

PLAT NO. S/D 67-51 MAP NO. G-1W-C

NAME MARSHALL ADDITION

LOCATION On the east side of Maize Road in an
area 1/2 mile south of Maple

ENGINEER: K. O. Taylor

OWNER James Sanders

APPLICATION FILED 5-12-67

SKETCH PLAT FILED 5-12-67

PRELIMINARY FILED 6-5-67

S/D ACTION 6-15-67 Approve Prelim

FINAL FILED ~~6-15-67~~ 6-26-67

S/D ACTION 7-6-67 Approve Final

MAPC ACTION 7-13-67 Approve

BCC ACTION 8-8-67 Approved

RECORDED 9-5-67

REMARKS Closed 8-9-67

S/D 67-51 - MARSHALL ADDITION, on the east side of Maize Road in an area 1/2 mile south of Maple - RO. Taylor

81724
6-24-67

ACTION

	DATE
S/D COMMITTEE (Bellevue)	6-15-67
S/W Comm. (Final)	7-6-67
M.A.P.C.	7-12-67
B.C.C. 1860 C.	8-8-67

Closed 8-9-67

Map No. G-1W-C
Sec. No. 29
Twp. No. 27S
Range 1W

Subdivision Report and Progress
S/D No.: 67-51

Name: MARSHALL ADDITION

General Location: On the east side of Maize Road in an area
1/2 mile south of Maple

Owner: James Sanders
Address: 3158 S. Hoover 67215 Phone: WH 3-5303
Subdivider: Same
Address: _____ Phone: _____
Engineer/Surveyor: K. O. Taylor
Address: 567 W. Douglas 67213 Phone: AM 4-4072

Application Received 5-12-67
Conf. with Applicant None
Sketch Plat Received 5-12-67
Present Zoning "R-1"
Proposed Zoning "R-1"
Letter of Intent none

FINAL PLAT RECEIVED 6-26-67
Tracing Received 8-3-67
S/D Report #2 Prepared 6-27-67
S/D Comm. Action 7-6-67 Approve
Dept. Report on Final 7-11-67

PREL. PLAT RECEIVED 6-5-67
S/D Report #1 Prepared 6-7-67
S/D Comm. Action 6-15-67 Approve
Dept. Report on Prel. 6-16-67

M.A.P.C. ACTION 7-13-67 Approve
Dept. Report on Final 7-14-67
Letter on Irons Received 8-2-67
Title/Taxes Rec'd & Reviewed 8-2-67 & 8-4-67
Final Review 8-3-67
Letter to B.C.C. 8-3-67

TRACING PROGRESS:
Received _____
Released _____
Received _____
Released _____
Received _____

B.C.C. ACTION 8-8-67 Approved
Recorded 9-5-67
Annexed _____

Comments:

8-24-67 Called and left word for Mr. Sanders
to call this office. Called back will pick up tracing

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

MARSHALL _____ ADDITION WAS
FILED FOR RECORD ON September 5, 1967

Drawer Mc 4-13

Rufus E. Deering
REGISTER OF DEEDS

9-5-67

jo

T9-328

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number	67-51	Name:	Marshall Addition
Application Filed:	5-12-67	Sketch Filed:	5-12-67
Preliminary Plat Filed:	6-5-67	Approved by S/D:	6-15-67
Final Plat Filed:	6-20-67	Approved by S/D:	7-6-67
Approved by Metropolitan Area Planning Commission:			7-13-67

DESCRIPTION

General Location: On the east side of Maize Road in an area 1/2 mile south of Maple

Owner: James Sanders, 3158 South Hoover
 Surveyor or Engineer: K. O. Taylor
 Address: 567 West Douglas

- | | | | |
|--------------------------|--------|--------------------------------|---------------------|
| 1. Gross Acreage of Plat | 11.5 | 5. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | (a) | 60 R/W 450 ft. |
| Residential | 7 | (b) | _____ R/W _____ ft. |
| Commercial | _____ | (c) | _____ R/W _____ ft. |
| Industrial | _____ | (d) | Total 450 ft. |
| Other | _____ | Total Area of New Streets: | |
| Total | 7 | R/W _____ Sq. Ft. | |
| 3. Minimum Lot Area | 25,000 | 6. Existing Zoning | "R-1" |
| 4. Minimum Lot Frontage | 70 | 7. Lot Area Required by zoning | _____ Sq. Ft. |

Sidewalk is not required inasmuch as this plat lies outside the City Limits

Planning Commission Recommendation:

MOONEY moved and BLASER seconded that the Planning Commission recommend to the Board of City Commissioners that this plat be approved, subject to being recorded within 30 days after approval by the City Commission.

Vote of Planning Commission: Unanimous

ACTION: Approve the plat as recommended by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

THE CITY OF WICHITA

OFFICE OF Asst. Supt. of
Public Works Maint.

DATE 8/15/1967



TO Jack Galbraith, Senior Planner

FROM M. S. Mitchell, Asst. Supt. of Public Works Maint.

SUBJECT S/D 67-51
Final Plat of Marshall Addition

This office has reviewed information submitted by K. O. Taylor showing the Plan, Cross-Section and location of the existing low-water dam across Calfskin Creek on subject addition.

We have plotted the three pertinent dam elevations on a profile of Calfskin Creek thalweg and find that the elevation shown on Taylor's Cross-Section as Water Level (1300.5) forms a backwater pool which extends upstream from the dam to a point approximately 350 downstream from Maize Road. At this elevation, the impoundment behind the dam meets the provisions defined in Section 82a-304 of the General Statutes of Kansas (see Page 2, Enclosure 1) which exempts dams on purely private streams not more than ten feet high and not impounding more than fifteen acre feet of water from the authority of the Chief Engineer of the Division of Water Resources of the Department of Agriculture of the State of Kansas-and is approved by this office as not constituting a significant obstruction to flood flows of Calfskin Creek above subject plat.

