

PLAT NO. 72-83 MAP NO. 5244

NAME WESTERN CONTROL 3RD ADDITION

LOCATION East side of West Street $\frac{1}{2}$ mile South of Pawnee Avenue.

ENGINEER R. S. Delamater & Associates

OWNER Koch Development Corp. c/o O.A. Witterman

APPLICATION FILED 8/23/72

SKETCH PLAT FILED 8/23/72

PRELIMINARY FILED 8-25-72

S/D ACTION 9-7-72 Approved

FINAL FILED 9.27.72

S/D ACTION 10.5.72 Approved

MAPC ACTION 10-12.72 Approved

BCC ACTION 11.7.72 Approved

RECORDED Nov. 28, 1972

REMARKS _____

S/D 72-83 WESTERN CONTROL 3RD AD-
DITION East side of West Street $\frac{1}{2}$
Mile South of Pawnee Avenue. Koch
Development by Western Control

POSTED
8-25-72

ACTION

	DATE
S/D COMMITTEE (prelim) Approved	9-7-72
S/D Comm (final) Approved	10-5-72
M.A.P.C. Approved	10-12-72
B.C.C. / B.C.C. Approved	11-7-72



REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

J
12-1-72

WESTERN CONTROL THIRD ADDITION was

filed for record on November 28, 1972

S-2 7-25
81
vh

John Hale
Register of Deeds

T9-328

January 2, 1973

Mr. Karl W. Friedel, Attorney
458 North Market
Wichita, Kansas 67202

Re: S/D 72-83 - Final Plat of
WESTERN CONTROL 3RD ADDI-
TION

Dear Mr. Friedel:

At your request, attached is a copy of the Planning Commission minutes of October 12, 1972, which were associated with the above-captioned plat. These minutes will probably be on the agenda of the Planning Commission for approval at their meeting of January 25, 1973.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Enclosure

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 12, 1972:

12. S/D 72-83 - Final Plat of WESTERN CONTROL 3RD ADDITION, generally located on the east side of West Street 1/2 mile south of Pawnee Avenue.

GALBRAITH said that in 1968, this area was approved for light industrial zoning, subject to platting, and it remains as "AA" zoning until this plat is recorded. He stated that this area is extremely flat and surface drainage is a problem. A requirement of the Subdivision Committee was a 35-foot drainage easement along the front of the property. He said the applicant's attorney desires to discuss this requirement with the Commission, and also Mr. Bruggeman and Mr. Linn of the Department of Public Works were present to contribute to the discussion.

R. W. BRUGGEMAN, Director of Public Works, said the Engineering Division has prepared a scope and profile for a drainage system in this area, and from the information it was indicated that there should be an open ditch on both the west and east sides of West Street in this area. He pointed out that this is preliminary thinking and final concepts may not be an open ditch, but at this time they are recommending a minimum of 35 feet of right-of-way be obtained on both the east and west sides of West Street. He said 35 feet was obtained from the west side in the Missouri Pacific plat. He felt this width would provide for an earthen ditch with grass slopes that could be maintained.

When the question was raised that apparently this improvement is some time away, BRUGGEMAN said it is needed now, but because of the cost involved and the fact that they do not feel like assessing it against the property in the area, they have applied to the Economic Development Agency for 50% government funding, and as soon as such funds are received, the improvement will be undertaken immediately.

A question was brought up as to ownership of the 35 feet in question, and it was pointed out that it would be an easement and be owned by the applicant, but the City would have the right to use this easement. BRUGGEMAN felt the possibility of underground storm sewer was very remote because of the high cost involved. He stated that if at some future time it was installed underground in the street right-of-way, the easement could be vacated.

BLAKEY inquired as to maintenance of the open ditch and it was stated that the City would be responsible for seeding the slopes and maintaining the drainage ditch.

HENNESSY suggested that it really might be creating too much of a burden on owners in the area for the entire construction. BRUGGEMAN stated again that it was the opinion of his department that the cost would be a burden for the property owners and that is the reason they have requested participation by EDA to the extent of 50% funding.

HENNESSY commented that then the loss to the plattor in this case would be the cost of the land being given up. BRUGGEMAN pointed out that they would not be giving up any ownership, but only granting easement rights to the City. He explained further that drainage projects are assessed against property benefitted by the improvement, except for any funds obtained through government financing.

