

Box 77-3

PLAT NO. S/D 77-51 MAP NO. 4846

NAME MILES LAKEWOOD VILLAGE SECOND ADDITION -
Northwest corner of West Highway 54 and
Seville Ave.

LOCATION: as above

ENGINEER K. O. Taylor

OWNER Gene Miles Development, Inc.

APPLICATION FILED 4-25-77

SKETCH PLAT FILED 4-25-77

PRELIMINARY FILED none submitted

S/D ACTION N/A

FINAL FILED 4-25-77

S/D ACTION 5-5-77 Approve

MAPC ACTION 5-12-77 Approved subject to removal of
West entrance in condition

BCC ACTION 7-5-77 Approved

RECORDED August 12, 1977

REMARKS _____

70-92

S/D 77-51 - MILES LAKEWOOD
VILLAGE SECOND ADDITION - North-
west corner of West Highway 54
and Seville Ave., by K.O.Taylor

DEPOSITION
EXHIBIT
Miles
3-11-88

Map No. 4846
Sec. No. 29
Twp. No. 27S
Range 1W

Subdivision Report and Progress
S/D No.: 77-51

Name: MILES LAKEWOOD VILLAGE SECOND ADDITION

General Location: Northwest corner of West Highway 54 and Seville Ave.

Owner: Gene Miles Development, Inc
Address: 10711 West Kellogg, 67209 Phone: 722-6630
Subdivider: Gene Miles
Address: 10711 West Kellogg, 67209 Phone: 722-6630
Engineer/Surveyor: K.O. Taylor
Address: 1542 S. St. Francis, 67211 Phone: 264-0341

Application Received <u>4-25-77</u>	FINAL PLAT RECEIVED <u>4-25-77</u>
* Conf. with Applicant <u>4-1-77</u>	S/D Comm. Action <u>5-5-77 <i>approve</i></u>
Sketch Plat Received <u>4-25-77</u>	
Present Zoning <u>R-1</u>	Dept. Report on Final <u>5-9-77</u>
Proposed Zoning <u>"AA" (after Annex)</u>	M.A.P.C. ACTION <u>5-12-77 <i>Approve</i></u>
* Letter of Intent <u>none - verbal agreement</u>	Dept. Report on Final <u>5-16-77</u>
PREL. PLAT RECEIVED <u>none submitted</u>	Letter on Irons Received <u>N/A</u>
S/D Comm. Action <u>N/A</u>	Title/Taxes Rec'd & Reviewed <u>5-23-77</u>
	Final Review <u>6-27-77</u>
Dept. Report on Prel. <u>N/A</u>	Referral to B.C.C. <u>6-27-77</u>
	B.C.C. ACTION <u>7-5-77 <i>Approve</i></u>
TRACING PROGRESS:	Recorded <u>August 12, 1977</u>
Received _____	
Released _____	
Received _____	
Released _____	

Comments:

* applicant authorized to proceed directly with final plat also see letter date 4-7-77 from Baker in file for further explanation

7-11-77 called K.O. Taylor to pick up plat for recording

T9-302 (

T9-328

S/D 77-51
8-16-77

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

MILES LAKEWOOD SECOND ADDITION ADDITION was

filed for record on AUGUST 12, 1977

Boyd J. McCall
Register Of Deeds

HASTINGS, MI-LOS ANGELES
LOGAN ON - MOOREHEAD, TX U. S. A.



COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1018 STILLWELL
WICHITA, KANSAS 67211

263-7901

PHONE 2-677201

SEDGWICK COUNTY COURTHOUSE

G. C. MCLURE, JR. P. E.
COUNTY ENGINEER/DIRECTOR OF PUBLIC WORKS



Newby

DATE: August 9, 1977
TO: Dorothy K. White, County Clerk
Attention: Cindy Birmingham
FROM: C.M. Brennenstuhl, E.I.T.
SUBJECT: Final Plat of Miles Lakewood Village Second Addition

The Department of Public Works has examined the Final Plat known as Miles Lakewood Village Second Addition to Wichita, Sedgwick County, Kansas. We have the following comments:

1. The Wichita-Valley Center Flood Control Office has approved a revised minimum pad elevation of 1312.5 mean sea level datum (see attachment).
2. Not all conditions of approval by the Subdivision Committee of the Metropolitan Area Planning Commission have been met; specifically, the owner has not yet complied with items J and L. For this reason, this Department does not recommend approval of this Final Plat at this time.

