURE			HUMIDITY		
	DIR	SPD	GUST	WET-BULB	DB	REL	WET-BULB	DB	REL	WET-BULB	DB	REL	WET-BULB	DB	REL	WET-BULB	DB	REL
0000	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
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1800	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
2100	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0000	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0300	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0600	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0900	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1200	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1500	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1800	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
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0600	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0900	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1200	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1500	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1800	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
2100	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
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0600	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
0900	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1200	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1500	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
1800	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0
2100	000	0	0	72	68	88	0	0	0	0	0	0	0	0	0	0	0	0

- NOTES
- CEILING
  - WIND INDICATED BY NUMBER
  - WEATHER
  - T THUNDER
  - TS THUNDERSTORM
  - D DRIZZLE
  - R RAIN
  - SH SNOW SHOWERS
  - PF FREEZING RAIN
  - DRZL DRIZZLE
  - LI FREEZING DRIZZLE
  - S SNOW
  - SP SNOW PELLETS
  - IC ICE CRYSTALS
  - SM SNOW SHOWERS
  - SD SNOW DRIFTS
  - IF ICE PELLETS
  - R HAIL
  - F FOG
  - IF ICE FOG
  - OF GROUND FOG
  - BD BLOWING DUST
  - BS BLOWING SAND
  - BL BLOWING LEAVES
  - BR BLOWING RAIN
  - BSW BLOWING SNOW
  - BY BLOWING SPRAY
  - H HAZE
  - S SMOKE
  - D DUST
  - MIND
- DIRECTIONS ARE THOSE FROM WHICH THE WIND BLOWS. INDICATED IN TERMS OF DEGREES FROM THE NORTH, I.E., 09 FOR EAST, 18 FOR SOUTH, 27 FOR WEST. ENTRY OF 00 IN THE DIRECTION COLUMN INDICATES CALM.
- SPEED IS EXPRESSED IN MILES PER HOUR. MULTIPLY BY 1.61 TO CONVERT TO KILOMETERS PER HOUR.

STATION  
WICHITA KANSAS

Sept.  
YEAR & MONTH  
TO DO

U.S. DEPARTMENT OF COMMERCE  
NATIONAL CLIMATIC CENTER  
FEDERAL BUILDING  
ASHEVILLE, N.C. 28801

AN EQUAL OPPORTUNITY EMPLOYER

POSTAGE AND FEE PAID  
U.S. DEPARTMENT OF COMMERCE

COM-210



FIRST CLASS







*Minimum Standards* General Design Considerations  
Adopted 8-17-78

IV. GENERAL DESIGN CONSIDERATIONS FOR SEWAGE TREATMENT WORKS

A. Introduction

Review of plans and specifications by the Water Pollution Control Section, Bureau of Water Quality will be limited to design calculations, functional design and pertinent environmental aspects. Proper functioning of the treatment facility is the responsibility of the design engineer.

B. Degree of Treatment

The Water Pollution Control Section, Bureau of Water Quality will establish the degree of treatment for each waste water discharge. Design engineers should obtain this information prior to preparation of a facilities plan. The degree of treatment shall be equal to secondary treatment as a minimum and shall be consistent with appropriate State and Federal Regulations.

C. Plant Location

1. General

*How Long*

A wastewater treatment plant site should be located as far as practicable from any present developed residential area or any area for which development is proposed within a reasonable future period. The direction of the prevailing winds should be considered when selecting the plant site. If a critical site must be used, special consideration shall be given to the design and type of plant provided. Plants should either be located at an elevation which is not subject to flooding or be adequately protected against flood damage. The plant shall be readily accessible. The site should be of ample size to accommodate expansion and/or the addition of facilities to increase the degree of treatment for a planning period of at least 50 years.

2. Existing Development

All dwellings and business structures within 0.5 miles of a proposed plant location should be shown in the facilities plan and on the final plans.

3. New Developments

All potential house and business locations within 1,000 feet of a new plant location, and the plat of the area to be served by the system should be shown in the facilities plan and on the final plans.

D. Separation Requirements

The following items will apply to the tables presented below:

1. Existing habitations may be served or unserved by the proposed collection and/or treatment system.

General Design Considerations  
Adopted 8-17-78

*SCOTT'S*

2. Proposed development may be served or unserved by the proposed collection and/or treatment system and may consist of new subdivisions, platted land, adjacent platted property, etc.
3. Separation distances may include roadway or railway right-of-ways as long as a minimum of 100 feet from property lines is observed.

Minimum Separation Distances

1. Minimum separation requirements for facilities of 10-99 P.E. are as listed (in feet) in the following table:

<u>Plant Type</u>	<u>Existing Habitations</u>	<u>Proposed Development</u>	<u>Property Lines</u>
Activated Sludge	500*	350	100
Trickling Filter	500*	350	100
Aerobic Lagoon	500*	350	100
Anaerobic Lagoon	1000	1000	100
All other facilities	500*	350	100

2. Minimum separation requirements for facilities of 100 P.E. and larger are as listed (in feet) in the following table:

<u>Plant Type</u>	<u>Existing Habitations</u>	<u>Proposed Development</u>	<u>Property Lines</u>
Activated Sludge	1000*	350	100
Trickling Filter	1000*	350	100
Aerobic Lagoon	500*	350	100
Anaerobic Lagoon	1000	1000	100
All other facilities	1000*	350	100

\*This distance may be reduced to a minimum of 350 feet with the written permission of the affected property owner having a habitation less than 1000 feet from the proposed treatment works. The written permission must be a notarized statement from the affected property owner stating that there are no objections to the establishment and construction of the treatment facility. The statement shall not waive any future rights with respect to future action on lack of proper operation and maintenance. A copy of the notarized statement must be furnished to this office, the property owner, and the owner of the treatment plant.

3. The above distances are required minimums. Requests for further reductions or additions must be fully documented and will be reviewed by Water Pollution Control Section, Bureau of Water Quality staff. However, further reductions/additions will not be approved on a routine basis.
4. Where an existing treatment plant has been established on a site with fixed boundaries, modifications, and/or additions to the plant should only be concerned with the 100 foot separation from property lines.

E. Fencing

All sewage treatment plant sites shall be adequately fenced to provide for public safety, to prevent trespassing, preclude livestock entrance, and to minimize the entry of blowing material.

1. Access

A vehicle access gate of sufficient width to accommodate all necessary transportation and mowing equipment shall be provided. The gate shall be equipped with a suitable lock.

*Check lagoons*

2. Height

All plants, except aerated or facultative waste stabilization ponds, having any uncovered structures shall be enclosed with at least a 6 foot, non-climbable fence (minimum 60 inches with two strands of barbed wire to 72 inches).

Aerated or facultative waste stabilization ponds should have at least a 4 foot, hog-tight, woven wire fence (minimum 36 inches with two strands of barbed wire to 48 inches).