DICK LINN, City Engineer, pointed out that the area is very flat and drainage is a difficult problem. He said that normally they prefer underground drainage in the City, but in several cases there are open drainage systems (Glenn, Meridian and Sheridan), and their preliminary design provides for open channel system in this case. He commented that there is a larger area which needs drainage facilities other than subject area and that development in this general area has been limited because of the lack of proper drainage facilities.

LINN pointed out also that the installation of drainage improvements in turn will encourage development, and as more development occurs, it is possible that the character of the area will change to the extent that other drainage facilities will be needed.

Based on present conditions, LINN said they have arrived at a design concept for drainage on both sides of West Street, and it requires a 20-foot easement immediately adjacent to West Street, plus another 15 feet for maintenance and access, this 35 feet also being the 35-foot setback requirement for development. LINN said that in final design, some other method may come forth and that the drainage channel may be paved; however, he doubted if it would ever be underground.

In the discussion, it was brought out that if development continues and yet the federal funding does not materialize, then it will be necessary to build the drainage system at the expense of the benefit district, or refuse platting. Another point raised was the need for culverts over the drainage system, and LINN said that such culverts, constructed as a part of the drainage system, would be included in the project cost, and if the drainage is ever placed underground, then the culverts would be removed and any costs of reconstruction of the system would be included in that project cost.

CARL FRIEDEL, attorney for Western Control, said he represents the applicant and also the contract purchaser. He stated that if he understood Linn correctly then perhaps their objection with regard to dedication of 35 feet would be eliminated. He asked for clarification of costs involved in construction of the drainage system or any more expensive or more sophisticated method at some future time. LINN repeated that culverts would be a part of the project cost, and at this time he did not know if it would be assessed against a specific benefit district or against the City at large, the cost to be assessed being whatever is not funded by the federal grant requested.

FRIEDEL said they had no objection to making the easement grant for drainage purposes, but they should not be required to pay a full amount when the drainage facilities would be serving considerably more area than just their ownership. He stated they had no objections to the Subdivision Committee recommendation after clarification by the above discussion.

MOTION: That the Planning Commission recommend to the City Commission that this plat be approved, subject to the following:

- A. The access control notations adjacent to the east line of West Street shall be changed to reflect three openings, both on the face of the plat and within the plat's text.
- B. "Complete access control" adjacent to 28th Street South shall be indicated on the face of the plat and within the plat's text.
- C. A 35-foot drainage easement shall be indicated on the west 35 feet of Lot 1. The Engineering Division shall be contacted regarding the manner in which it should be designated.
- D. The 30-foot dedication for the north half of 28th Street South shall be adjusted northward to its proper alignment on the face of the plat.
- E. The applicant shall install or guarantee the extension of sanitary sewer and water to serve subject property.
- F. The applicant's engineer shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to some of the dimensions indicated on the plat. A letter shall also be obtained from Mr. Mitchell approving the agreed to drainage plan for subject property. Said letter shall be submitted to the Planning Department.
- G. The applicant shall submit to the Planning Department a covenant which shall provide for screening along and adjacent to the south line of Lot 1 in the event the property to the south develops residentially. Said screening may be plant material and/or fencing.
- H. Recording of the plat within 30 days after the approval of the plat by the Board of City Commissioners.

Kamen moved, Blakey seconded and it carried unanimously.

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE November 29, 1972



TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Design & Planning Supt.

SUBJECT Western Control, Third Addition
and Missouri-Pacific Industrial
Park, Section One

The plattors of Western Control, Third Addition and Missouri-Pacific Industrial Park, Section One, have submitted a valid petition for a water benefit district to serve these plats. Therefore, our requirements for water service to this area have been fulfilled and the performance bonds may now be released.

A handwritten signature in cursive script that reads "Bill H. Otten".

Bill H. Otten
Design & Planning Supt.