CMB/cm
cc: Curtis Newby, MAPD ✓
Kenneth O. Taylor

To Miles Lakewood 2ndnd File
3/31/89 Village

Concerning Min. Pav. Elev. shown on "revised"
Plat" of 1311.5 MSL

Mike Gable^(CFCD) contacted M. S. Mitchell
to determine any information on
why revised plat shows 1311.5

Original Min Pav was 1313, but
a letter from County approved a change
to 1312.5

According to M. S. Mitchell additional
changes were made - the static pipe
height in this addition was lowered
1-foot - in the site's drainage plan
in order to lower the min. pav. to
1311.5 - and this was the elevation
that was eventually approved for
the site.

D. Larson

Sedgwick County
Highway
Department

By _____
Date _____ Page _____ of _____
Project: _____
Item _____

1312.5 Min Pad

is OK on

Miles Lakewood Village

Second Addition

M J Wallace

8-4-77

WICHITA—SEBOWICK CO. VTY



METROPOLITAN AREA PLANNING
COMMISSION

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

May 9, 1977

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 77-51 - Final plat of
MILES LAKEWOOD VILLAGE SECOND
ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 5, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. Approval of this replat is subject to the land being annexed to the City of Wichita.
- B. Twenty-five foot front yard and 15 foot side yard building setbacks shall be indicated on all corner lots.
- C. A satisfactory guarantee for the extension of sanitary sewer to serve each lot has been submitted and is being processed.
- D. A satisfactory guarantee for the extension of city water to serve each lot has also been submitted.
- E. The applicant shall guarantee the paving of all interior streets. Said street to be 24 feet wide with two moving lanes and no on street parking.
- F. The applicant and/or his engineer shall contact Tim Cain of the Department of Public Works relative to appropriate street names to be indicated on the plat.
- G. The applicant shall submit an instrument, either an acceptable covenant, condominium declaration or a Home Association agreement, which shall provide for the improvement and continued maintenance of the Reserve A (common area). This instrument, when reviewed and approved, shall be forwarded with the plat to the City Commission.

- H. The applicant shall submit a reexecuted avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site. This is necessary because of the change in the legal description of the property due to this replat.
- I. The applicant shall submit a covenant which assures that three off street parking spaces will be provided for each dwelling unit as required by the Subdivision Regulations when developing lots on streets which will be paved at the narrow 24-foot width.
- J. The applicant shall file an application for a permit for the existing dike.
- K. The applicant's engineer shall show on the final tracing the utility easements requested by R. G. and E.
- L. A back fill sloping embankment needs to be constructed along the north line of the plat where the cut has been made in connection with the development of Lot 37. Or, in lieu thereof, construction of a retaining wall to prevent erosion from occurring.
- M. A 10-foot utility easement shall be indicated south of the sloping embankment or retaining wall.
- N. The use of Reserve A for utilities shall be limited to definite easements within the Reserve.
- O. A minimum pad elevation of 1313 m.s.l. shall be established for all lots.
- P. Recording of the plat within 30 days after approval by the Board 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.

S/D 77-51
May 9, 1977
Page 3

This matter will be forwarded to the Planning Commission for its consideration on Thursday, May 12, 1977, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLM:mas
Encl.

cc: Gene Miles Development, Inc., 16711 W. Kellogg, 67208
Dale Wallace, 1311 Seville, 67209
Jerry L. Griffith, 161 W. Baltimore, Derby, Ms., 67037
Dean Sellers, Assistant City Engineer
✓ Chris Brennenstuhl, County Building, Planning & Inspection

July 28, 1977

Robert Feldner, Superintendent of Central Inspection

Curtis L. Newby, Junior Planner

S/D 77-51 - MILES LAKEWOOD SECOND ADDITION

The above referred to plat was approved by the Planning Commission on May 12, 1977 and by the Board of City Commissioners on July 5, 1977, and released for recording on July 11, 1977. Two conditions of the plat approval were: 1) the applicant shall submit an application for a Division of Water Resources permit for the existing dike around subject property, and 2) the applicant shall construct a back fill sloping embankment along the north line of the plat where the cut has been made in connection with the development of Lot 37 so as to prevent erosion and damage to the existing trees on the property adjoining the north line of the plat.