3. Warning Signs

Appropriate signs should be provided along the fence around the plant site to designate the nature of the facility and advise against trespassing.

F. Design Considerations

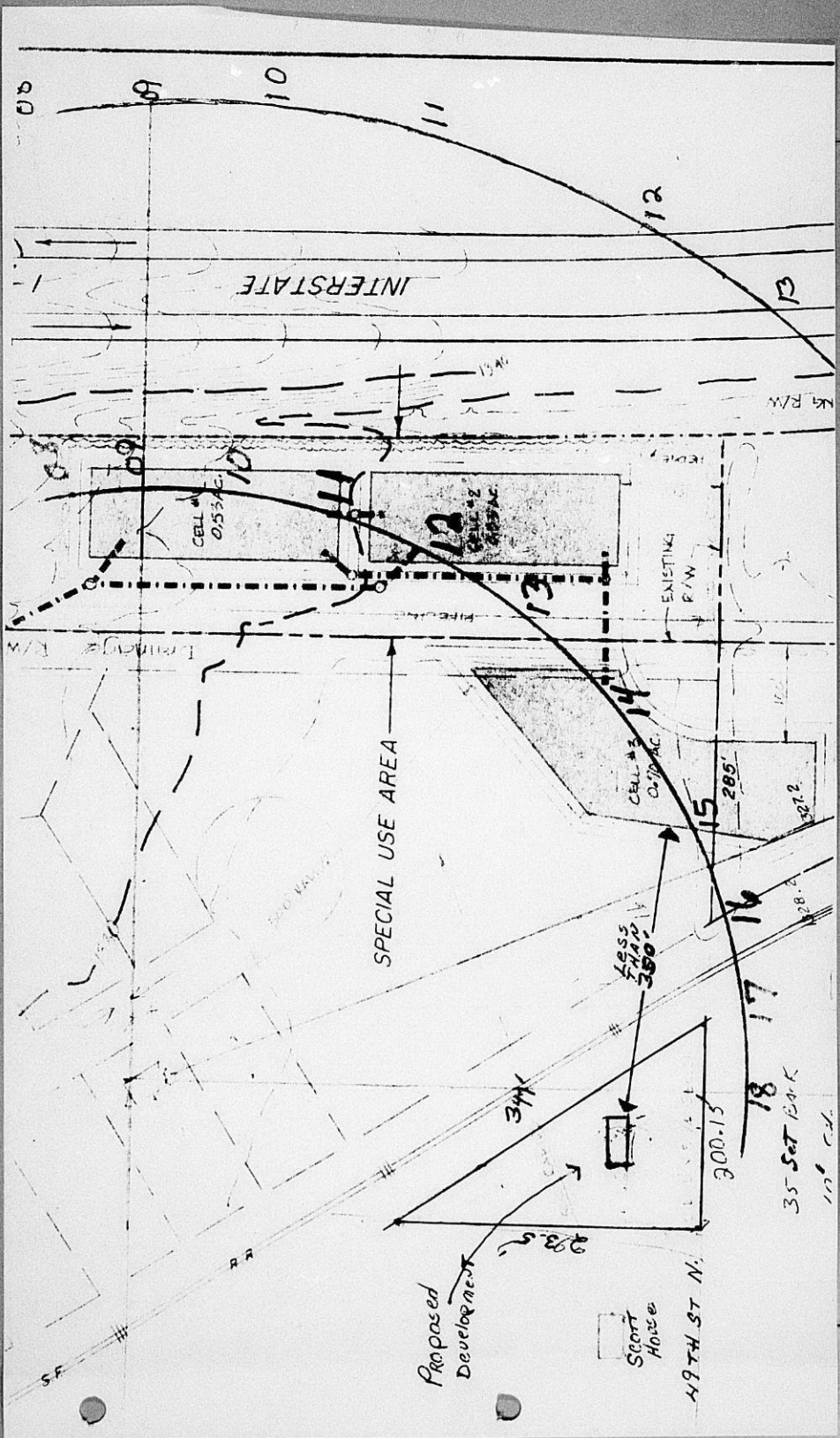
1. Selection of Treatment

Careful consideration should be given to the type of treatment. A few of the important factors which should influence the selection of the type of treatment are: the effect of industrial wastes likely to be encountered; operating costs; the probable type of supervision and operation which the plant will receive, and the required effluent quality.

Special consideration should be given to the feasibility of using wastewater treatment by soil disposal (see the chapter entitled "Land Application of Wastewater Effluent or Sludge"). The feasibility of possible water reuse should also be examined.

2. New Processes, Methods and Equipment

The policy of the Water Pollution Control Section, Bureau of Water Quality is to encourage rather than obstruct the development of new methods or equipment for treatment of wastewater. Consideration will be given to any new method or equipment when adoption of these changes is justified by the designer. Pilot scale test installations can be used as a basis for design of new treatment methods. All pilot scale tests shall be conducted by a competent sanitary engineer other than one employed by the manufacturer or developer. Samples shall be collected and analyzed



JOHN OR DONNA HARRIS  
 3200 N. ARKANSAS  
 WICHITA, KANSAS

2024

5-11 1977 83-1466  
 1011

PAY TO THE ORDER OF *Donald L. Harris* *John Harris* 3501.79

*Three Thousand Five Hundred and 79/100* DOLLARS

*John Harris*

1011 1466 0000350179

Credit to the account  
 of the within named payee  
 Chisholm Trail State Bank  
 Wichita, Kan.

CHISHOLM TRAIL  
 STATE BANK  
 WICHITA, KANSAS  
 40-2922 40-2922

0001 78996

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 7-17-80

---

Case No. DR 80-12 Request: Special Permit to construct  
a non-discharging facultative  
wastewater treatment lagoon

---

Location: 1/2 mile south of 53rd Street North and west of I-135  
Highway.

---

Acres: 5.6 Size: 480' x 800' (irregular shape)

---

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1"
North	I-135 Highway right-of-way	"R-1"
East	I-135 Highway	"R-1"
South	Undeveloped & railroad	"R-1"
West	Undeveloped & railroad	"R-1"

---

Platted: No History: SCZ-0358 "R-1" to "E"  
4-15-76 MAPC Deny  
5-05-76 BCOC Deny

---

COMMENTS:

1. County zone case SCZ-0373 requesting "LC" zoning for 14 acres at the southwest corner of 53rd and I-135 has been approved subject to platting. A 6-lot preliminary plat, F.E. Newton's 2nd Addition, was approved in 1978. One of the conditions of plat approval was that the applicant make satisfactory arrangements for sewer service to the site. The applicant is now requesting a special permit to allow the construction of a wastewater treatment lagoon system on land zoned "R-1" Suburban Residential and located on the west side of I-135 approximately 1/2 mile south of 53rd Street North.
2. This treatment system is proposed as a temporary facility to handle wastewater from the proposed light-commercial F.E. Newton's 2nd Addition as well as a number of platted but undeveloped residential lots in F.E. Newton's 1st Addition and the Sedgwick County North Yard property. The future Park City Interceptor, which is now under study, would appear to be the method of providing eventual permanent sewer

service to this area. The Park City Interceptor study, when completed, will provide information for decisions as to the continuation (expansion and modification) of the Park City Sewage Treatment Plant and/or the construction of an interceptor sewer from the City of Wichita to serve Park City and/or the area between Park City and Wichita.

