

PLAT NO. S/D 77-164 MAP NO. 6045

NAME THE BUTONWOOD TREE

LOCATION: Southeast corner of Harry & Cypress

ENGINEER Bill G. Yung Design

OWNER Keith Anderson

APPLICATION FILED 12-16-77

SKETCH PLAT FILED 12-16-77

PRELIMINARY FILED 12-16-77

S/D ACTION 12-29-77 defer indef. (water zoning change)
S/D 1-12-78 - approved

FINAL FILED 8-28-78

S/D ACTION 9-7-78 approve

MAPC ACTION 9-14-78 Approved

ECC ACTION 1-2-79 Approved - Petition to be
considered in 3 weeks

RECORDED February 8, 1979

REMARKS Associated Z-2006

POSTED
12-22-77
H

ACTION

S/D COMMITTEE (Pelin) ^{defers study} _(Cypress 3/21/77) _(Cypress 12-29-77) DATE

M.A.P.C. Approved 9-14-78

B.C.C./B.C.C. Approved 1-2-79

S/D (Pelin) approve 1-12-78

S/D (Pelin) approve 9-7-78

Map No. 6045
Sec. 32
Twp. 27
Range 2E

Subdivision Report and Progress
S/D No.: 77-164

Name: THE BUTTONWOOD TREE

General Location: Southeast corner of Harry & Cypress

Owner: Keith Anderson
Address: 1175 S. Rock Road
Wichita Zip Code: 67207 Phone: 685-6261

Subdivider: Keith Anderson
Address: 1175 S. Rock Road
Wichita Zip Code: 67207 Phone: _____

Engineer/Surveyor: Bill G. Young Design
Address: 1355 N. Waco
Wichita Zip Code: 67203 Phone: 266-0676

VANDOREN-HAZARD-STALLINGS
200 N ROCK ROAD 67206
686-7303

Present Zoning: "AA"
Proposed Zoning: "R-6"
Assoc. Zone Case: Z-2006

M.A.P.C. ACTION: 9-4-78 Approved
Advisory Letter: 9-14-78

APPLICATION RECEIVED: 12-16-77

Closure Data Submitted: _____

SKETCH PLAT RECEIVED: 12-16-77

Title/Taxes Rec'd. and

Letter of Intent: _____

Reviewed: 10-6-78

PREL. PLAT RECEIVED: 12-16-77

Final Review: 12-22-78

S/D Comm. Action: 12-29-77

Referral to B.C.C.: 12-26-78

Advisory Letter: _____

B.C.C. ACTION: 1-2-79 Approved

FINAL PLAT RECEIVED: 8-29-78

Tracing Received: 10-6-78

S/D Comm. Action: 9-7-78 approve

Released for Recording: _____

Advisory Letter: 9-4-78

Plat Recorded: 2-8-79

Comments:

1-5-78 Fred, Pome, Bigger, Pence, ^{Cover} at zone case hearing. Halldahl
informed them that plat would be back on 3/10 meeting 1-12-78

T9-302 (2)

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS
THE BUTTONWOOD TREE ADDITION was
filed for record on February 8, 1979
Barney J. McQuinn
Register of Deeds

S/D 77-164
(2-2006)

2-14-79

Return to: Wichita-Sedgwick County
Metropolitan Area Planning Department
(Inter-Office Mail)

T9-328

LOAN ON - RECORD - TX U S A

January 26, 1983

Donald C. Gisick, City Clerk
Forrest L. Nagley, Junior Planner

Release of letter of credit associated with Buttonwood
Tree Addition (S/D 77-164) (Credit Number 577)

The required landscaping for the above-referenced plat has been
completed. The letter of credit may be released.

The original guarantee and its two amendments should be returned
to the bank with their copy of this memorandum.

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Marilyn B. Pauly, Assistant Vice President, 4th National
Bank and Trust Company, P.O. Box 1090, 67201

*Copy of letter also sent to
Kerri Anderson
1125 S. Rock Road*

67207



December 28, 1982

RECEIVED

DEC 30 1982
METROPOLITAN PLANNING
ROUTE forest

Forrest Nagley
Planning Dept.
Wichita City Hall
400 N. Main
Wichita, Kansas 67201

Dear Mr. Nagley,

Please be advised that the fencing and landscape for the Buttonwood Tree Apartments has been completed and therefore will not require a letter of credit. Thank You.