BHO:bg

cc: John D. Wynkoop, Operations Chief Engineer

December 5, 1972

Ralph C. Eberly, City Clerk

Jack H. Galbraith, Chief Planner

S/D 72-83 - Western Control 3rd Addition.
(Irrevocable Letter of Credit water line
guarantee)

The above referred to case was approved by the Metropolitan Area Planning Commission on October 12, 1972, and by the Board of City Commissioners on November 7, 1972. One of the conditions of the approval was that the applicant guarantee the extension of a water main in West Street to serve subject property. The applicant submitted an Irrevocable Letter of Credit (Credit no. 351) from the Fourth National Bank and Trust Company, Wichita, in the amount of \$17,655 and for the account of Western Control Company, guaranteeing that the water line would be extended on or before October 12, 1974.

The City Water Department has advised our office that subject property has been included in a valid petition for a water benefit district and therefore, the Irrevocable Letter of Credit is no longer needed.

Your office is holding said Letter of Credit and it may now be released at request from the applicant. If you have any questions concerning this matter, please call.

CLN:rme

cc: Bill Otten, Water Department
Western Control Company, 2533 South West Street, 67217
Fourth National Bank & Trust Co., 200 East Douglas, 67202

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	72-83	Name	WESTERN CONTROL 3RD ADDITION
Application Filed:	8-23-72	Sketch Filed:	8-23-72
Preliminary Plat Filed:	8-28-72	Approved by S/D:	9-7-72
Final Plat Filed:	9-27-72	Approved by S/D:	10-5-72
Approved by Metropolitan Area Planning Commission:			10-12-72

DESCRIPTION

General Location: East side of West Street 1/2
mile south of Pawnee Avenue

Surveyor or Engineer: R. S. Delamater & Associates
Owner: Koch Development Corp.
Address: P. O. Box 2256, Wichita

1. Gross Acreage of Plat	<u>26.32</u>	5. Lineal Feet of New Streets:
2. Number of Lots:		a. <u>650</u> R/W <u>50</u> ft.
Residential	_____	b. _____ R/W _____ ft.
Commercial	_____	c. _____ R/W _____ ft.
Industrial	<u>1</u>	d. _____ R/W _____ ft.
Other	_____	e. _____ R/W _____ ft.
Total Number of Lots:	<u>1</u>	TOTAL <u>50</u> ft.
3. Minimum Lot Frontage:	<u>650</u> ft.	6. Existing Zoning: <u>"AA"</u>
4. Minimum Lot Area:	<u>113,800</u> sq. ft.	

An irrevocable letter of credit has been submitted guaranteeing the extension of a water main to serve subject property and a valid petition has been submitted guaranteeing the extension of sanitary sewer to serve subject property. A certificate has also been submitted certifying the petition.

Planning Commission Recommendation:

That this plat be approved, subject to:

- A. The applicant submitting a covenant which shall provide for screening along and adjacent to the south line of Lot 1 in the event the property to the south develops residentially.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: Associated zone Case Z-0738(A) - "AA" to "E" has been approved by the Board of City Commissioners subject to platting.

Kamen moved, Blakey seconded and it carried unanimously.

ACTION: Receive and file the irrevocable letter of credit and approve the petition, instruct the Director of Law to prepare the necessary resolution and the City Clerk to file the certificate and covenant with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, Koch Development Corporation, owner and plat-
tor of Western Control - 3rd Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

1. Sewer Service
2. Water Service
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Western Control 3rd Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 3rd day of November, 1972.



KOCH DEVELOPMENT CORPORATION

By: Oliver A. Witterman
(Secretary)

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 3rd day of November,
1972, before me, a notary public in and for said County and State,
came Oliver A. Witterman, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

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

Jeanne Beatty
Notary Public

My Commission Expires: 7/5/76

T9-128



2533 SOUTH WEST STREET P.O. BOX 1202 WICHITA, KANSAS 67201 (316) 942-7901



WESTERN CONTROL COMPANY

Division of  CONCHEMCO Incorporated

November 3, 1972

Mr. Curtis Newby, Junior Planner
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Dear Mr. Newby:

I am submitting to you today an Irrevocable Letter of Credit in the amount of \$17,655, to guarantee the extension of water service to serve Western Control 3rd Addition. This sum was provided to me by Mr. Robert Gile of the Wichita Water Department as being adequate and proper for this guarantee.

I am submitting this Letter of Credit in order to expedite the timely processing of the final plat of Western Control 3rd Addition through the Board of City Commissioners. I do so somewhat reluctantly since I anticipate having a petition, signed by the majority of property owners in the proposed Water Improvement District which would serve this property, within the next few days. It is my understanding that once this petition is received by the City, our Letter of Credit will be returned to us, and the assessment of charges for this water service, as described in the petition, will prevail.