I have been advised by the Flood Control Office, that they have not received any copies of the correspondence they expected to receive concerning the Division of Water Resources permit application which was submitted by the applicant in the latter part of June. The Flood Control Office also has made a visual site inspection and reports that the required back fill slope work has not yet been done. I would therefore advise you that no building permits should be issued on subject property until such time as the two conditions of the plat approval have been satisfied.

I believe that the matter of the Division of Water Resources permit application can be cleared up by the applicant or his attorney furnishing copies of the correspondence with the Division of Water Resources concerning the dike permit. It was also my understanding that the back fill slope work was to be done as a part of the final lot grading work on Lot 37 and I would anticipate this being done in the very near future.

If you have any questions concerning this matter, or if you wish to discuss this matter in more detail, please call.

Curtis L. Newby
Junior Planner

APPROVED BY:

Robert A. Lakin
Director of Planning

CLN:rfm

Mr. Robert Feldner
July 28, 1977
Page 2

cc: Gene Miles Development, Inc., 10711 W. Kellogg, 67209
Thomas A. Wood, Attorney, 300 W. Douglas, Suite 615, 67202
Kenneth O. Taylor, Engineer, 1542 So. St. Francis, 67211
Mr. Dale Wallace, 1311 Seville, 67209
M. S. Mitchell, Maintenance-Flood Control

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 77-51 Name MILES LAKEWOOD VILLAGE SECOND ADDITION
Application & Sketch Filed: 4-25-77
Preliminary Plat Filed: N/A Approved by S/D: N/A
Final Plat Filed: 4-25-77 Approved by S/D: 5-5-77
Approved by Metropolitan Area Planning Commission: 5-12-77

DESCRIPTION

General Location: Northwest corner of West Highway 54 and Seville Avenue

Surveyor or Engineer: Kenneth O. Taylor

Owner: Gene Miles

Address: 10711 West Kellogg, 67209

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>33.2</u> | 6. Access Control <u>not reqd.</u> |
| 2. Number of Lots: | St. _____ No. Openings _____ |
| Residential <u>51</u> | St. _____ No. Openings _____ |
| Commercial _____ | St. _____ No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements |
| Other _____ | St. Paving <u>reqd.</u> * Water <u>not reqd.</u> |
| Total Number of Lots: <u>51</u> | Sidewalk <u>not reqd.</u> Drainage <u>not reqd.</u> |
| 3. Minimum Lot Area: <u>0.13</u> Acres | * Sewer <u>not reqd.</u> Other <u>avigational</u> |
| 4. Existing Zoning _____ | <u>easement & coven.</u> |
| 5. Special Problems Discussed <u>none</u> | |
- *Sanitary sewer petitions and water petitions have been previously approved for this site.

A valid petition has been submitted guaranteeing the paving of all interior streets. A certificate has been submitted certifying the petition. An avigational easement and construction covenant assuring construction methods to reduce noise pollution have also been submitted.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. The applicant submitting restrictive covenants which contain provisions for a Home Association and the maintenance of the open space areas.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bell moved, Bayouth seconded and it carried unanimously. Hennessy and Taylor were absent.

ACTION: Accept the avigational easement and noise covenant, approve the petition and instruct the Director of Law to prepare the necessary resolution and instruct the City Clerk to file the avigational easement, noise covenant, restrictive covenants and certificate with the Register of Deeds; the filing and publication 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.

June 29, 1977

Mr. Dale Wallace
1311 Seville
Wichita, Kansas 67209

Re: S/D 77-51 - MILES LAKEWOOD
SECOND ADDITION

Dear Mr. Wallace:

This is to advise you that the above referred to plat will be considered by the Board of City Commissioners on July 5, 1977. The agenda for that City Commission meeting has not yet been published, so I am unable at this time to tell you exactly at what time on July 5, this plat will be considered.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

cc: Jerry L. Griffith
101 N. Baltimore
Derby, Ks. 67037

CERTIFICATE

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

I, Gene Miles Development, Inc., owner of
(give name of proposed plat, if appropriate) Miles Lakewood
Village Second 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. Street Improvements
2. Water Distribution Lines
3. Sanitary Sewers
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for
improvements, lots or portions thereof within Miles Lakewood
Village Second Addition may be subject to special
assessments assessed thereto for the cost of constructing the
above-described improvements.