We do find, however, that water at elevation 1301.5 to 1301.8 (Taylor's elevations for top of blocks forming first tier or base of dam) will be impounded on lands upstream from subject addition and, therefore, would constitute an obstruction as defined in Section 82a-301 of the above mentioned law (see Page 1, Enclosure 1) and would, therefore, require a permit from the Chief Engineer. Without such a permit (or a written statement from the Chief Engineer excepting the dam so described) this office cannot approve the structure.

We also point out that trash and debris which might bridge the spaces between the blocks which form the upper tier of the dam could have the effect of further raising the impoundment elevation-thereby increasing the obstruction and possibly affecting flood flows on the Creek.

In our opinion, the dam as shown on the Plan and Cross-Section is not a stable structure and will require some further alteration of the stream bed to prevent erosion from destroying the impoundment planned. We point out that any alteration which increases the elevation of the water impounded to above 1301.0± will require approval by this office and a permit by the Chief Engineer.

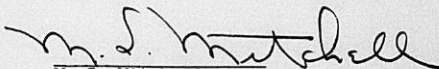


Jack Galbraith

-2-

August 15, 1967

With the above qualifications considered, we approve the location and water elevation of the dam as presented on the drawings prepared by Mr. Taylor. This approval should permit you to process the plat for final approval and filing.



M. S. Mitchell
Asst. Supt. of
Public Works Maint.

MSM:esvh

Enclosures

cc: G. H. Wilton, Supt. of Public Works Maint.

K. O. Taylor

Jim Sanders

Marshall Addition Plat File

Calfskin Creek Stream File

GENERAL STATUTES OF KANSAS-ANNOTATED

WATERS AND WATERCOURSES

Article 3.-Obstructions In Streams

Cross references: Flowage rights to waterworks system in cities, second and third classes, see subsection 12-852 to 12-855.

State division of water resources, see subsection 74-506a to 74-506d, 74-509, 74-510.

Unlawful drainage or levee district improvements, see subsection 24-126.

82a-301. Permit of chief engineer to make dam or embankment or change watercourse.

From and after the passage of this act, it shall be unlawful for any person or persons, partnership, association, corporation, county, city, town, or township to construct any dam or other water obstruction; or to make or construct, or permit to be made or constructed, any change therein or addition thereto; or to make, or permit to be made, any change in or addition to any existing water obstruction; or in any manner to change or diminish the course, current, or cross section of any stream within this state without the consent or permit of the chief engineer of the division of water resources, in writing, previously obtained, upon written application to said chief engineer therefor: Provided, That jetties or revetments placed for the purpose (of) stabilizing a caving bank shall not be construed as obstructions to this act providing such jetties and revetments are properly placed. (L. 1929, ch. 203, subsection 1; May 28.)

Cross reference: Irrigation, see, also, subsection 42-339 et seq.

Act discussed; supervisory power over drainage districts conferred on division of water resources. State, ex rel., v. Dolese Bros. Co., 151 K. 801, 803, 810, 811, 102 P. 2d 95.

City flood-control project under subsection 12-635 et seq., requires engineer's approval. Lyman Flood Prevention Ass'n v. City of Topeka, 152 K. 484, 493, 106 P. 2d 117.

Cited; subsection 82a-305 authorizes preventive not mandatory injunction. State, ex rel., v. Ross, 159 K. 199, 200, 202, 203, 152 P. 2d 675.

Condemnation by state highway commission; applicability of act mentioned but not determined. Kansas State Highway Comm. v. Moore, 166 K. 408, 409, 410, 201 P. 2d 652.

82a-302. Same; maps, plans, profiles and specifications to accompany application.

Each application for the consent or permit required by the first section of this act shall be accompanied by complete maps, plans,

profiles, and specifications of such water obstruction, or of the said changes or additions proposed to be made, and such other data and information as the chief engineer, division of water resources, may require. (L. 1929, ch. 203, subsection 2; May 28.)

Cited; subsection 82a-305 authorizes preventive not mandatory injunction. State, ex rel., v. Ross, 159 K. 199, 200, 202, 203, 152 P. 2d 675.

82a-303. Same; conditions; rules and regulations.

The chief engineer of the division of water resources shall have power to grant or withhold such consent or permit or may incorporate in and make a part of said consent or permit such conditions, regulations, and restrictions as may be deemed by him advisable. It shall be unlawful to construct or begin the construction of any such water obstruction, or to make or begin any change or addition aforesaid, except in accordance with the terms, conditions, regulations, and restrictions of such consent or permit, and such rules and regulations, with regard to said obstructions, changes, or additions, as may be prescribed by the chief engineer of the division of water resources. (L. 1929, ch. 203, subsection 3; May 28.)

82a-304. Same; exceptions.

The provisions of this act shall not prohibit the placing in any purely private stream of any dam not more than ten feet high and not impounding more than fifteen (15) acre feet of water. (L. 1929, ch. 203, subsection 4; L. 1933, ch. 330, subsection 1; June 5.)

Cited in holding subsection 24-1071 valid. State, ex rel., V. Stonehouse Drainage Dist., 152 K. 188, 192, 102 P. 2d 1017.

Cited but not applied in refusing mandatory injunction to remove dams. Heise v. Schulz, 167 K. 34, 45, 204 P. 2d 706.

82a-305. Same; penalty; injunction, when.