Sincerely,

GLENN A. BEAVERS
Vice President
Manufacturing

GAB:lj

cc: Mr. Karl W. Friedel

IRREVOCABLE LETTER OF CREDIT
THE FOURTH NATIONAL BANK AND
TRUST COMPANY, WICHITA, KANSAS
(Name of bank)

Date: November 2, 1972

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 17,655.00 for the account of Western Control Co., Division of Conchemco, Inc. (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before October 12, 1974
(Insert date two years from MAPC approval of plat)

1. Water Service

2.

3.

in Western Control - 3rd Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under The Fourth National Bank & Trust Co., Wichita, Credit No. 351, dated November 2, 1972.
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before October 12, 1974.



Very truly yours,
THE FOURTH NATIONAL BANK & TRUST CO., WICHITA
WICHITA, KANSAS
(Name of bank)

By: Ronald M. Smith Jr.
(Authorized signature) V.P.

2533 SOUTH WEST STREET P.O. BOX 1202 WICHITA, KANSAS 67201 (316) 942-7901


WESTERN CONTROL COMPANY
Division of  **CONCHEMCO** Incorporated

November 1, 1972

Mr. Curtis Newby, Junior Planner
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Dear Mr. Newby:

I am submitting to you today, the following documents in regard to S/D 72-83-Final Plat of Western Control 3rd Addition:

1. A fully completed and signed tracing of the sub-division
 - a. All conditions of the Metropolitan Area Planning Commission, as outlined in Mr. John Gist's letter of October 6, 1972, pertaining to form and text of the plat have been complied with.
2. A Covenant providing for screening along the south line of Western Control 3rd Addition in the event the property to the south develops residentially.
3. A Petition for Sewer Service.

In addition to the above, the MAPD has already received the following documents:

1. Certification by our attorney, Mr. Karl W. Friedel, that the Plattor, Koch Development Corporation, is the fee simple title owner of record, that the property is free and clear of encumbrances, and that all taxes for the year 1971 and prior years have been paid in full.
2. A letter from M. S. Mitchell of the Maintenance-Flood Control office, approving our drainage plans for this property.

I believe that the above documents fulfill all the requirements necessary to process this final plat with one exception, and that is the guarantee to provide water to the property. As I discussed with you today, Western Control Company will submit to you either a petition

Mr. Curtis Newb
November 1, 1972
Page 2

signed by the majority of the property owners in the proposed water improvement district, or an irrevocable letter of credit in the form and amount specified by the Water Department, no later than Friday, November 3, 1972, in order to comply with this requirement.

I respectfully request that the Metropolitan Area Planning Department proceed with the processing of the Western Control 3rd Addition final plat, and arrange, if possible, to have this item placed on the agenda of the Board of City Commissioners November 7, 1972.

Sincerely,

WESTERN CONTROL COMPANY



GLENN A. BEAVERS
Vice President
Manufacturing

GAB:lj

cc: Mr. O. A. Witterman, Koch Development Corp.
Mr. Wilmer Fruend, R. S. Delameter & Assoc.
Mr. Karl W. Friedel

THE CITY OF WICHITA

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

DATE Oct. 27, 1972



TO Curt Newby, Junior Planner

FROM M. S. Mitchell

SUBJECT - Western Control 3rd Addn.

Please be advised the applicant and his engineer have furnished a letter proposing to drain the west 650 ft. of the plat to West Street and 28th Street South. The balance is proposed to drain easterly into either a man-made lake approximately 6 acres in surface area or into the Sheridan Drainage Ditch located east of subject tract through a drainage easement which would be secured by the applicant. It is the intent of this plan that none of the surface drainage or industrial effluent from this property be discharged into adjacent private property.

I trust this information is sufficient to permit processing of the final plat; however, if further information is desired, please advise.

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

MSM/glm

cc: Glenn Beavers, Western Control Co., 2533 So. West
G. H. Wilton, Supt. of Public Works Maint.
Western Control 3rd Addn.



