

PLAT NO. S/D 73-18 MAP NO. 5349

NAME MARINA LAKES THIRD ADDITION

LOCATION On the South side of 21st St. in an area East
of Meridian

ENGINEER Baughman Co.

OWNER Pan Western Corporation

APPLICATION FILED 2/15/73

SKETCH PLAT FILED None submitted

PRELIMINARY FILED 2/15/73

S/D ACTION 3/1/73 Approved subj to conditions

FINAL FILED _____

S/D ACTION 4.5.73 Approved subj to conditions

MAPC ACTION 4.16.73 Approved as recommended

BCC ACTION 6.26.73 Approved as recommended

RECORDED July 9, 1973

REMARKS _____

S/D 73-18 MARINA LAKES THIRD AD-
DITION - On the South side of 21st
St. in an area East of Meridian
Pan Western Corporation-Baughman

ACTION

S/D COMMITTEE (prelim.) Approved 3.1.73
S/D (final) approved with conditions 4.5.73
M.A.P.C. Approved as recommended 4.16.73
B.C.C. ~~18006~~ Approved as recommended 6.26.73

Map No. 5349
Sec. No. 7
Twp. No. 27
Range 1E

Subdivision Report and Progress

S/D No.: 73-10

Name: MARINA LAKES THIRD ADDITION

General Location: On the South side of 21st Street in an area East of Meridian

Owner: Pan Western Corporation
Address: 3303 Lee Parkway, Dallas, Texas 75219 Phone: _____
Subdivider: same % Robert H. Nelson
Address: 200 W. Douglas Phone: 262-3777
Engineer/Surveyor: Baughman Co.
Address: 330 Laura Phone: 262-7271

Application Received 2/15/73
Conf. with Applicant NONE
Sketch Plat Received NONE SUBMITTED
Present Zoning "B"
Proposed Zoning "B"
Letter of Intent N/A

FINAL PLAT RECEIVED
S/D Comm. Action 4.5.73 Approved
subj to conditions
Dept. Report on Final 4/6/73
M.A.P.C. ACTION 4.16.73 Approved
Dept. Report on Final recommended

PREL. PLAT RECEIVED 2/15/73
S/D Comm. Action 3/1/73 Approved
subj to conditions
Dept. Report on Prel. _____

Letter on Irons Received _____
Title/Taxes Rec'd & Reviewed 4/4/73
Final Review 6/5/73
Referral to B.C.C. 6.26.73 Approved
or recommended

TRACING PROGRESS:
Received 5-24-73
Released 7-2-73
Received _____
Released _____

B.C.C. ACTION 6/26/73 approved as is
Recorded July 9, 1973

Comments:

Released 7-2-73 for correction of "21st St." to "21st St. No." and recording.

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

7-12-73

Marina Lake 3rd _____ ADDITION was
filed for record on July 9, 1973



JOHN HALE
Register Of Deeds

-KAHRS, NELSON, FANNING, HITE & KELLOGG
Suite 630 - 200 West Douglas
Wichita, Kansas 67202

HOME ASSOCIATION AGREEMENT

Re: Marina Lakes Third Addition

THIS AGREEMENT made this day of , 1973, by

PAN WESTERN CORPORATION hereinafter referred to as "DEVELOPER".

WITNESSETH:

WHEREAS, the Developer is the owner of the real property described as follows:

Part of Government Lot 1 in the Northwest Quarter of Section 7, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the Northwest corner of said Government Lot 1; thence East on the North line of said Lot 1, 580 feet; thence South parallel to the West line of said Lot 1, 470 feet; thence Southeasterly to a point 695 feet South and 770 feet East of said Northwest corner of said Lot 1; thence Southwesterly 250 feet, or to a point 940 feet South and 715 feet East of the Northwest corner of said Lot 1; thence continuing Southwesterly to the North (left) bank of the Arkansas river; thence Westerly along the North (left) bank of the Arkansas river to the West line of said Lot 1; thence North on the West line of said Lot 1 to the point of beginning.

the above described property is in process of being platted and will be filed as Marina Lakes Third Addition, Wichita, Sedgwick County, Kansas, and