Any person, firm, association or corporation, or any officer of such corporation or of any county, city or township, or other political subdivision, who shall violate any of the provisions of section 82a-301 and 82a-303 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one thousand dollars. In the event that any obstruction or structure is about to be constructed or created, or is constructed, created or maintained, or any change or diminution of the course, current, or flow of the river or stream or any change in the cross section of the bed or channel of any river or stream is created or caused to be created by any such person, firm, association or corporation, without the approval of plans by the chief engineer, then upon petition of the state of Kansas on relation of the attorney general, the construction or creation of any such obstruction or structure shall be enjoined by any

court of competent jurisdiction and such court in its discretion may by mandatory injunction require the removal or modification of any such structure or obstruction. (L. 1929, ch. 203, subsection 5; L. 1945, ch. 389, subsection 1; June 28.)

Cited in holding subsection 24-1071 valid. State, ex rel., v. Stonehouse Drainage Dist., 152 K. 188, 189, 102 P. 2d 1017.

Section authorizes preventive not mandatory injunction. State, ex rel., v. Ross, 159 K. 199, 200, 202, 203, 152 P. 2d 675.

82a-306. (L. 1929, ch. 143, subsection 1; Repealed, L. 1931, ch. 318, subsection 6; March 12.)

1929 act discussed; supervisory power over drainage districts conferred on division of water resources. State, ex rel., v. Dolese Bros. Co., 151 K. 801, 811, 812, 102 P. 2d 95.

82a-307. Cleaning and maintaining banks and channels by county; petition; claims for damages.

Upon petition of fifty taxpayers of any county of this state, owning land in the flood plain of any river in such county, the board of county commissioners of each county in this state are hereby authorized within their respective jurisdictions to clean and maintain the banks and channels of the streams and watercourses within definitely established bank lines, as provided in section 2(82a-307a) of this act, up to that point on each stream where the drainage area above such point does not exceed two hundred (200) square miles, and to keep said streams free of drift, trees and other obstructions, for the purpose of reducing floods and overflows; and for the purposes aforesaid the said board of county commissioners may enter upon private property, if necessary, to clean and maintain such streams, doing as little damage as possible thereto, and when material damage shall be done to any property, said commissioners shall allow reasonable compensation therefor, when claimed by the owner thereof, if said claim is presented in writing to said board within ten (10) days from the date of the removal of said obstruction; and that nothing in this act shall be construed to permit the board of county commissioners of any county to remove or destroy any permanent improvement, including dams and bridges, in and over such streams, providing such improvements, dams or bridges have been lawfully placed thereon. (L. 1929, ch. 143, subsection 2; L. 1931, ch. 318, subsection 1; March 12.) Law 1951, ch. 527 S1 June 30.

Source or prior law: subsection 19-238.

Cross reference: Board of county commissioners, see ch. 19, art. 2.

1931 act discussed; supervisory power over drainage districts conferred on division of water resources. State, ex rel., v. Dolese Bros. Co., 151 K. 801, 812, 102 P. 2d 95.

82a-307a. Same; preliminary survey; approval of plan by state engineer.

That before doing the work provided for in section 1 (82a-307) of this act the board of county commissioners shall, by resolution, duly passed, adopt this act, and shall cause a survey to be made showing definitely the bank lines to which said stream is to be cleaned and maintained, obstructions to be removed and the mileage of the banks of such streams in that county, and shall submit to the division of water resources, state board of agriculture, a map showing the bank lines so established to which it is proposed to clean and maintain the stream and showing obstructions which it is proposed to remove. Such plan shall have had the approval of the chief engineer of the division of water resources before the board is authorized to proceed with the work. (L.1931, ch. 318, subsection 2; March 12.)

Note: Referred to in subsection 82a-311.

82a-308. Same; expenses and damages; tax levy, when.

Any expenses incurred in removing such obstructions as are mentioned in section 1 (82a-307) hereof, or damage to private property, shall be paid out of the general fund of the respective counties: Provided, That if it shall appear that said obstructions were caused by owners of adjoining property, said expenses shall be charged to said adjoining property as a special tax to be levied and collected as other special taxes and assessments. In the event that the general fund of any county shall not be sufficient to bear the cost of the operations mentioned in this section, including the maintenance of such streams or watercourses, then the board of county commissioners of such county may levy an annual tax not to exceed one-half mill upon all property in said county for the purpose of creating a fund known as "stream maintenance fund" from which fund the costs and expenses of the operation herein provided for shall be paid. (L. 1929, ch. 143; subsection 3; L. 1931, ch. 318; subsection 3; March 12.)

Source or prior law: subsection 19-239.

Cross reference: Limit on tax levy, see subsection 79-1947.

82a-309. Same; distribution of proceeds from sale of sand products; conditions.

One-half of the net proceeds from the sale of sand products, and no other, taken from the bed of any river which is the property of the state of Kansas, shall be returned as follows: Where such river extends into or through any drainage district in this state, organized under any of the drainage district laws thereof, the board of directors of the district from which the sand products were taken shall be entitled to receive two-thirds of the amount returned, as is provided in section 71-102 of the General Statutes of 1935. The remaining one-third shall be divided among the remaining drainage districts in the county, in proportion to the

frontage on said river. Where such river does not extend into or through any drainage district in this state, said proceeds to be returned shall be returned to such counties as have adopted this act and have, prior to July 1 following the adoption of this act, notified the Director of Revenues of such adoption, and through which such river flows, in proportion to the mileage of such river bank in such county, and this fund shall be used by the board of county commissioners of such county or counties only for the actual cleaning and maintenance of such state streams as is provided for in this act: Provided, That before the expenditure of any such funds, the board of county commissioners shall submit all contracts, plans, and specifications for the proposed improvements to, and receive the approval of, the chief engineer of the division of water resources: Provided, That in counties having a population of not less than 25,000 nor more than 29,000 and an assessed tangible valuation of over \$46,500,000, the entire amount allotted to the county shall be paid into the bridge fund of such county. (L. 1929, ch. 143, subsection 4; L. 1931, ch. 318, subsection 4; L. 1933, ch. 331, subsection 1; L. 1933, ch. 249, subsection 6; L. 1937, ch. 387, subsection 1; March 31.) (L. 1961, ch. 311, subsection 7.)