October 13, 1972

Mr. Karl Friedel, Attorney
458 North Market
Wichita, Kansas 67202

Re: S/D 72-83 - Final Plat of
WESTERN CONTROL 3RD ADDITION

Dear Mr. Friedel:

At the regular meeting of the Metropolitan Area Planning Commission on October 12, 1972, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of October 6, 1972.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
 2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- [Handwritten mark]* Certification by an attorney that fee title is vested in the plat.
- [Handwritten mark]* Certification that all taxes due and payable for 1971 and prior years have been paid.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: O. A. Witterman, Koch Development Corp., P.O. Box 2256 67201
R. S. Delamater & Associates, 512 Century Plaza 67202
Jon Ewert, President, Western Control Company, 2533 S. West 67217

R. S. Delamater & Associates
512 Century Plaza
Wichita, Kansas 67202

October 6, 1972

Subject: S/D 72-83 - Final Plat
of WESTERN CONTROL 3RD ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, October 5, 1972, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

OK The access control notations adjacent to the east line of West Street shall be changed to reflect three openings, both on the face of the plat and within the plat's text.

OK "Complete access control" adjacent to 28th Street South shall be indicated on the face of the plat and within the plat's text.

OK A 35-foot drainage easement shall be indicated on the west 35 feet of Lot 1. The Engineering Division shall be contacted regarding the manner in which it should be designated.

OK The 30-foot dedication for the north half of 28th Street South shall be adjusted northward to its proper alignment on the face of the plat.

OK *sewer positions - water letter of credit*
The applicant shall install or guarantee the extension of sanitary sewer and water to serve subject property.

OK *Mitchell gave verbal ok on 10-26-72 memo will follow*
The applicant's engineer shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to some of the dimensions indicated on the plat. A letter shall also be obtained from Mr. Mitchell approving the agreed to drainage plan for subject property. Said letter shall be submitted to the Planning Department.

Page 2 - Final Plat of WESTERN CONTROL 3RD ADDITION
October 6, 1972

- OK* The applicant shall submit to the Planning Department a covenant which shall provide for screening along and adjacent to the south line of Lot 1 in the event the property to the south develops residentially. Said screening may be plant material and/or fencing.
- H. Recording of the plat within 30 days after the approval of the plat by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, October 12, 1972, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

Enclosure

cc: Koch Development Corp. , c/o O. A. Witterman
P. O. Box 2256, 67201
Carl Fridel, Attorney, 458 N. Market, 67202
Jon Ewert, President, Western Control Company
2533 South West Street, 67217

MARTIN, COOPER, CHURCHILL & FRIEDEL

ATTORNEYS AT LAW

458 NORTH MARKET STREET

P. O. BOX 334

WICHITA, KANSAS 67202

MARVIN J. MARTIN
DALE H. COOPER
W. STANLEY CHURCHILL
KARL W. FRIEDEL

316 265-5237

September 25, 1972

Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: Final Plat of Western Control
Third Addition to Wichita,
Sedgwick County, Kansas

Gentlemen:

This is to certify that we have examined the commitment for title insurance issued as of 7:00 a.m. August 23, 1972, by the Chicago Title Insurance Company with respect to the following described real property, to-wit:

The North Half (N/2) of the North
Half (N/2) of the Southwest
Quarter (SW/4) of Section 1,
Township 28 South, Range 1 West
of the 6th P.M., except the East
fourteen (14) acres thereof,
in Sedgwick County, Kansas.

From such examination it is our considered opinion that the fee simple title owner of record of the above described real property is Koch Development Corporation and that the said real property is free and clear of all encumbrances. In addition, the said real property is not subject to any deed restrictions.

We further certify that all ad valorem taxes and special assessments due and payable for the year 1971 and prior years have been paid in full.

Yours very truly,

Karl W. Friedel

Karl W. Friedel

KWF:cb

MARTIN, COOPER, CHURCHILL & FRIEDEL
ATTORNEYS AT LAW
458 NORTH MARKET STREET
P. O. BOX 334
WICHITA, KANSAS 67202

MARVIN J. MARTIN
DALE H. COOPER
W. STANLEY CHURCHILL
KARL W. FRIEDEL

316 265-5237

September 25, 1972

Wichita-Sedgwick County Metropolitan
Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Attention: Curtis L. Newby
Junior Planner

Subject: S/D 72-83-Final Plat of Western
Control Third Addition

Gentlemen:

In behalf of Koch Development Corporation and Western Control Division of Conchemco, Inc., we herewith deliver to you twenty-nine (29) prints of the final Plat of Western Control Third Addition, Wichita, Sedgwick County, Kansas, which Plat has been prepared by Mr. Wilmer Freund, P.E. We are also delivering to you herewith our opinion letter required by Sub-division Regulation 5-403.