Yours Truly,

Keith L. Anderson
ANDERSON INVESTMENT CO.

Anderson called & said contracts had been let for landscaping & fencing. Would be completed in the next 60 days. Advised him to call me back on 11/1/82 & advise me of status. Told him we wish to avoid another letter of credit since he was so close to completion of the project per 9/15/82

September 14, 1982

Mr. Keith Anderson
Anderson Investment Company - 681-1711
1175 South Rock Road
Wichita, Kansas 67207

Re: Letter of Credit Guaranteeing
Landscaping, Fencing and Under-
ground Irrigation for Buttonwood
Tree Addition (S/D 77-164)
(Credit Number 577)

Dear Mr. Anderson:

Your \$18,739.00 letter of credit from Fourth National Bank and Trust Company guaranteeing the above-referenced improvement has matured. Said improvements were to be completed on or before September 14, 1982.

As development of this Addition is presently underway, I need to discuss with you the timing for completion of the landscaping indicated on your approved landscape plan. Please call me at your earliest convenience. My telephone number is 268-4421.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:jps

cc: Marilyn B. Pauly, Assistant Vice President, Fourth
National Bank and Trust Company, P. O. Box 1090,
67201

March 5, 1982

Robert B. Feldner, Superintendent of Central Inspection
Arthur D. Chambers, Senior Planner

Revised Landscape Plan for
Buttonwood Tree Addition (S/D 77-164)

Attached are two copies of the revised landscape plan for
the Buttonwood Tree Addition. Other landscape plans in
your files should be marked "superseded". If you have any
questions, please call.

Arthur D. Chambers
Senior Planner

ADC:el

Attachments

cc: Keith Anderson, 1175 S. Rock Road, Wichita 67207

file

RODGER A. BROOKS/ARCHITECT

PROFESSIONAL ASSOCIATION

March 4, 1982

Mr. Art Chambers
M.A.P.D.
455 N. Main
Wichita, KS 67202

RE: BUTTWOOD TREE - REVISED
LANDSCAPE PLAN

Dear Art:

We are sending to you under separate cover five copies of the drawings sheet 2A and 4A both dated revised 11/06/80 for your review and approval. Sheet 2A indicates the extent and nature of the screen fence and sheet 4A indicates the proposed plant materials in the landscape screening area.

These drawings represent only minor deviation from the approved plan dated 9/04/80. We appreciate your cooperation in this matter.

If you have any questions or comments, please contact me.

Yours truly,

Rodger A. Brooks

Rodger A. Brooks, AIA

cc: Keith L. Anderson

RECEIVED

MAR 8 1982

METROPOLITAN PLANNING

ROUTE *int*

EAST SIDE FINANCIAL CENTER

1133 S. Rock Road

~~1707 EAST WYOMING AVENUE SUITE 202~~ WICHITA, KANSAS 67207 (316) 684-0147

September 10, 1981

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of amendment to letter of credit associated
with Buttonwood Tree Addition (Credit No. 577)

Attached please find an amendment to the letter of credit guaranteeing
the installation of landscaping materials for the above-referenced
addition. The amendment should be filed with the original.

Forrest L. Nagley
Junior Planner

FLN:bh

Attach.

RECEIVED

SEP 4 1981

Dept. Of Engineering

FOURTH NATIONAL BANK & TRUST CO
WICHITA, KANSAS 67202 / MEMBER FDIC

TheFourth

IV

September 3, 1981

RE: IRREVOCABLE LETTER OF CREDIT NO. 577

AMENDMENT NO. 2

TO: The City of Wichita
455 North Main
Wichita, KS 67202

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED FROM

Keith Anderson
1125 S. Rock Road
Wichita, KS 67207

WE HEREBY AMEND THE AFOREMENTIONED CREDIT. ISSUED IN YOUR FAVOR. AS FOLLOWS:

1. Amount increased by \$1,704.00 to \$18,739.00
2. Final date for completion of improvements extended to September 14, 1982
3. Expiration date for negotiation extended to November 14, 1982.