Cross reference: Intent and purpose of act, see, also, subsection 71-116.

82a-310. Same; when act not to apply.

This act shall not apply to the portions of any stream lying wholly within the boundaries of any organized drainage or levee district: Provided, That that portion of such stream is actually improved and maintained by and as a part of the work of said district. (L. 1931, ch. 318, subsection 5; March 12.)

Cited in holding subsection 24-1071 valid. State, ex rel., v. Stonehouse Drainage Dist., 152 K. 188, 192, 102 P. 2d 1017.

82a-311. Same; cost of surveys; how paid; division of balances of proceeds.

In any county in this state which, prior to the adoption of this act, has received any of the proceeds from the sale of sand products and which failed to have a survey made, as provided in section 82a-307a of the General Statutes of 1935, which survey was made by drainage districts in said county, the county commissioners are directed to pay to drainage districts which have had the survey made or which shall, within one year after the taking effect of this act have such survey made, the costs of such surveys, and the balances of said proceeds shall be divided among said drainage districts in proportion to the frontage on such rivers. (L. 1937, ch. 387, subsection 2; March 31.)

82a-312. Dams built under federal agricultural program; approval by chief engineer.

Any landowner or operator who desires to construct, or who has constructed a dam, for agricultural purposes on his own land or land operated by him, as a part of the federal agricultural conservation program without complying with the provisions of sections 82a-301 to 82a-305, both sections inclusive, of the General Statutes of 1935 may make application to the chief engineer of the division of water resources for approval of the construction of such dams. (L. 1939, ch. 354, subsection 1; March 14.)

82a-313. Same; plans to accompany application.

Each application for such approval shall be accompanied by plans of the dam that has been built or shall be built showing the area of the drainage basin above the dam, a cross section of the dam site, a cross section, plan and elevation of the dam, a plan of the spillway and such other data and information as the chief engineer of the division of water resources may require. (L. 1939, ch. 354, subsection 2; March 14.)

82a-314. Same; revision of plans.

If the plans are found to be satisfactory and upon examination, the dam is found to be constructed in accordance with such plans, the chief engineer shall approve the plans and the construction of the dam. If the plans fail to meet the requirements of the chief engineer, the owner shall make such changes in or additions to the dam as may be required and submit revised plans. If such revised plans are satisfactory and the dam is found to be constructed in accordance with them, the chief engineer shall approve such revised plans and construction. (L. 1939, ch. 354, subsection 3; March 14.)

LAW OFFICES OF
McCARTER FRIZZELL & WETTIG
SUITE 701 PETROLEUM BUILDING
WICHITA, KANSAS 67202

CHARLES C. McCARTER
KENT FRIZZELL
CARL L. WETTIG
JAMES R. SCHMITT

August 3, 1967

AREA CODE 310
AMHERST 7-2871

Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Building Annex
Wichita, Kansas

SUPPLEMENTAL OPINION OF TITLE

Re: The W 1/2 of the North 20 Acres of the NW 1/4 of the SW 1/4 of Section 29, Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except therefrom a tract described as beginning 531.08 feet South of the NW corner of the SW 1/4 of said Section 29; thence South 130 feet; thence East 220 feet; thence North 130 feet; thence West 220 feet to the place of beginning, (hereinafter called Tract 1)

A tract in the East half of the North 20 acres of the Northwest Quarter of the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the North line of said NW 1/4 of said SW/4, 922 feet East of the Northwest corner of said NW/4 of said SW/4; thence Southwesterly to a point 905 feet East and 120 feet South of said Northwest corner; thence South to a point 905 feet East and 215 feet South of said Northwest corner; thence Southwesterly to a point 658.615 feet East and 661.14 feet South of said Northwest corner, said point being the Southeast corner of the West half of said North 20 acres of said NW/4 of said SW/4; thence North parallel to the West line of said SW/4, 661.14 feet to the North line of said SW/4; thence East 263.385 feet to the point of beginning, (hereinafter called Tract 2)

Gentlemen:

This title opinion is supplemental to that opinion of title heretofore issued by the undersigned bearing date of August 2, 1967. On page 2,



Metropolitan Area Planning Commission
August 3, 1967
Page 2

(1967)
paragraph 2 of said Opinion of Title of August 2, 1967, it was noted that there was an apparent outstanding mortgage from John and Marjorie L. Addis to The Wichita State Bank in the original amount of \$4,312.92, which mortgage was dated May 13, 1966 and recorded in Book 1566, page 61. This supplemental Opinion of Title is to inform you that a release of said mortgage was obtained on August 3, 1966 and filed of record on this same date with the Register of Deeds of Sedgwick County, Kansas.

As a consequence, there is now no outstanding mortgage existing against either Tract No. 1 or Tract No. 2 described above.

Yours very truly,


James R. Schmitt

JRS/lv

LAW OFFICES OF
MCCARTER FRIZZELL & WETTIG
SUITE 701 PETROLEUM BUILDING
WICHITA, KANSAS 67202

CHARLES C. MCCARTER
RENT FRIZZELL
CARL L. WETTIG
JAMES R. SCHMITT

AREA CODE 310
AMHERST 7-8871

August 2, 1967

Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Building Annex
Wichita, Kansas

OPINION OF TITLE

Gentlemen:

I have examined the abstract of title to the following described real property:

The W1/2 of the North 20 Acres of the NW1/4 of the SW1/4 of Section 29, Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except therefrom a tract described as beginning 531.08 feet South of the NW corner of the SW1/4 of said Section 29; thence South 130 feet; thence East 220 feet; thence North 130 feet; thence West 220 feet to the place of beginning.