The preliminary Plat was considered by the Sub-division Committee on September 7, 1972. Our client has carefully considered all of the requirements of that body as set forth in Mr. Newby's letter of September 12, 1972, to R. S. Delamater & Associates. Respectfully we take exception to several of those requirements and the final Plat has been prepared and is presented with certain omissions.

Item "A" of the Sub-division Committee requires the dedication of right-of-way for the south half of 27th Street South and a cul-de-sac. Such a dedication

September 25, 1972

would not appear to benefit the public in any way, would probably benefit only the adjoining property owner to the north, and would not result in any foreseeable benefit to our client. In addition, the owner of the property adjoining on the north has informed us that he does not desire a road in that location. The dedication called for in Item "A" has therefore been omitted from the final Plat. Also, the set-back and paving requirements set forth in Items "C" and "G" are rendered inapplicable.

Item "B" similarly requires a dedication of right-of-way for the north half of 28th Street South corresponding to the dedication in the plat of Ridgewood Fifth Addition; this dedication has likewise been omitted for essentially the same reasons. The access control required by Item "F" eliminates any possible benefit to our client from such a dedication. In addition, it appears highly improbable that the adjoining tract south to 31st Street South will be developed other than for light industrial purposes. We have therefore justifiably omitted the dedication required by Item "B" and the set-back, access control, and paving requirements set forth respectively in Items "C," "F," and "G".

Item "D" requiring a ten foot utility easement along the north and east lines of the subject property has been complied with. However, you will please note that the utility easement along the south line of the property has been changed from twenty feet on the preliminary Plat to ten feet on the final Plat.

As to the type and location of existing utilities along West Street adjacent to the subject tract, we are informed as follows, to-wit:

1. Multiple tile duct (6-way) buried approximately 14 feet East of the center line of West Street that runs across the front of the Western Control Third Addition.

Wichita-Sedgwick County
Metropolitan Area
Planning Department

-3-

September 25, 1972

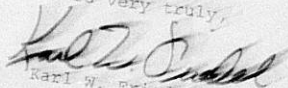
2. Overhead telephone line approximately 30 feet East of the section line that runs across the front of tract.
3. Overhead high voltage electrical transmission line approximately 31 feet West of the section line.
4. Fourteen inch Buried high pressure gas line approximately 29 feet West of the section line.

Compliance with the balance of the items set forth in Mr. Newby's letter has been accomplished or is in process.

It is our understanding that this matter will be on the Sub-division Committee's agenda when it meets on Thursday, October 5, 1972, and that we will have an opportunity to present additional explanation. Of course, if any aspect of our understanding is incorrect, we respectfully request that you advise us.

Please be assured that at any time in the interim, Mr. Freund and the undersigned would be most pleased to answer any question which any member of the Committee or the staff might have in regard to the plat.

Yours very truly,


Karl W. Friedel

KWF:rb
Enclosures
cc: R. S. Delamater & Associates
Koch Development Corporation
Western Control Company

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-83 Name WESTERN CONTROL 3RD ADDITION
Date Application Rec'd. 8-24-72 Preliminary Approval 9-7-72
Scheduled S/D Meeting 10-5-72

DESCRIPTION

General Location On the east side of West Street one-half mile south of
Pawnee Avenue

Owner Koch Development Corp., c/o O. A. Witterman
Surveyor/Engineer R. S. Delamater & Associates
Address 152 Century Plaza Phone 262-8293