3. Part of the property in the application area is owned by Ted Klaassen, applicant, while the balance is owned by the Kansas Department of Transportation. KDOT has indicated a willingness to allow the use of this portion of their right-of-way, on a temporary basis, for the purpose of a sewage lagoon system. A county sewer district must be established to provide for the construction and maintenance of the sewer laterals and the lagoons. Also a joint use agreement between the applicant, KDOT and Sedgwick County Public Works will be necessary since the land to be utilized for the lagoons is under two separate ownerships.
4. The proposed lagoon system is described as a non-discharging facultative wastewater treatment lagoon which relies on natural organic treatment processes and uses no mechanical equipment of any kind. The designer of the system states that its operation will produce no noise, no by-products, no ground or surface water pollution, and none of the odors which might be commonly associated with other methods of sewage treatment. The facility will have the appearance of three small ponds and will be completely fenced. Operation of the facility will be monitored by state and local health departments. A 3-foot free-board depth above maximum operating level provides a safety factor exceeding the total average annual precipitation for this area.
5. Should the Planning Commission determine that this is a feasible request and recommend its approval, the following are suggested conditions of approval:
  - a. The applicant shall arrange for a consulting engineer to design a sewage treatment system that is acceptable to the State Department of Health and Environment, the Wichita-Sedgwick County Department of Community Health, and the Sedgwick County Department of Public Works, and which conforms to the general size, capacity and operating characteristics described in the application.
  - b. The applicant shall request the formation of a County Sewer District which shall be approved prior to publication of the resolution granting a special permit for the lagoon system.

- c. The applicant shall provide an agreement signed by the lagoon site property owners which provides for the utilization of this site by a sewage lagoon system until such time as a municipal type sewer system is available. The agreement shall be binding upon the current property owners' heirs and assigns. It shall grant the County the right to assume the operation, improvement, maintenance and repair of the system in accordance with the approved plans upon completion of the construction of the system.
- d. The applicant shall acknowledge, through an appropriate legal document, that the properties within this lagoon benefit district will be required to connect to public sanitary sewers when they become available and that the costs of connecting to the public sewers will be borne by the owners of the lots when connections are made. This acknowledgement shall state that the lagoon treatment system is temporary and when public sewers are available, the use of the lagoon system will be terminated and the land returned to its original state.
- e. The applicant shall replat a portion of F. E. Newton's 1st Addition in order to vacate street right-of-way for Washington and for 49th Street and to vacate several lots now located where cell number three of the lagoon system is proposed. The buildable area on each lot of the replat shall be located at least 350 feet from the edge of any cell in the lagoon system. It is recommended that this replat be included in the F. E. Newton 2nd Addition plat.
- f. Operation of the lagoon system shall not commence until such time as the applicant has constructed along the perimeter of the ponds a 72-inch or higher chainlink fence with three or more strands of barbed wire along the top and with posts set not more than one rod apart. The fence shall 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.
- g. This approval shall be void unless construction shall have commenced within 12 months and completed within 24 months after adoption of the special permit resolution by the Board of County Commissioners.

July 11, 1980

W. H. Ogan, P.E.  
State Transportation Engineer  
Kansas Department of Transportation  
State Office Building  
Topeka, Kansas 66612

Re: DR 80-12 - Special Use Permit for  
a Wastewater Treatment Lagoon  
generally located 1/2 mile south  
of 53rd St. North, and lying west  
of I-135 Highway.

Dear Mr. Ogan:

Enclosed is a copy of our staff report and suggested conditions of approval, provided the Planning Commission finds this an acceptable use for the above captioned case and area. After you review these conditions, if you have any suggested modifications, deletions, or additional conditions, I would appreciate having you contact me at 268-4404 prior to the public hearing, which is scheduled for July 17, 1980.

Would appreciate any comments or suggestions you may have.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosure.

July 11, 1980

Lawrence E. Mullins, Director County Department of Public Works  
Jack H. Galbraith, Chief Planner

DR 80-12 - Special Use Permit for a Wastewater Treatment Lagoon generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

Enclosed is a copy of our staff report and suggested conditions of approval, provided the Planning Commission finds this an acceptable use for the above captioned case and area. After you review these conditions, if you have any suggested modifications, deletions, or additional conditions, I would appreciate having you contact me at 268-4404 prior to the public hearing, which is scheduled for July 17, 1980.

Would appreciate any comments or suggestions you may have.

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosure

cc: Andy Harkness, Environmental Protection Officer -  
County Department of Public Works

July 11, 1980

James F. Aiken, Jr., Environmental Health Director

Jack H. Galbraith, Chief Planner

DR 80-12 - Special Use Permit for a Wastewater Treatment Lagoon generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

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Would appreciate any comments or suggestions you may have.

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosure

cc: Steve Innes, Kansas State Department of Health  
and Environment, 111 W. Douglas, 67202

State fencing minimums  
for aerobic lagoons:

36" <sup>non-climbable</sup> heavy-tight woven wire  
fence with 2 bars  
~~stands~~ to 48"

### Distance requirements

500' from any existing  
non-sewered house  
(can be waived with  
consent of house owner)

350' from any house  
served by this system  
(existing or proposed)  
although if someone  
wants to build a house  
closer after lagoons are  
there, State will not object.

FACULTATIVE - <sup>1a</sup>Of or relating to the grant of permission, authority,  
or privilege. ← Optional.

2 Of or relating to a mental faculty

3a. Having opposite reactions under different conditions. ← Able  
to live or thrive under more than one set of conditions.

Received 7-9-20

INFORMATION FOR SPECIAL PERMIT REQUEST  
FOR CONSTRUCTION OF NON-DISCHARGING LAGOON  
F.E. NEWTON'S SECOND ADDITION

DESCRIPTION OF PROPOSED USE:

THE APPLICANT PROPOSES TO CONSTRUCT AND OPERATE A NON-DISCHARGING FACULTATIVE WASTEWATER TREATMENT LAGOON. THIS TYPE OF TREATMENT FACILITY RELIES ON NATURAL ORGANIC TREATMENT PROCESSES AND USES NO MECHANICAL EQUIPMENT OF ANY KIND. ITS OPERATION PRODUCES NO NOISE, NO BY-PRODUCTS, NO GROUND OR SURFACE WATER POLLUTION, AND NONE OF THE ODORS WHICH MIGHT BE COMMONLY ASSOCIATED WITH OTHER METHODS OF SEWAGE TREATMENT. THE FACILITY WILL HAVE THE APPEARANCE OF THREE SMALL PONDS AND WILL BE COMPLETELY FENCED. OPERATION OF THE FACILITY WILL BE MONITORED BY STATE AND LOCAL DEPARTMENTS OF HEALTH AND ENVIRONMENT. THIS LAGOON IS INTENDED AS A TEMPORARY TREATMENT <sup>FACILITY</sup> UNTIL SUCH TIME AS PUBLIC SEWERS ARE EXTENDED TO THE AREA.