(hereinafter called Tract 1)

from beginning of title to August 1, 1967 at 7:00 a.m. I have also examined Title Insurance Policy No. 901501 issued by the American Title Insurance Company, Miami, Florida, which covers the following described real property, to-wit:

A tract in the East half of the North 20 acres of the Northwest Quarter of the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the North line of said NW1/4 of said SW/4, 922 feet East of the Northwest corner of said NW/4 of said SW/4; thence Southwesterly to a point 905 feet East and 120 feet South of said Northwest corner; thence South to a point 905 feet East and

215 feet South of said Northwest corner; thence Southwesterly to a point 658.615 feet East and 661.14 feet South of said Northwest corner, said point being the Southeast corner of the West half of said North 20 acres of said NW/4 of said SW/4; thence North parallel to the West line of said SW/4, 661.14 feet to the North line of said SW/4; thence East 263.385 feet to the point of beginning.

(Hereinafter called Tract 2)

All of the property included in the proposed plat of "Marshall Addition", Sedgwick County, Kansas is included in the Abstract of Title above referred to and the title insurance policy issued by American Title Insurance Company.

From my examination of the aforesaid abstract and relying on the title insurance policy as proof of ownership of that portion of the property covered by said title insurance, it is my opinion that the fee simple title to said land is as follows:

Tract No. 1

Quality Investments, Inc., a Kansas Corporation

Tract No. 2

James T. Sanders and T. Maxine Sanders, his wife

Subject to the following comments:

1. The 1966 real estate taxes and all prior years on all property described herein are shown paid.
2. At entry 39 of the abstract there appears a mortgage from John and Marjorie L. Addis to The Wichita State Bank in the original amount of \$4,312.92 dated May 13, 1966 and recorded in Book 1566 at page 61 on May 20, 1966.
3. At entry 38 of the abstract there is a right of way agreement providing for a permanent easement across the following property:

The East 20 feet of the West 50 feet of the North 661.08 feet of the Northwest Quarter of the Southwest Quarter of subject section.

Metropolitan Area Planning Commission
August 2, 1967
Page 3

4. At entry 35 of the abstract there is shown a Guy and Anchor Easement for a single guy and anchor to be located in the Northwest Corner of the Southwest Quarter of said section.

Very truly yours,


James R. Schmitt

JRS/lv

KENNETH O. TAYLOR
Consulting Engineer
867 WEST DOUGLAS
WICHITA, KANSAS 67213

August 2, 1967

Wichita - Sedgwick County MAPC
City Building Annex
Wichita, Kansas

Gentlemen:

This is to certify that irons have been set at all block corners and changes of street alignment in Marshall Addition, Sedgwick County, Kansas.

A bench mark was set as follows: Railroad spike in piling at NE corner of bridge at Calfskin Creek and Maize Road, Elevation 1316.46.

Yours truly,


K. O. Taylor

QUALITY INVESTMENTS, INC.
QUALITY MANUFACTURERS, INC.

3158 S. HOOVER ROAD
WICHITA, KANSAS 67215

JAMES T. SANDERS, PRESIDENT

PH. WH 3.5303

August 2, 1967

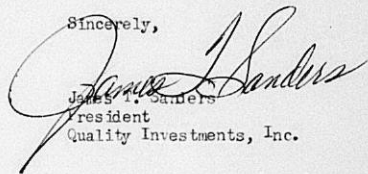
Wichita-Sedgwick County Metropolitan Area Planning Commission
City Building Annex
Wichita, Kansas

Gentlemen:

The drainage pipes between lot 5 and 6, Block 1, and
in the storm water drainage easement in Lot 1, Block
1, Marshall Addition, Sedgwick County, Kansas, will
be installed at such time as deemed necessary by the
County Engineer.

Thank you.

Sincerely,



James T. Sanders
President
Quality Investments, Inc.

JTS/ms

DROP HAMMER STAMPING - DIE CASTING AND FINISHING - STAINLESS STEEL FINISHING
STAINLESS STEEL FABRICATION - ALUMINUM HEAT TREAT - AIRCRAFT EXHAUST SYSTEMS
ALUMINUM AND SHEET METAL ASSEMBLIES - STRUCTURAL & ORNAMENTAL IRON WORK
PLASTER PATTERNS - PLASTIC TOOLING



July 18, 1967

Mr. Kenneth O. Taylor
Consulting Engineer
567 West Douglas
Wichita, Kansas

Subject: Final Plat - Marshall Addition

Dear Mr. Taylor:

We are in receipt of two copies of a drawing entitled "Marshall Addition - Plan and Cross Section of Dam on Cowskin Creek" dated July 17, 1967. I can not complete the review of the information submitted without a location of the proposed dam. I would prefer that the location be shown on a copy of the preliminary or final plat.

In checking the information shown on the sketch and the final plat, I find that the west line of the tract on which Mr. Marshall is building his house has been moved too far west and appears to encroach on the existing creek bank line. In order to move the line back to its intended location, I suggest you increase the 200 foot floodway width dimension shown between this tract and Lot 4 of Block 1 to 230 feet. My information shows that this change will not adversely effect anything being built on the house tract.

If further information or discussion is desired, please advise.