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>26.32</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>650</u> R/W <u>50</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial <u>1</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL _____ ft. |
| 3. Minimum Lot Frontage <u>650</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>1,113,800</u> sq. ft. | streets? <u>yes</u> <u>X</u> <u>no</u> |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>E</u> | |
| 9. Public Water Supply No _____ (Yes-No), Name _____ | |
| 10. Public Sanitary Sewer No _____ (Yes-No), Name _____ | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. In the Subdivision Committee's approval of the preliminary plat one of the conditions of said approval was the dedication for the south half of a new street (27th Street South) adjacent to the north line of subject plat. The Planning Department has now been advised by both the applicant and the property owner to the north that the new street at its proposed location is not desired or needed for their respective developments.
- B. "Complete access control" adjacent to 28th Street South, shall be indicated on the face of the plat and within the plat text.
- C. The applicant shall install or guarantee the installation of paving of 28th Street. The Engineering Division of the Department of Public Works shall be contacted regarding this matter.
- D. The applicant shall install or guarantee the extension of sanitary sewer and water to serve subject property.
- E. The applicant and/or his engineer shall contact M. S. Mitchell of the Maintenance-Flood Control Office regarding the submission of a drainage plan for subject property. It will be necessary for the applicants engineer to provide information as to the type and location of existing and proposed utilities which will occupy the area adjacent to subject property on the west side of West Street as it is proposed to handle the drainage from subject property and the immediate area in an open ditch system along the west side of West Street.
- F. The applicant shall submit to the Planning Department a covenant which shall provide for screening along and adjacent to the north side of 28th Street South in the event the property to the south develops residentially. Said screening may be plant material and/or fencing.
- G. Recording of the plat within 30 days after the approval of the plat by the Board of City Commissioners.

September 12, 1972

R. S. Delamater & Associates
512 Century Plaza Building
Wichita, Kansas 67202

Subject: S/D 72-83 - Preliminary
Plat of WESTERN CONTROL 3RD
ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 7, 1972, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. A dedication of 35 feet of right-of-way for the south half of 27th Street South, including the south half of a cul-de-sac, corresponding with the N $\frac{1}{4}$ of said street being platted in Westport Industrial Park 2nd Addition adjacent on the north of subject property, shall be indicated on the plat.
- SK* B. A dedication of 30 feet of street right-of-way for the north half of 28th Street South, corresponding with the S $\frac{1}{4}$ of said street being platted in Ridgewood 5th Addition adjacent on the south of subject property, shall be indicated on the plat.
- C. A 35 foot building setback from 27th Street South and from 28th Street South, shall be indicated on the plat.
- SK* D. A 10 foot utility easement shall be indicated adjacent to the north and east lines of the plat.
- SK* E. "Access control except for 2 openings" adjacent to West Street, shall be indicated on the face of the plat and within the plat's text.

Page 2 - Preliminary Plat of WESTERN CONTROL
3RD ADDITION
September 12, 1972

- F. "Complete access control" adjacent to 28th Street South, shall be indicated on the face of the plat and within the plat's text.
- G. The applicant shall install or guarantee the installation of paving of 27th and 28th Streets. The Engineering Division of the Department of Public Works shall be contacted regarding this matter.
- H. The applicant shall install or guarantee the extension of sanitary sewer and water to serve subject property.
- I. The applicant and/or his engineer shall contact M. S. Mitchell of the Maintenance-Flood Control Office regarding the submission of a drainage plan for subject property. It will be necessary for the applicant's engineer to provide information as to the type and location of existing and proposed utilities which will occupy the area adjacent to subject property on the west side of West Street as it is proposed to handle the drainage from subject property and the immediate area in an open ditch system along the west side of West Street.
- J. The applicant shall submit to the Planning Department a covenant which shall provide for screening along and adjacent to the north side of 28th Street South in the event the property to the south develops residentially. Said screening may be plant material and/or fencing.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- L. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

Page 3 - Preliminary Plat of WESTERN CONTROL
3RD ADDITION
September 12, 1972

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Koch Development Corp., c/o O. A. Witterman
P. O. Box 2256, Wichita, Kansas 67201

Western Control Company
2533 South West Street
Wichita, Kansas 67217

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 72-83 Name WESTERN CONTROL 3RD ADDITION
Date Application Rec'd. 8-24-72 Preliminary Approval
Scheduled S/D Meeting 9-7-72

DESCRIPTION

General Location On the east side of West Street one-half mile south of
Pawnee Avenue.