DESIGN CRITERIA:

THE PROPOSED LAGOON WAS DESIGNED ACCORDING TO THE STANDARDS OF THE KANSAS STATE DEPT OF H & E AND THE WICHITA - SEDGWICK COUNTY COMMUNITY HEALTH DEPT. IT WILL PROVIDE WASTEWATER TREATMENT FOR UP TO 26 RESIDENCES, ONE A SMALL COMMERCIAL DEVELOPMENT, AND A GROUND MAINTENANCE YARD. THE SIZE OF THE LAGOON ALLOWS FOR WASTEWATER INFLOW RATES BASED ON ACTUAL WATER CONSUMPTION BY COMPARABLE USERS, ACCORDING TO WICHITA WATER DEPT. RECORDS. IT ALSO ALLOWS FOR RAINFALL AND EVAPORATION RATE ACCORDING TO U.S. WEATHER BUREAU RECORDS.

THE LAGOON CONSISTS OF THREE CELLS WITH A COMBINED AREA OF 1.76 ACRES <sup>water</sup> SURFACE. THE INTERCONNECTING PIPING CAN BE VALVED TO OPERATE THE TWO PRIMARY CELLS IN SERIES OR PARALLEL.

SEE FROM  
NEXT PAGE

INSERT  
P. 1

A 3' TRILEBOARD LEATH ABOVE MAXIMUM OPERATING LEVEL PROVIDES A SAFETY FACTOR EXCEEDING THE TOTAL AVERAGE ANNUAL PRECIPITATION FOR THIS AREA.

(NET.)

DESIGN DATA: (WITH PROPOSED USES)

TOTAL ANNUAL INFLOW = 16.94 ACRE FEET  
 AVERAGE ANNUAL EVAPORATION (55") = 4.58 FT.  
 " " PERCOLATION (1/2" / DAY) = 7.60 FT.  
 ANNUAL WATER LOSS (GROSS) = 12.18 FT.  
 AVERAGE ANNUAL PRECIPITATION (30") = 2.5 FT.  
 ANNUAL WATER LOSS (NET) = 9.68 FT. (DEPTH)  
 EVAP. PERC. AREA REQ'D. =  $\frac{16.94 \text{ AC. FT.}}{9.68 \text{ FT.}}$  = 1.76 ACRES (SURFACE)

60% PRIMARY = 1.06 ACRES 40% SECONDARY = 0.70 ACRES

LOCATION:

THE PROPOSED LAGOON WILL BE LOCATED PARTLY ON PRIVATE PROPERTY AT THE SOUTH END OF F.E. NEWTON'S ~~ST~~ ADD AND PARTLY ON INTERSTATE 135 RIGHT-OF-WAY ADJACENT TO THE EAST, UNDER A JOINT USE AGREEMENT WITH SEDGWICK COUNTY AND KANSAS D.O.T. THE SEWER DISTRICT TO BE SERVED INCLUDES THE AREA BOUNDED BY 53RD ST. ON THE NORTH, I-135 ON THE EAST, AND ~~52ND ST.~~ <sup>PRIMROSE ST.</sup> ON THE WEST, ~~except those developed lots adjacent to Primrose~~

INSERT AT  
DESIGN DATA

PROPOSED USERS:

	ANNUAL WATER CONSUMPTION
FULL SERVICE RESTAURANT	104,000 CU. FT.
SERVICE STATION (NO CAR WASH)	15,500
FAST FOOD RESTAURANT	154,500
CONVENIENCE STORE	34,000
SMALL RETAIL STORE	3,500
OFFICE BLDG (25 EMPLOYEES)	6,000
20 RESIDENCES (300 GPD/DWELLING)	<u>418,700</u>
TOTAL ANNUAL CONSUMPTION	738,200 CU. FT.
	= 16.94 AC. FT.

Jo

I think we need to  
get Mullin & Hill  
to agree w/ ultimate  
end & <sup>elements</sup> agree by Resolution -  
on the terms suggested by Leber



SEDGWICK COUNTY COURTHOUSE

**COUNTY OF SEDGWICK**  
**DEPARTMENT OF PUBLIC WORKS**

1250 S. SENECA  
WICHITA, KANSAS 67213

PHONE 268-7901

LAWRENCE E. MULLINS  
DIRECTOR OF PUBLIC WORKS

June 30, 1980

Jack H. Galbraith, Chief Planner  
Metropolitan Area Planning Department  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Re: Case No. DR80-12 - Special Permit to Establish a Non-discharging  
Facultative Wastewater Treatment Lagoon. Generally located  
 $\frac{1}{2}$  mile south of 53rd St. North, and lying west of I-35 Highway.

Dear Mr. Galbraith:

In response to your request of June 24, 1980, please incorporate the following  
listed considerations in your staff report to the Planning Commission:

1. Unrestrained access for county employees to collection and  
treatment facilities.
2. All-weather roads for ingress-egress to treatment facilities.
3. Source of water for make-up purposes.
4. Treatment facility design compatible with service equipment  
capabilities.
5. Service charges and/or tax levy sufficient to offset O/M expenditures.
6. Extension of collection system to serve Sedgwick County-North Yard.
7. Consideration of Sedgwick County-North Yard wastewater flows in  
treatment facility design.

If you require additional information, please call.

Very truly yours,

*L. E. Mullins*  
L. E. Mullins  
Director of Public Works

LEM/AH/dln

**RECEIVED**

JUL 1 1980

METROPOLITAN PLANNING  
ROUTE

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE June 27, 1980

RECEIVED

JUN 30 1980

TO Jack H. Galbraith, Chief Planner

METROPOLITAN PLANNING

FROM James F. Aiken, Jr., Environmental Health Director

ROUTE

OB

RAL

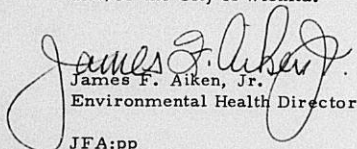
SUBJECT Case No. DR 80-12 - Special Permit to establish a Non-discharging Facultative Wastewater Treatment Lagoon. Generally located  $\frac{1}{2}$  mile south of 53rd Street North, and lying west of I-135 Highway.