Signed this 20th day of June, 1977.

Gene Miles Development, Inc
Gene Miles, President
Gene Miles

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

Be it remembered that on this 20th day of June,
1977, before me, a notary public in and for said County and State,
came Gene Miles, to me personally
known to be the same person who executed the foregoing instrument
of writing and duly acknowledged the execution of same.

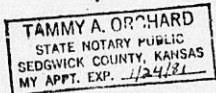
In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.

Tammy A. Orchard
Notary Public

My Commission Expires:

January 24, 1981

T9-207



AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, that Gene Miles Development, Inc. does hereby grant a permanent Avigational Easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of the following described real estate, to-wit:

MILES LAKEWOOD VILLAGE SECOND ADDITION

By virtue of this easement, the grantors, for and on behalf of themselves and all successors in interest to any and all of the real property above described, waives as to the public authority only any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U. S. Code 1301, and shall include air space needed to insure safety in take-off and landing of aircraft.

To have and to hold said easement forever.

IN WITNESS WHEREOF: The grantor has signed these presents the day and year first written.

GENE MILES DEVELOPMENT, INC.

By Gene Miles
Gene Miles, President

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

TAMMY A. ORCHARD
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
MY APPT. EXP. 1/24/81

The foregoing instrument was acknowledged before me this 20th day of June, 1977, by Gene Miles, President of Gene Miles Development, Inc., a Kansas corporation, on behalf of the corporation.

Tammy A. Orchard
Notary Public

My Commission Expires:

January 24, 1981

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING MILES LAKEWOOD VILLAGE ADDITION
SECOND ADD
THIS DECLARATION made this 22nd day of JUNE by
GENE MILES DEVELOPMENT INC., hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of MILES LAKEWOOD VILLAGE SECOND
Addition to WICHITA KANSAS, which property
is located near WICHITA MID-CONTINENT AIRPORT and is accordingly
subject to considerable noise from the operation of aircraft, and

WHEREAS, the City of Wichita in connection with approval of
the plat of said addition considers it to be in the public interest
to require any buildings constructed on said addition to be designed
and constructed giving proper consideration to noise pollution in
the area:

NOW THEREFORE, Grantor, hereby declares that MILES LAKEWOOD VILLAGE SECOND ADD
Addition, shall be and the same is subjected to the following
restrictive covenant, to-wit:

Any building constructed on the premises
shall be so designed and constructed as to
minimize noise pollution in any such struc-
ture, giving due consideration to the use
for which such structure is designed and
built. This covenant is for the benefit of
said property and shall run with the land
and shall inure to the benefit of and pass
with said property and shall apply to and
bind the successors in interest and any owner
thereof.

EXECUTED the day and year first above written.

Gene Miles Development Inc.
By Gene Miles Pres.

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the
County and State aforesaid GENE MILES, PRES. GENE MILES

Development Inc.

to me personally known to be the same person _____ who executed the
foregoing instrument of writing and said person _____ duly acknowledged
the execution thereof.

Dated at Wichita, Kansas, this _____ day of _____, 19____.

Notary Public

(My Commission expires _____)

DECLARATION OF PROTECTIVE COVENANTS
FOR
MILES LAKEWOOD VILLAGE SECOND ADDITION

This Declaration made this 20th day of June,
1977, by Gene Miles Development, Inc., Grantor.

WITNESSETH:

WHEREAS, Grantor is the owner of Miles Lakewood Village Second Addition, Sedgwick County, Kansas, and desires to subject the property to the covenants hereinafter set forth which shall inure to the benefit of the property and each owner thereof and shall pass with the property and each parcel thereof and shall apply to and bind the successors in interest and any owner thereof,

NOW THEREFORE, Grantor declares that Miles Lakewood Village Second Addition is and shall be held, transferred, sold, conveyed, and occupied, subject to the covenants hereinafter set forth.

1. Ownership, control, and maintenance of Reserve A, Miles Lakewood Village Second Addition, shall be in Miles Lakewood Village Home Owners Association, a nonprofit corporation organized and existing under the laws of the State of Kansas. Every person or entity who is a fee simple owner of any portion of Lots 1 through 36 inclusive, Miles Lakewood Village Second Addition, shall be a member of the Association.