Yours truly,

M. S. Mitchell
Asst. Supt. of
Public Works Maint.

MSM:esvh

cc: G.H. Wilton, Supt. of Public Works Maint./Jack Galbraith,
Senior Planner/Marshall Addition Plat File

July 14, 1967

Mr. K. O. Taylor
567 West Douglas
Wichita, Kansas 67213

Subject: S/D 67-51 - Final Plat of Marshall Addition

Dear Mr. Taylor:

At its regular meeting on July 13, 1967, the Metropolitan Area Planning Commission considered the Final Plat of Marshall Addition and recommended that it be approved subject to:

OK The minimum building pad elevation of 1,316.0 feet being indicated on the face of the plat.

OK The applicant submitting a plan showing the dam which he proposes to construct in the "Floodway" to M. S. Mitchell of the Maintenance Division of the Department of Public Works.

OK The drainage easements shown on the face of the plat being labeled as "storm water sewer drainage easements".

OK The applicant installing or guaranteeing the installation of pipes in the storm water sewer easements prior to the plat tracing being released for recording. The size of the pipes and estimated construction costs shall be determined by M. S. Mitchell of the Maintenance Division of the Department of Public Works.

OK The words "City of Wichita" in the plat's text being changed to "appropriate governing body".

OK Side lot dimensions being indicated for those portions of Lots 2 and 3 lying south of the "Floodway".

July 14, 1967

7. Recording within 30 days after approval by the Board of City Commissioners.

This plat will be forwarded to the Board of City Commissioners for its consideration as soon as the following requirements have been met:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.

OK Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.

3. Certification by an attorney that fee title is vested in the platlor.

OK Certification that all taxes due and payable have been paid.

OK Certification that the irons have been set as required by the Subdivision Rules and Regulations of the Metropolitan Area Planning Commission.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Mr. James Sanders
3158 South Hoover
Wichita, Kansas 67215

July 11, 1967

Mr. K. O. Taylor
567 West Douglas
Wichita, Kansas
67213

Subject: S/D 67-51 - Final Plat of
MARSHALL ADDITION

Dear Mr. Taylor:

At its regular meeting on July 6, 1967, the Subdivision Committee of the Metropolitan Area Planning Commission considered the final plat of MARSHALL ADDITION. The action of the Subdivision Committee was to recommend that this plat be approved subject to:

1. The minimum building pad elevation of 1,316.0 feet shall be indicated on the face of the plat.
2. The applicant shall submit a plan showing the dam which he proposes to construct in the "Floodway" to M.S. Mitchell of the Flood Control Division of The Department of Public Works.
3. The drainage easements shown on the face of the plat shall be labeled as "storm water sewer drainage easements".
4. The applicant shall install or guarantee the installation of pipes in the storm water sewer easements, prior to the plat tracing being released for recording. Size of the pipes and estimated construction costs to be determined by M.S. Mitchell of the Flood Control Office.

Mr. K. O. Taylor
July 11, 1967
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5. The words "City of Wichita" in the plattor's text shall be changed to "appropriate governing body".
6. Side lot dimensions shall be indicated for those portions of Lots 2 and 3 lying south of the "Floodway".
7. One of the requirements of Preliminary Plat approval was indicating the south 30 feet of the west 255 feet of Lot 6 as street right-of-way for Irving, this has not been done.
8. Recording within 30 days after approval by the Board of City Commissioners.

This matter will be forwarded to the Metropolitan Area Planning Commission for its consideration on July 13, 1967.

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

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

Very truly yours,

Jack H. Galbraith
Senior Planner

JHG:JDG:sa

cc: James Sanders
3158 S. Hoover
Wichita, Kansas
67215

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 67-51 NAME MARSHALL ADDITION
DATE APPLICATION REC'D 5-12-67 PRELIMINARY APPROVAL 6-15-67

DESCRIPTION

GENERAL LOCATION On the east side of Maize Road in an area 1/2 mile south of Maple
OWNER James Sanders
SURVEYOR/ENGINEER K. O. Taylor
ADDRESS 567 West Douglas

1. GROSS ACREAGE OF PLAT	<u>11.5</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) <u>60</u> R/W <u>450</u>	FT.
RESIDENTIAL	<u>7</u>	(B) _____ R/W _____	FT.
COMMERCIAL	_____	(C) _____ R/W _____	FT.
INDUSTRIAL	_____	(D) TOTAL <u>450</u>	FT.
OTHER	_____	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>7</u>	R/W _____	89.FT.
3. AVERAGE LOT FRONTAGE	_____	9. EXISTING ZONING	<u>"R-1"</u>
4. MINIMUM LOT FRONTAGE	<u>70</u>	10. PROPOSED ZONING	_____
5. AVERAGE LOT AREA	_____	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>25,000</u>	ZONING	<u>89.FT.</u>

STAFF COMMENTS:

1. The minimum building pad elevation of 1,316.0 feet shall be indicated on the face of the plat.
2. The applicant shall submit a plan showing the dam which he proposes to construct in the "Floodway" to M. S. Mitchell of the Flood Control Division of the Department of Public Works.
3. The drainage easements shown on the face of the plat shall be labeled as "storm water sewer drainage easements".
4. The applicant shall install or guarantee the installation of pipes in the storm water sewer easements, prior to the plat tracing being released for recording. Size of the pipes to be determined by M. S. Mitchell of the Flood Control Department.
5. The words "City of Wichita" in the plat's text shall be changed to "appropriate governing body".
6. Side lot dimensions shall be indicated for those portions of Lots 2 and 3 lying south of the "Floodway".
7. One of the requirements of Preliminary Plat approval was indicating the south 30 feet of the west 255 feet of Lot 6 as street right-of-way for Irving, this has not been done.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF PUBLIC HEALTH

OFFICE OF Environmental Health

DATE June 19, 1967

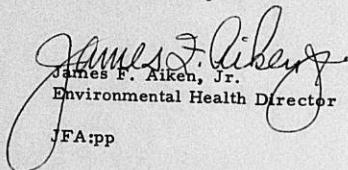
TO Jack Galbraith, Senior Planner, Regulations Division

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

SUBJECT Marshall Addition
Individual Water and Sewage Systems

The Health Department will approve the installation of septic tank systems and individual water supply systems for single family dwellings to be located on the individual lots of the Marshall Addition.