WHEREAS, Developer desires to provide for the maintenance of non-public common areas, parking areas, community facilities, lake, fence, private drives, bank stabilization and other open space contained in the above described property and as outlined in Condition 18, under C.U.P. Provisions of Marina Lakes Development Plan approved by the Board of City Commissioners on the day of , 19 ; and

WHEREAS, the Developer shall be responsible for the construction of all fencing, bank sloping, parking lots, community facilities, private drives, bank stabilization and other items enumerated as required under the above mentioned Community Unit Plan; and

WHEREAS, the Developer deems it desirable, in order to provide for the orderly maintenance and preservation of the value of said property, to create a homes association which will be delegated and assigned the power of maintaining and providing for the

maintenance of the areas above referred to and for enforcing the agreements, covenants and restrictions hereinafter set forth and for collecting and disbursing the assessments and charges as hereinafter provided for.

NOW THEREFORE, the Developer declares that the property hereinbefore described shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, charges and liens hereinafter set forth:

MEMBERSHIP:

Every person or entity who is a record owner of a fee or of an undivided fee interest in any lot or parcel contained within the real estate as above described shall be a member of said association. All members shall be entitled to one vote for each potential dwelling unit in which they hold the ownership, based upon a potential total of 216 dwelling units.

The Developer shall serve as the sole Director of said association, having all powers, duties, and responsibilities of the Board of Directors as subsequently provided for until such time as there are a minimum of 50 individual or entity property owners owning potential dwelling units, parcels, or interest in parcels located within the above-described real property boundaries. The Developer, however, may waive this right, in which event a Board of Directors as subsequently provided for shall be formed.

BOARD OF DIRECTORS:

This association shall be governed by a Board of Directors consisting of three (3) members who are elected by those members entitled to vote as hereinbefore set forth, subject to the limitations set out in the preceding paragraph. The Board of Directors shall elect from it's members one person who shall serve as Chairman of the Board who shall preside at all meetings at which he is present and shall fulfill all duties of the Chairman. The Chairman is responsible for the calling of such meetings of the membership and of the Board

of Directors as herein provided.

The membership shall hold an annual meeting for the purpose of electing the Board of Directors, which annual meeting notice shall be held on the day of in each year. Mailed notice shall be sent to all members or owners under the provisions of this paragraph not less than thirty (30) days, nor more than sixty (60) days, in advance of the meeting.

POWERS OF BOARD OF DIRECTORS:

The Board of Directors shall provide for the maintenance of all non-public common areas, parking areas, community facilities, lake, fences, bank stabilization, private drives and other open space contained in the above described property as outlined in Condition 18, under "General Provisions" of the Community Unit Plan which has heretofore been filed with the City of Wichita. The power of the Board of Directors extends only for the purpose of complying with Condition 18, of the Community Unit Plan. All assessments shall be levied as soon as is practicable after the completion of the work or construction required of the Developer described and set out on the Community Unit Plan. The assessments for maintenance shall be spread in an equitable manner on a prorated basis in accordance with the maximum number of dwelling units proposed on the above-described property.

The Board of Directors may call such special meetings as from time to time shall be in the best interest of the association, and written notice of said special meeting shall be mailed, stating the date, time and place at least seven (7) days before said meeting. A quorum required for any action authorized hereunder shall be the Developer, or if there are at least three (3) members of the Board of Directors, a quorum shall consist of a majority of the Board of Directors.

MAINTENANCE ASSESSMENTS:

The Developer and such owner of any interest in and to any parcel contained within the above described real property, upon acceptance of a deed thereof, whether or not said deed shall so state, shall be deemed to covenant and agree to pay to the association, such annual assessments or charges and such special assessments or charges as shall be fixed, established and levied for the property maintenance as determined by the Board of Directors and as the Board of Directors shall from time to time provide. Such annual and special assessments, together with interest thereon at the rate of percent per annum, beginning thirty (30) days after the mailed written notification of said assessment shall be and constitute a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment beginning with such interest thereon shall also be the personal obligation of the persons who are the owners of such property at the time the assessment became due.

The assessment levied by the association shall be used exclusively for the purpose of proper maintenance of the property and facilities as above set forth. The assessments shall be only that necessary for one year's maintenance. The maximum annual maintenance assessment for each dwelling unit shall not exceed 1/216 of the total annual maintenance cost. This annual maintenance assessment cost is based on the Community Unit Plan proposal for a maximum of two hundred and sixteen (216) dwelling units.