Owner Koch Development Corp., c/o O. A. Witterman
Surveyor/Engineer R. S. Delamater & Associates
Address 152 Century Plaza Phone 262-8293

- | | |
|--|---------------------------------|
| 1. Gross Acreage of Plat <u>26.32</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>650</u> R/W <u>50</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial <u>1</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL _____ ft. |
| 3. Minimum Lot Frontage <u>650</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>1,113,800</u> sqft. | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>E</u> | |
| 9. Public Water Supply <u>No</u> (Yes-No), Name _____ | |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name _____ | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. The associated zone case Z-0738(A), "AA" to "E", has been approved by the Board of City Commissioners subject to platting.
- B. A dedication of 30 feet of street right-of-way for the north half of 28th Street South, corresponding with the S $\frac{1}{4}$ of said street being platted in Ridgewood 5th Addition adjacent on the south of subject property, shall be indicated on the plat. A 35-foot building setback shall also be indicated from said street.
- C. The applicant shall be advised that dedication for half street right-of-way may be required from subject property for a new east-west street adjacent on the north. A sketch plat has been filed on the adjoining property to the north, and the final configuration of that plat may require a street centered on the common property line. This will need to be discussed at the Subdivision Committee meeting.
- D. The applicant and/or his engineer shall be prepared to discuss access controls to West Street at the Subdivision Committee meeting. West Street is a major arterial street and limited access from subject property needs to be established on the plat.
- E. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
- F. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

**R. S. DELAMATER
& ASSOCIATES**

CONSULTING ENGINEERS TELEPHONE (316) 262-8293 512 CENTURY PLAZA WICHITA, KANSAS 67202

August 28, 1972

Mr. Robert Lakin, Director
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Attention Mr. John Gist, Principal Planner

RE: WESTERN CONTROL
THIRD ADDITION

Dear Mr. Gist:

We are handing you herewith 29 prints of the preliminary plat of WESTERN CONTROL THIRD ADDITION. We understand this matter will be placed on the Subdivision Committee agenda for Thursday, September 7, 1972.

If you have any questions or comments, please do not hesitate to call us.

Sincerely,

R. S. DELAMATER & ASSOCIATES

By

Wilmer Freund
Wilmer Freund, P. E.

wf/j
enclosure

cc: Mr. Jon Ewert

*Rhonda - received date
stop drawings and work
card for next subdivision
meeting - 9/10 72-83
CWT*

240-B

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
S/D fee	\$ 50.00

Name: Western Control

Address: 2833 S. West St.

Type: AA-407103 Due Date: _____

Comments: _____

Date: 8.28.72 By: RLW

Map No.: 5244
Section No.: 1
Twp. No.: 28S
Range: 1W

S/D No. 72-83

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: WESTERN CONTROL 3RD ADDITION

General Location: 27th Street South along east side of West Street (East side of West street one-half mile South of Pawnee Avenue.)

Name of Property Owner: Koch Development Corp. c/o O. A. Witterman
Address: P. O. Box 2256, Wichita Phone: 942-7941

Name of Subdivider: Western Control Company c/o Jon Ewert
Address: 2533 South West Street, Wichita Phone: 942-7901

Name of Agent/Surveyor: R. S. Delamater & Associates
Address: 512 Century Plaza, Wichita Phone: 262-8293

Date of Application: August 23, 1972

SUBDIVISION INFORMATION:

- Gross Acreage of Plat 26.32 Acres
- Number of Lots:
 - Residential none
 - Commercial none
 - Industrial one
 - Other noneTotal Number of Lots one
- Minimum Lot Frontage 650 ft.
- Minimum Lot Area 1,113,800 sq. ft.
- Existing Zoning AA
- Proposed Zoning E*
*Associated Zone case Z-0738 (A)
- Public Water Supply No (Yes-No), Name Wichita Water Department
- Public Sanitary Sewers No (Yes-No), Name City of Wichita
- Health Department Approval (where applicable) (Yes No)
- City of Wichita xx Three-Mile Area
- Lineal Feet of New Streets:
 - a. 650 R/W 50 ft.
 - b. R/W ft.
 - c. R/W ft.
 - d. R/W ft.
 - e. R/W ft.
 - TOTAL ft.
- Sidewalk adjacent to all streets? yes xx no

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Koch Development Corporation
O. A. Witterman
Secy.

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

Received by Sist
Date 8-24-72
Fee Submitted none