The non-discharging sewage lagoon is proposed as a temporary arrangement to provide sewage treatment facilities to serve the proposed F. E. Newton 2nd Addition and several existing residential lots until such time as a public sanitary sewer is available.

The future "Park City Interceptor" which is now under study, would appear to be the method of providing eventual sewer service to this area. The "Park City Interceptor" study when completed will provide information for decisions as to the continuation (expansion and modification) of the Park City Sewage Treatment Plant and/or the construction of an interceptor sewer from the City of Wichita to serve Park City and/or the area between Park City and Wichita.

It has been proposed to provide sanitary sewers for F. E. Newton 2nd Addition through the formation of a County Sewer District. If sewers are provided through this mechanism, in order for the sewage lagoon to be accepted as a temporary facility, it will be necessary to provide a contract or other legal instrument for the County Sewer District to request sewer service from the City of Wichita, to agree to pay appropriate charges when the interceptor is available and to also agree, when connection has been made to the interceptor, to discontinue the use of the lagoon and divert the land back to its intended use.

We have been and continue to be supportive of the temporary sewage treatment facility concept. We recommend approval of the requested conditional use permit subject to the above stated conditions provided through Sedgwick County and/or the City of Wichita.

  
James F. Aiken, Jr.  
Environmental Health Director

JFA:pp

Jack H. Galbraith  
Page Two

cc Don Moehring, PE  
Ted Klassen  
Steve Innes, PE, Kansas Department of Health & Environment  
W. H. Ogan, PE, Kansas Department of Transportation  
Lawrence E. Mullins, PE, Sedgwick County Engineer  
Andy Harkness, PE, Sedgwick County Department of Public Works  
John Bailey, PE, Professional Engineering Consultants  
Charles Goodness, PE, Reiss and Goodness  
John Metzler, PE, Kansas Department of Health & Environment  
John Wynkoop, PE, Director of Water and Water Pollution Control

DR 80-12 - 31 "Notice to Adjoining Property Owners" mailed 7-3-80  
for the MAPC meeting for 7-17-80.

1 to Karen Crook  
1 to Lawrence E. Mullins, County Director Dept. of Pub. Works

—  
33 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

July 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, July 17, 1980, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider the following application. You may appear either in person or by agent or attorney if you so desire.

CASE NO. DR 80-12

Request for a Special Permit to Construct  
A Non-discharging Facultative Wastewater Treatment Lagoon

The South 800.0' of that part of the NE 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, lying West of the centerline of Interstate Highway I-135; except the East 150.0' thereof

AND ALSO

A tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 158.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-way; thence Northwesterly along said Right-of-way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning. All generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

June 24, 1980

Jim Aiken, Director - Environmental Health

Jack H. Galbraith, Chief Planner

Case No. DR 80-12 - Special Permit to establish a Non-discharging Facultative Wastewater Treatment Lagoon. Generally located 1/2 mile south of 53rd Street North, and lying west of I-135 Highway.

Wanted you to be aware that Mr. and Mrs. Ted Klaassen, together with the Kansas Department of Transportation, have filed the above captioned case which is scheduled for consideration by the Planning Commission at its regular meeting of July 17, 1980. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

Enclosed is a copy of the application, a letter from W.H. Ogan, State Highway Department, and a xerox copy of their site plan. It is proposed to construct this lagoon for the development of Mr. Klaassen's land.

We would appreciate any comments or recommended conditions of approval that you have by July 7 so that they can be incorporated in our staff report to the Planning Commission.

If you have any questions or comments, please call me at 268-4404.

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosures

June 24, 1980

Lawrence E. Mullins, Director  
County Dep't. of Public Works  
1248 South Seneca  
Wichita, Kansas 67213

Re: Case No. DR 80-12 - Special Permit to Establish a Non-discharging Facultative Wastewater Treatment Lagoon. Generally located 1/2 mile south of 53rd St. North, and lying west of I-135 Highway.

Dear Mr. Mullins:

Wanted you and Mr. Harkness to be aware that Mr. and Mrs. Ted Klaassen, together with the Kansas Department of Transportation, have filed the above captioned case which is scheduled for consideration by the Planning Commission at its regular meeting of July 17, 1980. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

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If you have any questions or comments, please call me at 268-4404.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosures

cc: Andy Harkness, Environmental Protection Officer -  
County Department of Public Works

June 24, 1980

Mr. W. H. Ogan, P.E.  
State Transportation Engineer  
Kansas Department of Transportation  
State Office Building  
Topeka, Kansas 66612

Re: DR 80-12 - Special Use Permit -  
Generally located 1/2 mile south  
of 53rd St. North, and lying west  
of I-135 Highway.

Dear Mr. Ogan:

We have received an application for a "Special Use Permit" to establish a non-discharging wastewater treatment lagoon. Inasmuch as it is proposed by Mr. Klaassen that part of the lagoon be on the right-of-way of Interstate I-135, he listed the Kansas Department of Transportation as an applicant together with himself and his wife, and included a copy of your letter to him of May 6, 1980. Attached is a copy of the submitted application, your letter, and a xerox copy of a portion of his site plan.

This is provided for your information as we wanted you to be aware that subject case is scheduled for the Planning Commission meeting of July 17, 1980. The meeting begins at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

If you have any additional comments to make, or recommended conditions of approval, we would appreciate hearing from you.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:el  
Enclosures

5553 A  
. 21  
26  
1E

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

DR 80-12

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, 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  Mr. & Mrs. Ted Klaassen  
ADDRESS  P.O. Box 85 Whitewater, KS 67154 PHONE 799-2417  
AGENT  Don C. Moehring II

ADDRESS  433 S Hydraulic 67211 PHONE 263-8291

B. APPLICANT  Kansas Department of Transportation  
ADDRESS  State Office Bldg. Topeka, KS 66612 PHONE \_\_\_\_\_

AGENT  Attn: Mr. W.H. Ogan, P.E., State Transportation Engineer  
ADDRESS " " " " PHONE \_\_\_\_\_

C. APPLICANT  NA  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

(Use separate sheet if necessary for names of additional applicants).

II. The applicant proposes to establish a non-discharging facultative wastewater treatment lagoon (use)

on property legally described as Lot(s) NA

\_\_\_\_\_, Block(s) NA ~~XXXXXX~~

See attached EXHIBIT "A" ~~XXXXXXXX~~

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

EXHIBIT "A"

The South 800.0' of that part of the NE 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, lying West of the centerline of Interstate Highway I-35; except the East 150.0' thereof

AND ALSO

*I-135 (per Monroe Sink)*

A tract described as beginning at the NE corner of the SW 1/4 of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW 1/4, 158.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-Way; thence Northwesterly along said Right-of-Way, a distance of 178.0', more or less, to the North line of the SW 1/4 of said Section 21; thence East along the North line of said SW 1/4, a distance of 40.0'; thence Northeasterly at an included angle of 82°04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW 1/4 of said Section 21; thence South 345.0' to the point of beginning.