GENERAL PROVISIONS:

The covenants and restrictions as set forth in this agreement shall run with and be binding upon the land, and shall insure to the benefit of and be enforceable by the association, or the owner of any land subject to this declaration, or their respective legal representatives, successors and assigns, or any public body responsible for the enforcement of the Community Unit Plan provisions.

In the event developer, it's successors and assigns, shall fail to maintain the common properties, or fail in any manner to fulfill their obligations relating to the common properties, the city of Wichita may serve a written notice of delinquency upon developer setting forth the manner in which developer has failed to fulfill the obligations. Such notice shall conclude a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days time within which developer may fulfill the obligation. If the obligation is not fulfilled within the time specified the City of Wichita in order to preserve the taxable values of the properties within the community unit plan and prevent common properties from becoming a nuisance may enter upon said common properties and perform the obligations listed in a notice of deficiency. All costs incurred by the City of Wichita in carrying out the obligations of developer may be assessed against the common properties in the same manner as provided for such assessments and said assessments may be assessed as liens upon the common properties. Should developer, it's successors or assigns, upon receipt of said notice of deficiency feel that the obligations listed on said notice are not proper for any reason they may within the twenty (20) day period provided in said notice request a hearing before the board of City Commissioners to appeal said notice and any further proceedings under the notice shall be delayed pending the outcome of the proceedings on appeal to the board of City Commissioners of Wichita.

Enforcement of these covenants and restrictions and agreements shall be by any proceeding at law or in equity against any person or persons or entity violating or attempting to violate any covenant, agreement, or restriction, either to restrain the violation, or to recover damages and against the land to enforce any

January 15, 1974

John E. Lundblade
Van Doren-Hazard-Stallings-
Schnacke
260 North Rock Road
Wichita, Kansas 67218

Re: Marina Lakes Third Addition -
Easement dedications

Dear Mr. Lundblade:

I am returning to you the easement dedication received by our office on January 9, 1974, which you submitted for acceptance and approval. The corporate seal for the Riverbend Associates, Inc. needs to be attached to said easement instrument. Once you have returned the properly sealed instrument to our office we will schedule it for approval through the normal procedure.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Attachment



ENGINEERS ARCHITECTS

VAN DOREN-HAZARD-STALLINGS-SCHNACKE

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67218 - TEL. 316 686-7303

January 9, 1974

Re: Marina Lakes Third Addition
Easement Dedications
Our Job No. 4-073-004-AO

Wichita-Sedgwick County
Metropolitan Area Planning Dept.
104 South Main St.
City Building Annex
Wichita, Kansas 67202

Attn: Mr. Curtis Newby

Dear Mr. Newby;

Submitted herewith are additional easement dedications within Marina Lakes Third Addition. These easements are required for water and sanitary sewer installations to be constructed in the development of the addition.

Very truly yours,

John E. Lundblade

John E. Lundblade



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	73-18	Name	Marina Lakes Third Addition
Application Filed:	2-15-73	Sketch Filed:	None
Preliminary Plat Filed:	2-15-73	Approved by S/D:	3-1-73
Final Plat Filed:		Approved by S/D:	
Approved by Metropolitan Area Planning Commission:			4-5-73
			4-16-73

DESCRIPTION

General Location: South side of 21st Street in an
area east of Meridian

Surveyor or Engineer: Baughman Company
Owner: Pan Western Corporation
Address: 3303 Lee Parkway, Dallas, Texas 75219

- | | | | |
|--------------------------|----------------|--------------------------------|---------|
| 1. Gross Acreage of Plat | 13.6 | 5. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. 50 R/W | 580 ft. |
| Residential | | b. R/W | ft. |
| Commercial | | c. R/W | ft. |
| Industrial | | d. R/W | ft. |
| Other | 1 | e. R/W | ft. |
| Total Number of Lots: | 1 | TOTAL | 580 ft. |
| 3. Minimum Lot Frontage: | 580 ft. | 6. Existing Zoning: | "B" |
| 4. Minimum Lot Area | 562,400 sq.ft. | | |

Valid petitions have been submitted guaranteeing the improvement of the north-south access road along the west line of the plat, the installation of a sidewalk on the south side of 21st Street North, and the installation of sanitary sewer to serve subject property. A certificate has also been submitted certifying the petitions.