This subdivision is located on the east side of Maize Road in an area 1/2 mile south of Maple.


James F. Aiken, Jr.
Environmental Health Director

JFA:pp



Copy of this
letter sent to Jay Esco
this date.

June 16, 1967

Mr. K. O. Taylor
567 West Douglas
Wichita, Kansas 67203

Subject: S/D 67-51 - Preliminary Plat of
MARSHALL ADDITION

Dear Mr. Taylor:

At its regular meeting on June 15, 1967, the Subdivision Committee of the Metropolitan Area Planning Commission considered the preliminary plat of MARSHALL ADDITION. The action of the Committee was to approve the preliminary plat and authorize preparation of the final plat subject to the following:

- OK Indicating Marcia Ct. as Maize Ct.
- OK A block number shall be indicated on the face of the plat.
- OK A 30 foot building setback line shall be indicated adjacent to the east line of Maize Road and both sides of Maize Ct. including the cul-de-sac.
- 4. Indicating street right-of-way for Irving, being the south 30 feet of Lot 7 and the south 30 feet of the west 255 feet of Lot 6.
- OK in 5. Indicating a minimum building pad elevation of 1, 316.0
not on face of plat
OK both on the face of the plat and in the plat's text.
- OK 6. Clearly indicating that entire area which is to be designated as Floodway. M. S. Mitchell of the Flood Control Division of the Department of Public Works should be contacted in regards to this matter.

Mr. K. O. Taylor
June 16, 1967
Page -2-

- OK. Indicating an 8 foot utility easement adjacent to the north line of Lot 1.
- OK. Indicating an 8 foot utility easement adjacent to the south line of the "Floodway", said easement to be located inside of the area designated as "floodway".
- OK. Indicating a 10 x 25 foot guy and anchor easement adjacent to each of the 3 angles on the south line of the floodway.
- OK. The applicant's engineer shall determine the locations of storm water sewer drainage easements necessary to drain the area from the north, platted as "The Dell", said easements to be 20 feet in width and indicated on the face of the plat.
11. Submission of a plan showing the dam which the applicant proposes to construct in the "Floodway" to M. S. Mitchell of the Flood Control Division of the Department of Public Works.
- OK. Indicating a 20 foot storm water sewer drainage easement 10 feet on either side of the side lot lines common to Lots 5 and 6.
13. The applicant shall install or guarantee the installation of pipes in the storm water sewer easements, prior to the plat tracing being released for recording. Size of the pipes to be determined by M.S. Mitchell of the Flood Control Dept.
- OK. Including within the plat's text the following: "The Floodway shall be the responsibility of the owners of the property in the subdivision until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of the drainage; provided further, that no building shall be constructed on or within said Floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Wichita-Sedgwick County Flood Control Office, or their successors or office."

Mr. K. O. Taylor
June 16, 1967
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OK 15. It will be necessary that the applicant contact Jim Aiken, of the Wichita-Sedgwick County Health Department and obtain a letter from him stating that septic tanks and private water wells will be permitted in this addition. A copy of such letter shall be filed with the Planning Department.

16. Requirements for a final plat (see pages 4, 5 and Section XV of the Subdivision Rules and Regulations.

Enclosed herewith is the marked Engineer's copy of the preliminary plat for your information and files.

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

Very truly yours,

Jack H. Galbraith
Senior Planner

JHG:GLS:sa

cc: James Sanders
3158 S. Hoover
Wichita, Kansas 67215

Enclosure

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 67-51 Name MARSHALL ADDITION
Date Application Rec'd. 5-12-67 S/D Committee Meeting 6-15-67

DESCRIPTION

General Location On the east side of Maize Road in an area
1/2 mile south of Maple.

Owner James Sanders
Surveyor/Engineer K. O. Taylor
Address 567 West Douglas Phone AM 4-4072

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>11.5</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>60</u> R/W <u>450</u> ft. |
| Residential <u>7</u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>7</u> | TOTAL <u>450</u> ft. |
| 3. Minimum Lot Frontage <u>70</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>25,000</u> ft. | streets? <u>yes</u> <u>no</u> |
| 5. Existing Zoning <u>"R-1"</u> | |
| 6. Proposed Zoning <u> </u> | |
| 9. Public Water Supply <u>NO</u> (Yes-No), Name <u> </u> | |
| 10. Public Sanitary Sewers <u>NO</u> (Yes-No), Name <u> </u> | |
| 11. Health Department Approval (where applicable) <u> </u> YES <u> </u> (Yes-No) | |
| 12. City of Wichita <u> </u> : Three-Mile Area <u> </u> YES | |

STAFF COMMENTS:

1. It was pointed out to the applicant's engineer that some consideration should be given to the possibility of redesigning the plat such that a cul-de-sac would extend north from Irving with lots backing into Maize Road. This matter can be discussed further at the Subdivision Committee Meeting.
2. If the basic plat design is to remain as presently set forth, it will be necessary that the name Marcia Ct. be changed to Maize Ct.
3. A block number shall be indicated on the face of the plat.
4. A 30 foot building setback line shall be indicated adjacent to the east line of Maize Road and both sides of Maize Ct. including the cul-de-sac.
5. Indicating street right-of-way for Irving, being the south 30 feet of Lot 7 and the south 30 feet of the west 255 feet of Lot 6.
6. Indicating a minimum building pad elevation of 1,316.0 both on the face of the plat and in the plat's text.
7. Clearly indicating that entire area which is to be designated as Floodway.