Each resident of Lots 1 through 36 inclusive of Miles Lakewood Village shall have a right in easement of enjoyment in

and to the common areas and facilities. Such rights and easements shall be appurtenant to and shall pass with the title to each lot. Each owner may use the common areas and facilities in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful rights of other owners.

The rights and easements of enjoyment created hereby shall be subject however to the following:

A. The right of the Board of Directors of the Association to prescribe rules and regulations and fees governing the use, operation, and maintenance of all common areas and facilities.

B. The right of the Association to suspend the right of any owner to use all or part of the facilities located upon common areas for any period during which any assessment against the owner remains unpaid.

C. The right of the Association to charge reasonable admission and use fees for the use of any recreational facilities to defray costs of the operation thereof.

D. The right of the Association to dedicate or transfer all or any part of the common areas to any public or municipal agency for purposes consistent with the purpose of this Declaration.

E. The right of the Association to grant licenses, rights of way, or easements for access or for construction, reconstruction, maintenance, or repair of any utility lines or appurtenances, whether public or private, to any municipal agency or public utility. Provided, however, that no such licenses, rights of way, or easements shall be unreasonably and permanently inconsistent with the rights of the members for the use and enjoyment of the common areas.

Upon the failure of the Association to properly and

adequately maintain any part of the reserve areas, the City of Wichita may cause notice to be served on the Association of its failure to so maintain, setting out the manner in which it has failed to perform, and granting it ten days within which to perform all the items designated in said notice. After said ten days, the City may enter upon the property to perform the work described in said notice of deficiency, and the cost of such work performed by the City may be assessed against the property in the same manner as provided by law for such assessment and said assessment may be established as a lien upon the land. Should the Association, upon receipt of said notice, take exception to any deficiencies designated therein, the Association may within the ten day period appeal to the Board of City Commissioners for a hearing on the property of the contents of said notice, and until said appeal is heard and determined the matter shall be stayed.

Each owner of lots 1 through 36 inclusive by acceptance of a Deed therefor, is deemed to covenant and agree to pay to the Association all assessments or charges, general or special, to be fixed, levied, and collected from time to time as herein provided. These assessments together with such interest thereon and such costs of collection thereof as may be provided herein shall be a charge upon the land and shall be a continuing lien upon the property against which each such assessment is made.

The Association shall annually establish a general assessment to pay the costs of operating and maintaining the common areas,

to pay real estate taxes thereon, to pay premiums for insurance acquired by the Association, and to pay such other charges and expenses as may be determined necessary.

In addition to the annual assessment, the Association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying in whole or in part the cost of any construction, reconstruction, or repair or replacement of any capital improvement, including necessary fixtures and personal property related thereto. No such special assessment, however, shall be authorized without the approval by the affirmative vote of 60% of all of the memberships who are present and voting in person or by proxy at a meeting called for this purpose by no less than 10 nor more than 40 days notice in writing to each member, stating the time, purpose, and place of the meeting.

2. Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built.

3. Three (3) off street parking spaces shall be provided for each dwelling unit constructed on Lots 1 through 36 inclusive.

4. These covenants are for the benefit of the property and shall run with the land and shall inure to the benefit of and pass with the property and shall apply to and bind the successors in interest and any owner thereof.

GENE MILES DEVELOPMENT, INC.

By Gene Miles
Gene Miles, President

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

YAMMY A. ORCHIST
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
MY APPT. EXP. 1/24/81

The foregoing instrument was acknowledged before me this 20th day of June, 1977, by Gene Miles, President

of Gene Miles Development, Inc., a Kansas corporation, on behalf
of the corporation.

Tammy A. Orchard
Notary Public

My Commission Expires:

January 24, 1991

LAW OFFICES
THOMAS A. WOOD
HARRY L. NAJIM

300 W. DOUGLAS, SUITE 615 - WICHITA, KANSAS 67202
316 263-7228

May 20, 1977



Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Building
455 North Main
Wichita, Kansas 67202

Attention: Mr. Jack Galbraith
Chief Planner

Re: Miles Lakewood Village
Second Addition
S/D-77-51

Gentlemen:

I have examined the title to the property included in the
above described subdivision.

Fee title is in Gene Miles Development, Inc.

Wichita State Bank is the holder of a valid first mortgage
upon the property.

Taxes for 1976 and prior years are paid.