Planning Commission Recommendation:

That this plat be approved, subject to:

A. The applicant shall submit a contingent dedication for an additional 10 feet of street right-of-way for the south half of 21st Street North.

B. The applicant shall submit a Homes Association Agreement.

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

Kamen moved, Harrison seconded and it carried unanimously.
(Rising and Burnett absent.)

ACTION: Approve the petitions and instruct the Director of Law to prepare the necessary resolutions, accept the contingent dedication and Homes Association Agreement, and instruct the City Clerk to file the certificate, contingent dedication and Homes Association Agreement 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.

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN (1885-1949)

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

May 30, 1973

Metropolitan Area Planning Commission
City Building
Wichita, Kansas 67202

Re: Marina Lakes Third Addition

Gentlemen:

This is to advise that as of May 25, 1973, fee title to the property involved in the Marina Lakes Third Addition was vested in Pan Western Corporation subject to a mortgage to the First National Bank in Dallas, Dallas, Texas.

This is to further advise that the taxes for 1972 have been paid in full.

Yours very truly,

Robert H. Nelson

Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:jm

cc: City Engineer's Office
Attn: Mr. Brewer

Baughman Company
Attn: Mr. Korber

received 6/1/73

CERTIFICATE

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

I, Pan Western Corporation, owner and plat-
tor of Marina Lakes Third 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. Sidewalk Petition
2. Sewer Petition
3. ~~C~~
- 4.
- 5.
- 6.
- 7.

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

Signed this 23rd day of April, 1973.

PAN WESTERN CORPORATION

By: Ray B. Moran

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

Be it remembered that on this 23rd day of April,
1973, before me, a notary public in and for said County and State,
came Ray B. Moran, 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.

David Voths
Notary Public

My Commission Expires:

June 1, 1978

T9-128

CONTINGENT DEDICATION FOR STREET PURPOSES

KNOW ALL MEN BY THESE PRESENCE: that for and in consideration of the sum of One Dollar and other good and Valuable Considerations, the receipt of which is hereby acknowledged, the undersigned, PAN WESTERN CORPORATION, of Dallas, Texas, being the owner of the following described real estate in Sedgwick County, Kansas, to-wit:

Marina Lake Third Addition, Wichita, Kansas does hereby dedicate the North ten (10) feet of Marina Lakes Third Addition for street purposes.

this dedication is a contingent dedication and the said ten (10) feet herewith dedicated contingently shall not be available to the City of Wichita until such time, and only at such time, as is necessary to use same for street purposes in connection of the widening of Twenty-First Street. Until such time as it is so used by the City of Wichita for street purposes Pan Western Corporation shall have the right of continued use thereof.

EXECUTED this 23rd day of April, 1973.

PAN WESTERN CORPORATION

By Roy B Moran

ATTEST:

J. W. Lowell
Secretary

(S E A L)

STATE OF TEXAS)
COUNTY OF DALLAS) SS:

BE IT REMEMBERED that on this 23rd day of April, 1973, came

Roy B. Moran and _____

known to me to be the same persons who executed the foregoing instrument and that they are officers of the above corporation, and duly acknowledge

the execution of the above contingent dedication.

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed
my official seal this 23rd day of April, 1973.



Carol Voths
Notary Public

My Commission Expires:

June 1, 1973

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

May 7, 1973

AREA 316
262-3777

AUSTIN M. COWAN (1955-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

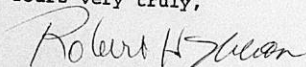
Re: S/D 73 - 18 - Final Plat of Marina Lakes Third Addition

Attention: Curtis L. Newby

Dear Curt:

Enclosed herewith with the corporate seal affixed thereto is a sidewalk petition and sewer petition on behalf of Marina Lakes Third Addition.