~~The above described tracts contain 5.89 acres, more or less.~~

*Use  
for  
legal*

THIS PROPERTY IS LOCATED AT (ADDRESS) NA

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE NA CORNER OF \_\_\_\_\_ AND \_\_\_\_\_, OR

B. ~~ON THE~~ 1/2 mile South ~~SIDE OF~~ 53rd St. North (AVENUE)  
And lying West of I-35 highway. (~~AVENUE~~) (~~STREET~~) AND  
~~STREET~~ ~~AVENUE~~  
\_\_\_\_\_ (AVENUE) (~~STREET~~)

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

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

To provide temporary wastewater treatment facilities for  
F.E. Newton's 2nd Addition and adjacent properties.

V I. 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 ABSTRACTOR'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.

BY Jed Keener BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at 4:00  
~~AM~~, PM on June 10, 1980 (day, month, year). It has been checked  
and found to be complete and accompanied by required documents and  
the appropriate fee of \$ 300.00.

John H. Albratt Name  
Chief Planner Title

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

May 6, 1980

Mr. Ted Klaassen  
Whitewater, Kansas 67154

Dear Mr. Klaassen:

Since receiving your last letter, we have been reviewing the matter of the use of right of way for a sewage treatment facility. There were several problems in connection with such an installation, which needed to be resolved. Due to the type of title to the right of way which we hold, it would be quite difficult to release this portion completely. A temporary easement also poses some problems. We are now considering the possibility of a joint use agreement which would allow the use of the right of way, on a temporary basis, for the purpose of operating the treatment facility.

This type of agreement would involve you, the county, and the Department of Transportation, and would set out the conditions for use. As of this time, the communication from the county does not discuss a county sewer district or make any request for the use of the right of way. A letter was received from the Acting County Engineer which stated only that they had no objection to such a facility.

In order for us to proceed with any agreement, it would be necessary for the county to inform us of the formation of the sewer district and request that a joint use agreement be prepared to allow the use of the Interstate right of way for the location of the treatment plant.

At such time that we receive such request from the county, we will prepare and negotiate the joint use agreement.

Yours very truly,

W. H. Ogan, P. E.  
State Transportation Engineer

WHO:ph

Date 6/16/80 Hou     

RUSH

**DELIVERY INSTRUCTIONS**

REGULAR

Deliver To: City of Wichita Metro Planning

Address: 455 North Main

Get Receipt - YES  NO

Remarks: \_\_\_\_\_

Attn: Jack Galbreth

**FIDELITY TITLE COMPANY, INC.**

By Medina

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 SEDGWICK COUNTY ) SS

The undersigned duly bonded and qualified abstractor 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:

Record Owners within 1000 feet of:

The South 800.0' of that part of the NE $\frac{1}{4}$  of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, lying West of the centerline of Interstate Highway I-35; except the East 150.0' thereof AND ALSO A tract described as beginning at the NE corner of the SW $\frac{1}{4}$  of Section 21, T26S, R1E of the 6th P.M., Sedgwick County, Kansas; thence South along the East line of said SW $\frac{1}{4}$ , 158.0'; thence West 202.0' to a point in the East line of the St. Louis and San Francisco Railroad Right-of-Way; thence Northwesterly along said Right-of-Way, a distance of 178.0', more or less, to the North line of the SW $\frac{1}{4}$  of said Section 21; thence East along the North line of said SW $\frac{1}{4}$ , a distance of 40.0'; thence Northeasterly at an included angle of 82° 04', a distance of 152.0'; thence Northeasterly, a distance of 290.0', more or less, to a point in the East line of the NW $\frac{1}{4}$  of said Section 21; thence South 345.0' to the point of beginning.

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.)



<u>DESCRIPTION</u>	<u>OWNERS</u>
Lots 13, 14, 15 and 16, Block 2, F. E. NEWTON'S 1ST ADDITION,	✓ Talma Bea Klaasen P.O. Box 486 Whitewater, Kansas 67154
East Half of the Southwest Quarter lying North and East of the Railroad Right-of-Way in Section 21, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.	✓ Nine Hundred Company 800 Fourth Financial Center Wichita, Kansas 67202

DESCRIPTION

OWNERS

A tract of land in the South Half of the Northeast Quarter of Section 21, Township 26 South, Range 1 East, described as follows: Beginning at the Southwest Corner of said Quarter Section; thence South 89 degrees 34 minutes East, 503.5 feet along the South line of said Quarter Section; thence on a curve of 5579.58 feet radius to the Right an Arc distance of 264.6 feet with a Chord which bears North 01 degrees 34 minutes West, 264.5 feet; thence North 00 degrees 13 minutes West to the North line of said South Half of the Northeast Quarter Section; thence North 89 degrees 25 minutes West, 486.7 feet along said North line to the West line of said Quarter Section; thence South 00 degrees 15 minutes West along said West line to the place of beginning. The above contains 15.04 acres, more or less, lands abutting said highway shall have no right or easement of access thereto.

State Highway Commission of Kansas  
3200 East 45th Street North  
Wichita, Kansas 67219



A tract of land in the North Half of the Northeast Quarter of Section 21, Township 26 South, Range 1 East, described as follows: Beginning at the Northwest corner of said Quarter Section; First Course, thence South 89 degrees 17 minutes East, 1337.3 feet along the North line of said Quarter Section; Second Course, thence South 01 degree 11 minutes West, 75.6 feet; Third Course, thence South 83 degrees 01 minutes West, 603.4 feet; Fourth Course, thence South 21 degrees 05 minutes West, 633.3 feet; Fifth Course, thence South 00 degree 13 minutes East, 579.5 feet to the South line of said North Half of the Northeast Quarter Section; Sixth Course, thence North 89 degrees 25 minutes West, 516.7 feet along said South line to the West line of said quarter Section; Seventh Course, thence North 00 degree 15 minutes East along said West line to the place of beginning. The above contains 18.69 acres, more or less, exclusive of the existing highway.