This opinion is submitted for the purpose of complying with
the requirements of the Wichita-Sedgwick County Metropolitan
Area Planning Commission.

Very truly yours,

Thomas A. Wood
Thomas A. Wood

TAW/jdc

cc: Mr. K. O. Taylor

May 16, 1977

Mr. Kenneth O. Taylor
1542 S. St. Francis
Wichita, Kansas 67211

Re: S/D 77-51 - Final plat of
MILES LAKEWOOD VILLAGE
SECOND ADDITION

Dear Mr. Taylor

At the regular meeting of the Metropolitan Area Planning Commission on May 12, 1977, 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 May 9, 1977, except that the second sentence in Condition I was deleted.

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. Submission of a title report by an abstract or title insurance company, or an attorney's opinion that fee title is vested in the platator.
4. Certification that all taxes due and payable for 1976 and prior years have been paid.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:bh

Mr. Kenneth O. Taylor
May 16, 1977

cc: Gene Miles Development, Inc., 10711 W. Kellogg, 67209
Dale Wallace, 1311 Seville, 67209
Jerry L. Griffith, 101 N. Baltimore, Derby, Ks. 67037
Dean Sellers, Assistant City Engineer
Chris Brennenstuhl, Co. Bldg., Planning and Inspection
M. S. Mitchell, Maintenance-Flood Control

May 11, 1977

Ray Bruggeman, Director of Public Works

Robert A. Lakin, Director of Planning

S/D 77-51 - Miles Lakewood Village Second Addition

On May 12, 1977, the Planning Commission will be considering the above referred to final plat. One of the Planning Commissioners has requested that M. S. Mitchell attend the meeting to answer some questions relating to drainage when this plat is considered. If it is possible for Mr. Mitchell to attend, please advise.

Robert A. Lakin
Director of Planning

RAL:CLN:rme

cc: M. S. Mitchell, Maintenance-Flood Control

May 9, 1977

Kenneth C. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 77-51 - Final plat of
MILES LAKEWOOD VILLAGE SECOND
ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 5, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, *subject to approval by S.C.C. but not yet published at applicant's request.* Approval of this replat is subject to the land being annexed to the City of Wichita.

- 25* Twenty-five foot front yard and 15 foot side yard building setbacks shall be indicated on all corner lots.
- 26* ~~A~~ *particulars - already on file* satisfactory guarantee for the extension of sanitary sewer to serve each lot has been submitted and is being processed.
- 27* ~~A~~ *particulars - already on file* satisfactory guarantee for the extension of city water to serve each lot has also been submitted.
- 28* ~~The~~ *particulars* applicant shall guarantee the paving of all interior streets. Said street to be 24 feet wide with two moving lanes and no on street parking.
- 29* The applicant and/or his engineer shall contact Tim Cain of the Department of Public Works relative to appropriate street names to be indicated on the plat.
- 30* ~~The~~ *submitted restrictive covenants* applicant shall submit an instrument, either an acceptable covenant, condominium declaration or a Home Association agreement, which shall provide for the improvement and continued maintenance of the Reserve A (common area). The instrument, when reviewed and approved, shall be forwarded with the plat to the City Commission.

- ~~h~~ The applicant shall submit a reexecuted avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site. This is necessary because of the change in the legal description of the property due to this replat.
- ~~i~~ The applicant shall submit a covenant which assures that three off street parking spaces will be provided for each dwelling unit as required by the Subdivision Regulations when developing lots on streets which will be paved at the narrow 24-foot width.
- ~~j~~ *Mitchell advises that application has been filed.*
The applicant shall file an application for a permit for the existing dike.
- ~~k~~ The applicant's engineer shall show on the final tracing the utility easements requested by K. G. and E.
- ~~l~~ A back fill sloping embankment needs to be constructed along the north line of the plat where the cut has been made in connection with the development of Lot 37. (Or, in lieu thereof, construction of a retaining wall to prevent erosion from occurring.) *this sentence deleted by MAPC 5-12-77*
- ~~m~~ A 10-foot utility easement shall be indicated south of the sloping embankment or retaining wall.
- ~~n~~ The use of Reserve A for utilities shall be limited to definite easements within the Reserve.
- ~~o~~ A minimum pad elevation of 1313 m.s.l. shall be established for all lots.
- ~~p~~ Recording of the plat within 30 days after approval by the Board 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.