Yours very truly,



Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/cl

Enclosures

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN (1885-1948)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

April 30, 1973

Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

Re: S/D 73 - 18 - Final Plat of Marina Lakes Third Addition

Attention: Curtis L. Newby

Dear Curt:

Relative to the above final plat I am enclosing herewith the following documents:

1. Sidewalk petition for the South side of Twenty-First Street adjacent to Marina Lakes Third Addition
2. Sewer petition for sanitary lateral sewer to serve Marina Lakes Third Addition
3. Contingent dedication for street purposes ten (10) feet adjacent to Twenty-First Street
4. Certificate to the effect that the above documents have been submitted.

I call your attention that the contingent dedication is not to come into being until such time as is necessary for street purposes by the City of Wichita and until such time as the owners of Marina Lakes Third Addition retain the right to the use thereof.

Metropolitan Area Planning Commission
April 30, 1973
Page Two

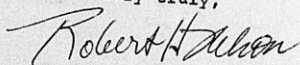
I am advised by my clients, Pan Western, that they will submit either cash or irrevocable letter of credit with reference to construction of the private way on the west side of Marina Lakes Third Addition.

We have been advised by Dean Sellers, Assistant City Engineer, by letter dated April 6, 1973, that the cost of the paving of the access easement will be approximately eleven thousand (\$11,000.00) dollars to Marina Lakes Third Addition.

We have been advised by Mr. Sellers that the Bastian group and the City Manager have agreed on the cost of the acquisition of the property south of the Bastian property and that this will be submitted to the City Commission for approval either Tuesday May 1st or May 8th. If this sale is consummated, then it is our understanding that the west half of Meridian will be vacated by the filing of a new plat and, of course, the twelve (12) feet right-of-way for the private road on the west side of Marina Lakes Third Addition will be approved.

If you have any questions please advise.

Yours very truly,



Robert H. Nelson
of KAHR, NELSON, FANNING, HITE & KELLOGG

RHN/cl

Enclosures

cc: Mr. Waymon Levell

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN (1888-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

April 10, 1973

Metropolitan Area Planning Commission
City Annex Building
104 South Main
Wichita, Kansas 67202

Re: Marina Lakes Third Addition Plat
S/D 73-18

Attention: Mr. Curtis Newby

Dear Curt:

I am enclosing herewith the original Home Association Agreement which is one of your requirements as set forth in Paragraph "D" Sub-Division Report of final plat of Marina Lakes Third Addition. I am also enclosing the original of a letter directed to MAPC from Pan Western Corporation which in substance requests that the Home Association Agreement be retained by MAPC until the recordation of the permanent loan of the property involved in Marina Lakes Third Addition.

I call to your attention that the enclosure has not been acknowledged but that it will be acknowledged upon the filing of the permanent loan and then this agreement can then be recorded with the Register of Deeds. This can be held by you until after the filing of the permanent loan. I am sure you are aware that to record this prior to the final loan might constitute a lien which would be prior to the final loan. Would appreciate hearing from you.

Yours very truly,

Robert H. Nelson

Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG



RHN/cl
Encls.



Pan Western Corporation

J. WAYMON LEVELL
Vice President

April 4, 1973

Metropolitan Area Planning
Commission
Wichita, Kansas

Re: Marina Lakes Third Addition
(Homes Association Agreement)

Gentlemen:

In connection with the construction of a 216 unit apartment project within the Marina Lakes Community Unit Plan, you have requested that we execute and deliver to you the Homes Association Agreement attached hereto as Exhibit A.

We hereby represent and warrant to you that it is not our intention at this time and, further, we have no plans at any time in the future to sell the units to be constructed on such property other than as a single unit apartment project comprised of 216 rental units. We hereby undertake and agree, however, in consideration of your forbearance in not requiring us to record with the Register of Deeds Exhibit A until after the recordation of the permanent loan mortgage and deed of trust, to cooperate with you to record Exhibit A at that time.

We appreciate your cooperation with us in this matter.

Yours truly,

Waymon Levell
Waymon Levell

WL:gh

Encl.

3303 Lee Parkway . Dallas, Texas 75219 214/522-2770

April 17, 1973

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 73-18 - Final Plat of
MARINA LAKES THIRD ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on April 16, 1973, 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 April 6, 1973.