State Highway Commission of Kansas  
3200 East 45th Street North  
Wichita, Kansas 67219

LOTS AND BLOCKS

ADDITION

OWNERS

Lot 1, Block 1,

F. E. NEWTONS 1ST

GERALD  
Ferald O., II & Jill D.  
Champ  
5162 Primrose Street  
Wichita, Kansas 67219

Lot 17, Block 1,

F. E. NEWTONS 1ST

Everett J. Spangler  
5228 Primrose Street  
Wichita, Kansas 67219



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 18, Block 1,	F. E. NEWTONS 1ST	John E. & Lorana L. Coslett, Sr. 5128 Primrose Street Wichita, Kansas 67219
Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19 and 20, Block 1,	F. E. NEWTONS 1ST	Talma Bea Klaassen P.O. Box 486 Whitewater, Kansas 67154
Lot 2, Block 2,	F. E. NEWTONS 1ST	Richard G. & Helen L. Parker 5165 Primrose Street Wichita, Kansas 67219
Lots 3 and 4, Block 2,	F. E. NEWTONS 1ST	Donald R. & Joan G. McElhinny 5141 Primrose Street Wichita, Kansas 67219
Lot 5, Block 2,	F. E. NEWTONS 1ST	C. Norman & Barbara L. Walters 5133 Primrose Street Wichita, Kansas 67219
Lot 6, Block 2,	F. E. NEWTONS 1ST	Jimmy L. & Linda E. Bailey 5125 Primrose Street Wichita, Kansas 67219
Lot 7, Block 2,	F. E. NEWTONS 1ST	Joe A. & Elizabeth A. Cauley 5117 Primrose Street Wichita, Kansas 67219
Lot 8, Block 2,	F. E. NEWTONS 1ST	Robert L. & Betty L. McNeal 5109 Primrose Wichita, Kansas 67219
Lot 9, Block 2,	F. E. NEWTONS 1ST	Leewood Homes Inc. 6130 Legion Wichita, Kansas 67204
Lot 10, Block 2,	F. E. NEWTONS 1ST	John F. & Donna L. Harrison 5059 Primrose Wichita, Kansas 67219
Lots 11 and 12, Block 2,	F. E. NEWTONS 1ST	Talma Bea Klaassen P.O. Box 486 Whitewater, Kansas 67154
Lot 1,	A. J. MIES	Alphonse J. & Virginia M. Mies 1 High Point Road Valley Center, Kansas 67147
Lot 45 except the West 125 feet	BROADWAY HEIGHTS	Harold L. & Mary Biggs 5001 Irving Drive Wichita, Kansas 67219



LOTS AND BLOCKS

ADDITION

OWNERS

Lot 46 except the West 125 feet,

BROADWAY HEIGHTS ✓ Jon T. & Julie Harrell  
5009 Irving Drive  
Wichita, Kansas 67219

Lot 47,

BROADWAY HEIGHTS ✓ Kendall E. & Wanda B. Lamm  
5015 North Irving Drive  
Wichita, Kansas 67219

Lot 81,

BROADWAY HEIGHTS ✓ Clarence & Judith Albrecht  
5110 Irving Drive  
Wichita, Kansas 67219

Lots 82 and 83,

BROADWAY HEIGHTS ✓ Alvin & Maurice Rutschman  
5046 Irving Drive  
Wichita, Kansas 67219

Lots 84, 85 and 86, and the North 6 feet of Lot 87,

BROADWAY HEIGHTS ✓ Ralph Leslie & Myra Jean Harrison  
5030 Irving Drive  
Wichita, Kansas 67219

The South 94 feet of Lot 87, except the East 207 feet,

BROADWAY HEIGHTS ✓ Paul W. & Rosemary L. Kerr  
5008 Irving Drive  
Wichita, Kansas 67219



The East 103.5 feet of Lots 87, 88 except the North 6 feet of Lot 87,

BROADWAY HEIGHTS ✓ Eldon C. & Irene Scott  
820 East 49th Street North  
Wichita, Kansas 67219

The West 103.5 feet of the East 207 feet of Lots 87 and 88, except the North 6 feet of Lot 87,

BROADWAY HEIGHTS ✓ John C. & Alice J. Fisher  
612 East 49th Street North  
Wichita, Kansas 67219

Lot 88, except the East 207 feet,

BROADWAY HEIGHTS ✓ Delmar W. & Patsy R. Cole  
5002 Irving Drive  
Wichita, Kansas 67219

Lots 89, 90 and 91,

BROADWAY HEIGHTS ✓ Eldon & Irene Scott  
820 East 49th Street North  
Wichita, Kansas 67219

The Northwest Quarter of the Northeast Quarter of Section 21, Township 26 South, Range 1 East except the 18.69 acres to State for Highway,

✓ Robert L. Clark  
522 North Fountain  
Wichita, Kansas 67208

South Half of the Northeast Quarter, except South 375 feet of the East 580.8 feet-A, beginning 660 feet North of Southeast Corner of Northeast Quarter; thence North 300 feet; thence West 580 feet; thence South 300 feet; thence East to beginning and Except the West 170 feet of East 680.8 feet of the North 230 feet of South 605 feet except 15.04 Acres I-35 Highway, Section 21, Township 26 South, Range 1 East,

✓ Ignace M. Jones  
308 North Broadview  
Wichita, Kansas 67214



DESCRIPTION

OWNERS

Northeast Quarter of Northwest Quarter, except F. E. Newtons Addition and Except the East 489.46 feet of the North 389.46 feet and Except Street and Except West 400 feet of North 670 feet and Except Beginning 176.03 feet Northwesterly North-easterly corner Intersec 51st and Primrose; thence East 175 feet; thence North 120 feet; thence West 223.95 feet; thence Southeasterly 130.15 feet to beginning, Section 21, Township 26 South, Range 1 East,

D Talma Bea Klaassen  
P.O. Box 486  
Whitewater, Kansas 67154

East Half of Southwest Quarter except Right-of-Way and except partly of North and East of Right-of-Way, Section 21, Township 26 South, Range 1 East,

D Nine Hundred Co.  
800 Fourth Financial Center  
Wichita, Kansas 67202

West Half of Southeast Quarter except 20.73 Acres deeded to State for Highway, Section 21, Township 26 South, Range 1 East,

✓ Elvin F. Hull  
R. R. #4  
P.O. Box 35  
Fredonia, Kansas 66736



Dated at Wichita, Kansas, this 13th day of June, 1980 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By

*Mary F. Craig*  
Vice President

Tracer No. 51504



**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>Industrial</i>	<i>300-</i>
<i>Class</i>	

NAME *Ted Klucas*

ADDRESS *125 W. Elm*

FUND *355-400 71-113* DUE DATE *6-30-80*

COMMENTS

DATE *6/10/80* BY *[Signature]*

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
 COMMISSION  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202