S/D 77-51
May 9, 1977
Page 3

This matter will be forwarded to the Planning Commission for its consideration on Thursday, May 12, 1977, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

cc: Gene Miles Development, Inc., 10711 W. Kellogg, 67209
Dale Wallace, 1311 Seville, 67209
Jerry L. Griffith, 101 N. Baltimore, Derby, Ks., 67037
Dean Sellers, Assistant City Engineer
Chris Brennenstuhl, County Building, Planning & Inspection

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 77-51 Name MILES LAKEWOOD VILLAGE SECOND ADDITION
Date Application Rec'd. 4-25-77 Preliminary Approval N/A
Scheduled S/D Meeting 5-5-77

DESCRIPTION

General Location Northwest corner of West Highway 54 and Seville Avenue

Owner Gene Miles Development, Inc.
Surveyor/Engineer Kenneth O. Taylor Phone 264-0341
Address 1542 S. St. Francis

- | | | | |
|--------------------------|----------------------|--|-----------------|
| 1. Gross Acreage of Plat | <u>33.2</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>54</u> R/W <u>4050</u> ft. | |
| Residential | <u>51</u> | b. _____ R/W _____ ft. | |
| Commercial | _____ | c. _____ R/W _____ ft. | |
| Industrial | _____ | d. _____ R/W _____ ft. | |
| Other | _____ | e. _____ R/W _____ ft. | |
| Total Number of Lots | <u>51</u> | TOTAL | <u>4050</u> ft. |
| 3. Minimum Lot Frontage | <u>51</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>6,000 sq.</u> ft. | streets? <u>yes</u> <u>X</u> <u>no</u> | |
| 5. Existing Zoning | <u>R-1</u> | | |
| 6. Proposed Zoning | <u>AA</u> | | |
9. Public Water Supply yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes(Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita _____ : Three-Mile Area X

STAFF COMMENTS:

NOTE: Subject property is in the process of being annexed to the City of Wichita and approval of this replat is subject to the land being annexed.

- A. Twenty-five foot front yard and 15 foot side yard building setbacks shall be indicated on all corner lots.
- B. A satisfactory guarantee for the extension of sanitary sewer to serve each lot has been submitted and is being processed.
- C. A satisfactory guarantee for the extension of city water to serve each lot has also been submitted.
- D. The applicant shall guarantee the paving of all interior streets. Said streets to be 24 feet wide with two moving lanes and no on street parking.
- E. The applicant and/or his engineer shall contact Tim Cain of the Department of Public Works relative to appropriate street names to be indicated on the plat.
- F. The applicant shall guarantee the construction of sidewalks adjacent to all the streets. The applicant shall be advised that sidewalk construction will be a requirement included in any building permit issued on any of the lots.
- G. The applicant shall submit an instrument, either an acceptable covenant, condominium declaration or a Homes Association agreement, which shall provide for the improvement and continued maintenance of the Reserve A, (common area). The instrument, when reviewed and approved, shall be forwarded with the plat to the City Commission.
- H. The applicant shall submit a reexecuted avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site. This is necessary because of the change in the legal description of the property due to this replat.

(OVER)

- I. The applicant shall submit a covenant which assures that three off street parking spaces will be provided for each dwelling unit as required by the Subdivision Regulations when developing lots on streets which will be paved at the narrow 24-foot width.
- J. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Map No.: 4846
Section No.: 29
Twp. No.: 27S
Range: R-1W

S/D No. 77-51

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Miles Lakewood Village Second Addition
General Location: West side Seville between U.S. 54 and Maple Northwest corner of West Highway 54 and Seville Ave.
Name of Property Owner: Gene Miles Development, Inc.
Address: 10711 West Kellogg 09 Phone: 722-6630
Name of Subdivider: Gene Miles Phone: 722-6630
Address: 10711 West Kellogg 09
Name of Agent/Surveyor: K. O. Taylor Phone: 264-0341
Address: 1542 So. St. Francis 11
Date of Application: April 21, 1977

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 33.2
2. Number of Lots:
 - Residential 51
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 51 ft.
4. Minimum Lot Area 6000 Sq. ft.
5. Existing Zoning R-1
6. Proposed Zoning A-A (after annexation)
7. Lineal Feet of New Streets:
 - a. 54 R/W 4050 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 4050 ft.
8. Sidewalk adjacent to all streets? yes No
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita Three-Mile Area X

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: Gene Miles Development Inc.
By Gene Miles Pres.