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.
3. Certification by an attorney that fee title is vested in the plat.
4. Certification that all taxes due and payable for 1972 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: Pan Western Corp., 3303 Lee Parkway, Dallas, Texas 75219
Robert H. Nelson, Attorney, 200 West Douglas 67202
Dean Sellers, Assistant City Engineer

April 6, 1973

Baughman Company
330 Laura
Wichita, Kansas 67211

Subject: S/D 73-18 - Final Plat of
MARINA LAKES THIRD ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 5, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. The street name "21st Street" indicated on the plat shall be expanded to read: "21st Street North".
- B. An appropriate dimension shall be indicated along the south line of the plat.
- C. The applicant shall guarantee the improvement of the north-south access road along the west line of the plat to City standards. The Engineering Division of the Department of Public Works shall be contacted regarding this matter.
- D. The applicant shall install or guarantee the construction of a sidewalk on the south side of 21st Street North; the total estimated construction cost to be in the amount of \$1,740.
- E. The applicant shall install or guarantee the installation of sanitary sewer to serve subject property.
- F. At the time of development, the applicant shall contact each needed utility regarding location of their respective facilities, and shall prepare the appropriate easements to accommodate the placement of such facilities, which the applicant will need to record with the Register of Deeds.

Page 2 - Final Plat of MARINA LAKES THIRD ADDITION

April 6, 1973

received draft
Prior to release of the plat tracing for recording, the applicant shall submit a contingent dedication for an additional 10 feet of street right-of-way for the south half of 21st Street North. The dedication shall be contingent upon the City's need for said right-of-way for street improvements.

A A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, lake, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said executed agreement shall be forwarded with the final plat to the Board of City Commissioners.

- I. It is noted that the plat indicates that Meridian Avenue is to be vacated. The vacation of said street has already been approved, V-0608, subject to certain conditions, one of which is to provide a private access drive to 21st Street on that being vacated. Should the plat be finalized before the vacation Case V-0608, the appropriate right-of-way for Meridian Avenue shall be indicated on said final plat. It should also be noted that if Meridian Avenue is vacated and a private drive is established to be jointly used by the applicant and the landowner to the west, only one common driveway entrance will be permitted on 21st Street North.
- J. The applicant shall be advised that the final plat will be forwarded to the City Commission only at such time as the vacation of Meridian Avenue has been accomplished.
- ~~K.~~ Recording of the plat within 30 days after approval 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, April 12, 1973, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:mas

Page 3 - Final Plat of MARINA LAKES THIRD ADDITION
April 6, 1973

Enclosure

cc: Pan Western Corporation
3303 Lee Parkway
Dallas, Texas 75219

Robert H. Nelson, Attorney
200 West Douglas 67202

Dean Sellers, City Engineering

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-18 Name MARINA LAKES THIRD ADDITION
Date Application Rec'd. 2-15-73 Preliminary Approval 3-1-73
Scheduled S/D Meeting 4-5-73

DESCRIPTION

General Location On the south side of 21st Street in an area east
of Meridian
Owner Pan Western Corporation
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | | | |
|---|------------------------|--|----------------|
| 1. Gross Acreage of Plat | <u>13.6</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>50</u> R/W <u>580</u> ft. | |
| Residential | | b. <u> </u> R/W <u> </u> ft. | |
| Commercial | | c. <u> </u> R/W <u> </u> ft. | |
| Industrial | | d. <u> </u> R/W <u> </u> ft. | |
| Other | <u>1</u> | e. <u> </u> R/W <u> </u> ft. | |
| Total Number of Lots | <u>1</u> | TOTAL | <u>580</u> ft. |
| 3. Minimum Lot Frontage | <u>580</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>562,400</u> sq. ft. | streets? <u> </u> yes <u>X</u> no | |
| 5. Existing Zoning | <u>B</u> | | |
| 6. Proposed Zoning | <u>B</u> | | |
| 9. Public Water Supply Yes (Yes-No), Name | <u> </u> | | |
| 10. Public Sanitary Sewers Yes (Yes-No), Name | <u> </u> | | |
| 11. Health Department Approval (where applicable) | <u> </u> | | (Yes-No) |
| 12. City of Wichita <u>X</u> : Three-Mile Area | <u> </u> | | |

STAFF COMMENTS:

- A. The applicant shall install or guarantee the construction of a sidewalk on the south side of 21st Street North; the total estimated construction cost to be in the amount of \$1740.00.
- B. The applicant shall install or guarantee the installation of sanitary sewer to serve subject property.
- C. At the time of development the applicant shall contact each needed utility regarding location of their respective facilities, and shall prepare the appropriate easements to accommodate the placement of such facilities which the applicant will need to record with the Register of Deeds.
- D. A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, lake, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said executed agreement shall be forwarded with the final plat to the Board of City Commissioners.
- E. It is noted that the plat indicates that Meridian Avenue is to be vacated. The vacation of said street has already been approved, V-0608, subject to certain conditions, one of which is to provide a private access drive to 21st Street on that being vacated. Should the plat be finalized before the vacation case V-0608, the appropriate right-of-way for Meridian Avenue shall be indicated on said final plat. It should also be noted that, if Meridian Avenue is vacated and a private drive is established to be jointly used by the applicant and the landowner to the west, only one common driveway entrance will be permitted on 21st Street North.
- F. 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.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

March 5, 1973

Baughman Company
330 Laura
Wichita, Kansas 67211

Subject: S/D 73-19 - Preliminary Plat
of Marina Lakes Third Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 1, 1973, 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:

- de* "Access control except for one opening" adjacent to the south line of 21st Street North, shall be indicated on the face of the final plat and with the appropriate wording in the plattors text.
- f* The applicant shall install or guarantee the construction of a sidewalk on the south side of 21st Street North; the total estimated construction cost to be determined upon submission of a final plat.
- 1* C. The applicant shall install or guarantee the installation of sanitary sewer to serve subject property.
- de* B. Indicate the 24-foot private drive as shown along the south line of the associated Community Unit Plan, as a 24-foot fire-lane and utility easement on the face of the plat with the proper notation in the plattor's text.
- de* The plat shall also indicate the balance of the south 35 feet of the lot as being a utility easement.

Page 2 - Preliminary Plat of Marina Lakes
Third Addition - March 5, 1973

- Sp* Including language regarding a minimum pad elevation in the platlor's text and on the face of the final plat, as follows:
"No garden apartments, townhouses, or any livable area shall be constructed below a minimum pad elevation of 1310.5 feet, mean sea level".
- G* At the time of development the applicant shall contact each needed utility regarding location of their respective facilities, and shall prepare the appropriate easements to accommodate the placement of such facilities which the applicant will need to record with the Register of Deeds.
- L* The river bank dedication indicated as "Reserve A" on the original plat of Marina Lakes Third Addition shall also be indicated on this plat.
- I* A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, lake, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said executed agreement shall be forwarded with the final plat to the Board of City Commissioners.
- J* It is noted that the plat indicates that Meridian Avenue is to be vacated. The vacation of said street has already been approved, V-0608, subject to certain conditions, one of which is to provide a private access drive to 21st Street on that being vacated. Should the plat be finalized before the vacation case V-0608, the appropriate right-of-way for Meridian Avenue shall be indicated on said final plat. It should also be noted that, if Meridian Avenue is vacated and a private drive is established to be jointly used by the applicant and the landowner to the west, only one common driveway entrance will be permitted on 21st Street North.
- 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).

Regarding condition (I.) above concerning the Homes Association Agreement, although the deletion of this requirement was agreed to at the Subdivision Committee meeting, this condition of the plat approval has been found to be a requirement of the approved associated C.U.P. and therefore has been left as a condition of approval of this plat. It is suggested that the applicant's

Page 3 - Preliminary Plat of Marina Lakes
Third Addition - March 5, 1973

attorney contact the Planning Department regarding this matter since the question has been raised as to the need for a Homes Association Agreement since the area is being platted for rental units and will be under one ownership and control.

It should also be noted that the Traffic Engineering Division of the Department of Public Works advises that additional right-of-way may be required from subject property for 21st Street North since due to existing and proposed development in the area may require the reimpovement of 21st Street to a six lane standard.