THE CITY OF WICHITA

OFFICE OF Asst. Supt. of
Public Works Maint.

DATE 5/25/1967

TO Jack Galbraith, Senior Planner
FROM M.S. Mitchell, Asst. Supt. of Public Works Maint.

SUBJECT Sketch Plat of Marshall Addition
(NW 1/4, NW 1/4, SW 1/4,
Section 29, T28S, R1W)

On May 15, you submitted subject sketch plat for our consideration and our comments. Since that time, we have reviewed the plat and available flood information for Cowskin and Calfskin Creeks, both of which traverse a portion of subject area. We have discussed both the elevation and creek alignment problems connected with subject area, with Mr. Wilmer Freund, County Engineer (who is responsible for the Cowskin Creek Stream Maintenance Program) and with K. O. Taylor, Engineer for the applicant.

On November 1, 1959, the Metropolitan Area Planning Commission established a policy that the method of handling drainage for Cowskin Creek should be the reserve of a flood plain (Floodway) equal to that inundated by flood of record plus 3 feet. On various occasions since that time, this method has been followed in determining rights-of-way and easements required for Cowskin Creek. Early in 1961, the Planning Commission extended this policy regarding the method of handling drainage to include Calfskin Creek immediately west of subject location.

For your information, we have drawn the flood plain on our copy of subject sketch plat in red and the area inside a line 3 feet above it in green. Note that this area (the flood plain inundated by the flood of record plus three feet) covers almost all the area for which subdivision is requested. From this information, it would appear that none of Marshall Addition is suitable for subdivision; however, we believe that conditions here blend themselves to some compromise between "improved channel and flood plain treatment". Since the applicant, James Sanders, owns all of the land within the quarter, quarter, quarter section, it would appear that sufficient area might be left in reserve for Floodway and allow use of most of the area shown on subject sketch lying south and west of the line delineating the creek bank. The Floodway should have a minimum width of 200 feet; its boundaries are shown in blue on the sketch. Some complication occurs at the location of the bridge on Maize Road, where a portion of Lot 1 south of the creek bank should be included in the Floodway in order that alignment of the creek from the west can be accomplished; and at the line dividing Lots 2 and 3 where the 200 feet minimum width is measured from the southwest corner of a 100x100' tract on the extreme northeast corner of the quarter, quarter section. Mr. Sanders had, prior to the submission of subject sketch, been advised by this office that said 100x100' tract could be used as a building site subject to subdivision requirements,

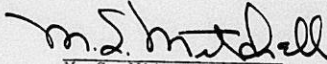


5/25/1967

zoning, minimum building elevation, and reserve of adequate space for Floodway. We have taken the liberty of showing a 20 foot wide connecting access strip from Maize Road to the 100'x100' tract and have located the Floodway from it. We have no argument with the deletion of the 100'x100' tract and shifting the Floodway north to provide more space for Lots 2 and 3 if the applicant desires.

It will be necessary, of course, to establish a minimum pad elevation for lots platted here; and, our recommendation for this elevation is 1316.0 based on the flood of record elevation at the northeast corner of the tract. The Floodway should be described with the usual Floodway language restriction, a copy of which is attached.

With these comments in hand, you should be able to advise Mr. Taylor of our recommendations regarding the sketch plat of Marshall Addition.



M. S. Mitchell
Asst. Supt. of
Public Works Maint.

MSM:esvh
Enclosures

cc: G. H. Wilton, Supt. of Public Works Maint.
Wilmer Freund, County Engineer
K. O. Taylor, Engineer
Marshall Addition File
Calfskin Creek File
Cowskin Creek File

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

968.00

DESCRIPTION	AMOUNT
Subdivision Appl.	
Marshall Addition	
Name James J. Sanders	
Address 1821 S. Chautauqua	
Doc. R-71-C	Due Date 6-2-67
Comments:	

Date: 6-2-67 By: [Signature]

Map No.: G-111-C
Section No.: 29
Twp. No.: 27S
Range: 11W

S/D No. 67-51

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Marshall Addition
General Location: W. E. of S. 29-27-11W - Main Road
between Maps 4 6554 - East Side S. of Maple
End of Main Rd for an area 1/2 mile long
Name of Property Owner: James Sanders
Address: 3158 S. Hoover 67215 Phone: W435303
Name of Subdivider: Sander
Address: _____ Phone: _____
Name of Agent/Surveyor: _____ Phone: _____
Address: _____
Date of Application: _____ Phone: _____

SUBDIVISION INFORMATION:

- Gross Acreage of Plat 46 11.5
- Number of Lots: 67
 - Residential _____
 - Commercial _____
 - Industrial _____
 - Other _____
- Total Number of Lots 67
- Minimum Lot Frontage 70 ft.
- Minimum Lot Area 25,000 sq. ft.
- Existing Zoning R-1
- Proposed Zoning _____
- Lineal Feet of New Streets:
 - a. 60 R/W 450 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
- TOTAL 450 ft.
- Total Area of New Streets R/W: 27,000 sq. ft.
- Public Water Supply No (Yes-No), Name _____
- Public Sanitary Sewers No (Yes-No), Name _____
- Health Department Approval (where applicable) Yes
- City of Wichita or 3-Mile Area: 3 Mile Area (Yes-No)

The applicant herein agrees to comply with the Subdivision Rules and Regulations for the Wichita-Sedgwick County Metropolitan Area, as amended, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. The applicant further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: W. O. Taylor
Engineer

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas.

Received by John Gist
Date 5-12-67
Fee Submitted \$ 68.00