Wichita-Sedgwick County Metropolitan Area
Planning Commission, 10th Floor, City Hall,
455 North Main, Wichita, Kansas 67202.

Received by Gene Miles
Date 4/25/77
Fee Submitted 200.00

FORM 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
<i>Water Meter</i>	
<i>Water Meter</i>	

Name

Address

Type

Due Date

Comments:

Date

By

4/11/77

Dick Linn, City Engineer
Bill Otten, Chief Engineer, Water Engineering
Rod Nicholson, Assistant Division Manager, KG&E

Robert A. Lakin, Director of Planning

Gene Miles Development
Seville and Kellogg

I have received confirmation from Gene Miles that he will replat his area at Seville and Kellogg. Based on my letter of April 1, please proceed to instruct the petitioned and/or contracted utilities based on the most recent site plans available from K. O. Taylor. If there are any questions concerning this project, please call.

Robert A. Lakin, Director of Planning

Attachments
Ltr 4-4-77 Miles toRAL
Ltr 4-1-77 RAL to Miles

RAL:ew

GENE MILES



Builder · Developer

GENE MILES CONSTRUCTION, INC.
GENE MILES DEVELOPMENT, INC.

10711 WEST KELLOGG • WICHITA, KANSAS 67209
TELEPHONE (316) 722-6630

April 4, 1977

Mr. Robert A. Lakin, Director
Metropolitan Area Planning Department
455 North Main Street
Wichita, Kansas 67202



Reference: Your letter dated April 1, 1977.

Dear Bob,

I have received your letter dated April 1, 1977 and I am in complete agreement and will proceed with the final plat as stated in your letter.

Bob, due to the urgency in this project for utilities, anything you and the various departments can do would be very much appreciated.

Sincerely yours,


Gene Miles
Builder, Developer, Realtor

cc: Tom Wood
cc: K. O. Taylor

GM/to

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

April 1, 1977

Gene Miles
10711 West Kellogg
Wichita, Kansas 67209

Dear Gene:

I have now completed a check of the city offices thought to be directly affected by your project. Based on our conversation, everyone seems satisfied to proceed with installing water and sewer with your agreeing to replat using the basic design now in my office. This assumes a 54 foot right-of-way with 24 foot streets built to City standards. You and Linn should pursue the slip-form proposal.

I believe both Otten and Linn will go ahead with construction without the survey or plat being in hand to conveyance the easements. Please have Taylor double check with Otten, Linn and KG&E to ensure everyone is operating off the same and most recent layout.

Submission of the final only is hereby authorized subject to Taylor providing Linn and Mitchell current topography and whatever other side information they may want which would normally be on a preliminary plat.

If this is acceptable, please sign a copy of this letter and return to me. On your agreement the utilities can proceed as agreed upon.

Sincerely yours,

Robert A. Lakin, Director
Metropolitan Area Planning Department

ACCEPTED:

Gene Miles

cc: Tom Wood, Attorney
Ray Bruggeman, Director of Public Works
Richard Linn, City Engineer
John Wynkoop, Director of Water
Rod Nicholson, Assistant Division Manager, KG&E
Jack Galbraith, Chief Planner

xc: Gene Miles (3)
RAL:ew



WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
425 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 263-4551

98
April 1, 1977

Gene Miles
10711 West Kellogg
Wichita, Kansas 67209

Dear Gene:

I have now completed a check of the city offices thought to be directly affected by your project. Based on our conversation, everyone seems satisfied to proceed with installing water and sewer with your agreeing to replat using the basic design now in my office. This assumes a 54 foot right-of-way with 24 foot streets built to City standards. You and Linn should pursue the slip-form proposal.

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Sincerely yours,

RAL^{lpn}
Robert A. Lakin, Director
Metropolitan Area Planning Department

ACCEPTED:

Gene Miles

cc: Tom Wood, Attorney
Ray Bruggeman, Director of Public Works
Richard Linn, City Engineer
John Wynkoop, Director of Water
Rod Nicholson, Assistant Division Manager, KG&E
Jack Galbraith, Chief Planner

xc: Gene Miles (3)
RAL:ew