Everett Spangler  
 5228 Primrose Street  
 Wichita, Kansas 67219

*resent to*  
*5120 Primrose St.*  
*7-24-80*



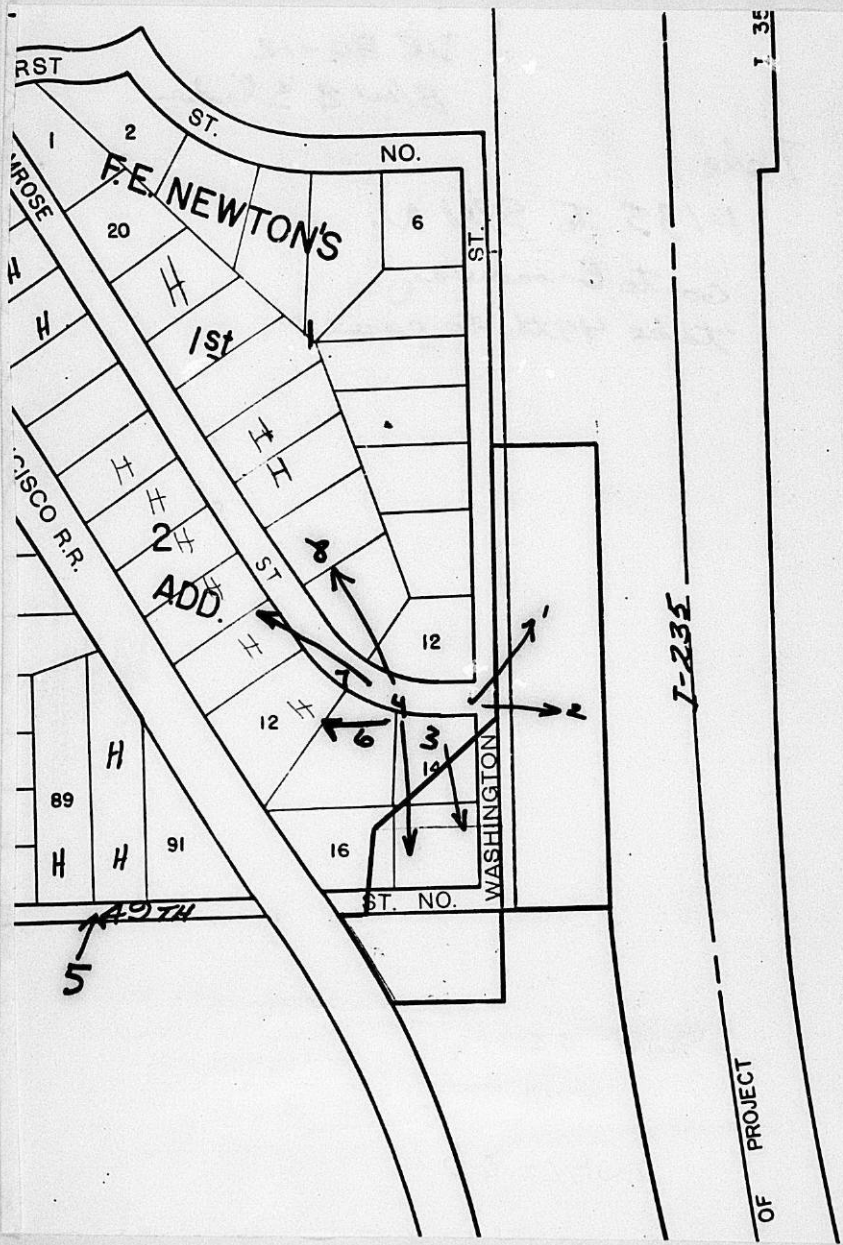
**RECEIVED**

JUL 23 1980

METROPOLITAN PLANNING

ROUTE  *[Signature]*

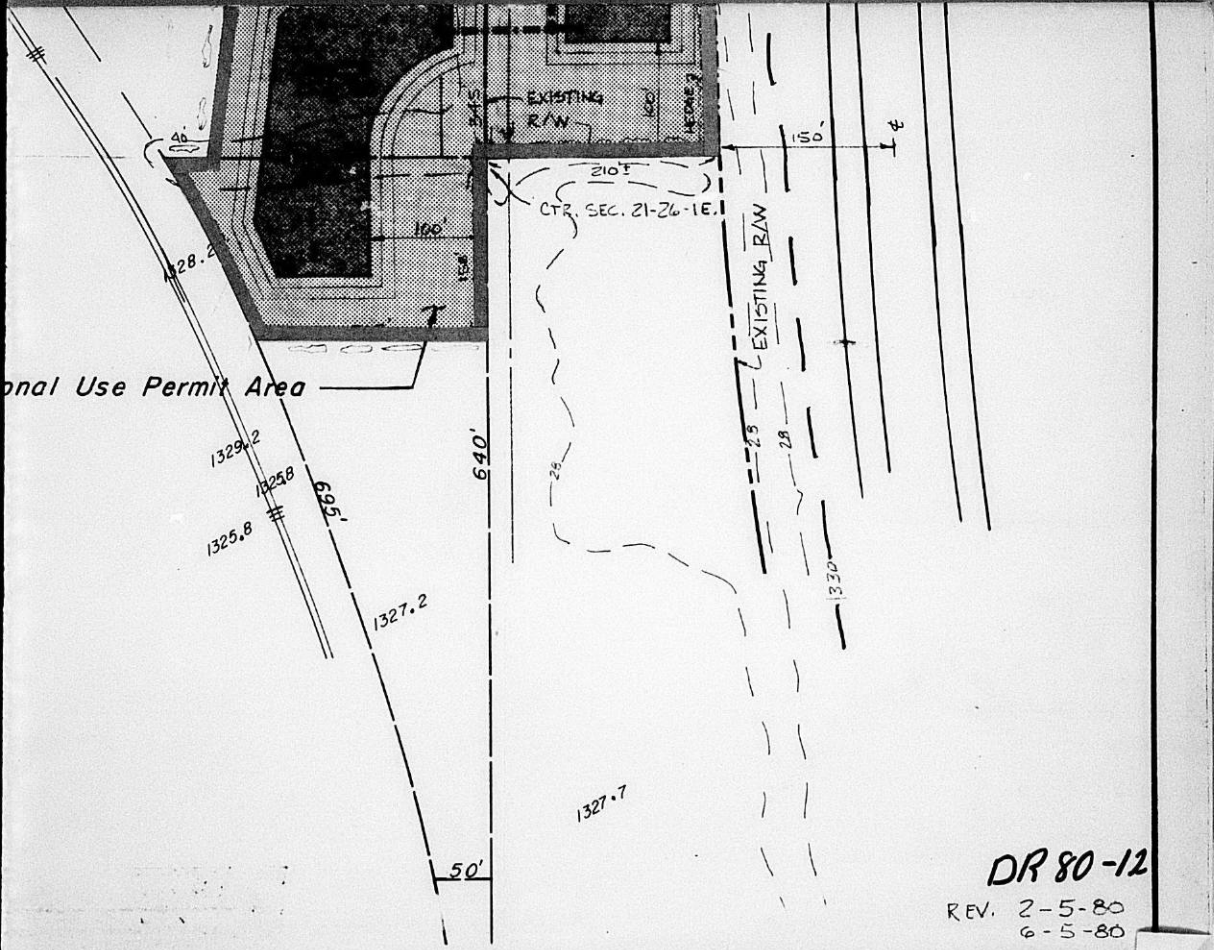




Photos taken July 7, 1980  
 by P

DR 80-12 PICTURE SHEET





DR 80-12

REV. 2-5-80  
6-5-80