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

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Pan Western Corporation, 3303 Lee Parkway,
Dallas, Texas, 75219
Attorney Robert H. Nelson, 200 West Douglas, 67202
Dean Sellers, City Engineering

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-18 Name MARINA LAKES THIRD ADDITION
Date Application Rec'd. 2-15-73 Preliminary Approval _____
Scheduled S/D Meeting 3-1-73

DESCRIPTION

General Location On the south side of 21st Street in an area east
of Meridian

Owner Pan Western Corporation

Surveyor/Engineer Baughman Company

Address 330 Laura Phone 262-7271

- | | |
|--|---------------------------------|
| 1. Gross Acreage of Plat <u>13.6</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>50</u> R/W <u>580</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other <u>1</u> | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL <u>580</u> ft. |
| 3. Minimum Lot Frontage <u>580</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>562,400</u> sq. ft. | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>B</u> | |
| 6. Proposed Zoning <u>B</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name _____ | |
| 10. Public Sanitary Sewers <u>Yes</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. Associated case: CUP, DP-23, Marina Lake Development Plan.
- B. History: In 1968 a final plat, S/D 68-98, Marina Lake Third Addition involving the same area as included in the applicants preliminary plat, was approved by the Subdivision Committee and Planning Commission, but never completed. Then in 1972 a final plat S/D 72-51, Marina Lake Third Addition, involving a portion of the applicants preliminary plat, was approved by the Subdivision Committee and Planning Commission, and has never been completed.
- C. Since this preliminary plat involves the same area as the original Marina Lake Third Addition (S/D 68-98), the following conditions of approval are still applicable:
- 1) The applicant shall install or guarantee the construction of a sidewalk on the south side of 21st Street North; the total estimated construction cost to be determined upon submission of a final plat.
 - 2) The applicant shall install or guarantee the installation of sanitary sewer to serve subject property.
 - 3) Indicate the 24-foot private drive as shown along the south line of the associated Community Unit Plan, as a 24-foot firelane and utility easement on the face of the plat with the proper notation in the plat's text.
 - 4) The plat shall also indicate the balance of the south 35 feet of the lot as being a utility easement.
 - 5) Including language regarding a minimum pad elevation in the plat's text and on the face of the final plat, as follows: "No garden apartments, townhouses, or any livable area shall be constructed below a minimum pad elevation of 1310.5 feet, mean sea level".

- 6) The applicant shall contact each needed utility regarding location of their respective facilities, and shall prepare the appropriate easements to accommodate the placement of such facilities which the applicant will need to record with the Register of Deeds.
 - 7) A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, lake, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said executed agreement shall be forwarded with the final plat to the Board of City Commissioners.
- D. In addition to the above it is noted that the plat indicates that Meridian Avenue is to be vacated. The vacation of said street has already been approved, V-0608, subject to certain conditions, one of which is to provide a private access drive to 21st Street on that being vacated. Should the plat be finalized before the vacation case V-0608, the appropriate right-of-way for Meridian Avenue shall be indicated on said final 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).

Map No.: 5349
Section No.: 7
Twp. No.: 27
Range: 1C

S/D No. 73-19-72-51

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Marina Lakes Third Addition
General Location: 21st and Meridian
Name of Property Owner: Pan Western Corporation Mr. Sid Harrison
Address: 3303 Lee Parkway, Dallas Texas 75219 Phone: _____
Name of Subdivider: same % Robert H. Nelson
Address: 200 W. Douglas Phone: 262-3777
Name of Agent/Surveyor: Baughman Co.
Address: 330 Laura Phone: 262-7271
Date of Application: Feb. 7, 1973

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 13.6 ac.
2. Number of Lots:
Residential _____
Commercial _____
Industrial _____
Other _____
Total Number of Lots 1
3. Minimum Lot Frontage 580 ft.
4. Minimum Lot Area 562,400 ft.
5. Existing Zoning _____
6. Proposed Zoning _____
7. Lineal Feet of New Streets:
a. 50 R/W 580 ft.
b. _____ R/W _____ ft.
c. _____ R/W _____ ft.
d. _____ R/W _____ ft.
e. _____ R/W _____ ft.
TOTAL 580 ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply yes (Yes-No), Name _____
10. Public Sanitary Sewers yes (Yes-No), Name _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X Three-Mile Area

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: Pan Western Corporation

By Robert H. Nelson, Attorney

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

Received by Carl Newley
Date 2-15-73
Fee Submitted 50.00

FORM 27-321

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
S/D Applications	\$250.00

Name Baughman Co.

Address 330 Laura

Type AH--407103 Due Date

Comments:

Date 2-15-73 By RLW