All other terms and conditions remain unchanged.

ALL OTHER CONDITIONS REMAINING UNCHANGED.

AS THIS LETTER IS TO BE CONSIDERED A PART OF THE AFOREMENTIONED CREDIT INSTRUMENT. IT SHOULD BE ATTACHED THERETO.

THE FOURTH NATIONAL BANK and TRUST COMPANY, WICHITA


AUTHORIZED SIGNATURE

Marilyn B. Pauly, Assistant Vice President

August 20, 1981

Keith Anderson
Anderson Investment Company
1175 S. Rock Road
Wichita, Kansas 67207

Re: Letter of credit guaranteeing landscaping, fencing and under-
ground irrigation for Buttonwood Tree Addition (S/D 77-164)
(Credit Number 577).

Dear Keith:

Your \$17,035.00 letter of credit from Fourth National Bank and
Trust Company guaranteeing the above-referenced improvements is
nearing maturity. Said improvements are to be completed by
September 14, 1981.

Since no new development has occurred in this Addition, we can
authorize an extension of time to complete these improvements,
provided an amendment to the letter of credit is submitted with
the following changes noted:

1. A new dollar amount of \$18,739.00 (10% allowance for
inflationary cost increases).
2. A new completion or default date of September 14, 1982.
3. A new expiration date for negotiation of November 14, 1982.

Please have this amendment prepared and submitted to this office
on or before September 14, 1981. Should you have any questions
about this matter, please feel free to contact me at 268-4421.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:hh

cc: Marilyn B. Pauly, Assistant Vice President, 4th National
Bank and Trust Company, P.O. Box 1090, 67201
Mike Lindebak, Project Development Engineer, City Engineering

October 29, 1980

Donald C. Gisick, City Clerk

Forrest L. Hagley, Junior Planner

Forwarding of amendment to existing letter of credit
associated with Buttonwood Tree Addition (S/D 77-164)
(Credit No. 577)

Attached please find an amendment to the letter of credit
guaranteeing the installation of landscaping materials
for the above referenced addition. The amendment should be
filed with the original.

Forrest L. Hagley
Junior Planner

FLS:bh

cc: Jerry D. Newman, Vice President, 4th National Bank, P.O.
Box 1090, 67201
Keith Anderson, Anderson Investment Co., 1175 S. Rock Rd.
67207
Robert B. Feldner, Superintendent of Central Inspection
Mike Lindelak, Project Development Engineer, City Engineering

681-1711

TheFourth



October 17, 1980

RECEIVED

OCT 20 1980

METROPOLITAN PLANNING

ROUTE

Art Smith

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

Re: Landscape Plan for "The Buttonwood
Tree" plat at the southeast corner
of Cypress and Harry Street.
(S/D 77-164 and Z-2006)

Dear Mr. Galbraith:

Please find enclosed herewith ammendment #1 to our irrevocable
letter of credit #577.

This ammendment has been issued to comply with your landscaping
as set out in the correspondence of October 1, 1980.

Please feel free to call on us if anything further is needed for
your files.

Sincerely,

Jerry D. Newman
Vice-President

JDN/ed
Enclosures

Fourth National Bank & Trust Co.
Wichita, Kansas 67201

P.O. Box 1090
telephone 316-261-4444

FOURTH NATIONAL BANK & TRUST CO
WICHITA, KANSAS 67202 / MEMBER FDIC

TheFourth

IV

October 8

19 80

RE: IRREVOCABLE LETTER OF CREDIT NO. 577

AMENDMENT NO. 1

TO: The City of Wichita
Wichita, Kansas

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED FROM
Keith Anderson
1125 S. Rock Road
Wichita, Kansas 67207


WE HEREBY AMEND THE AFOREMENTIONED CREDIT, ISSUED IN YOUR FAVOR, AS FOLLOWS:

1. Amount increased by \$6,675.00 to \$17,035.00
2. Final date for completion of improvements amended from September 14, 1980 to September 14, 1981.
3. Description of improvements to be completed amended to 1,200 L.F. of 6' high rough cedar fence, plants for screening, and watering system.
4. Expiration date for negotiation amended from November 14, 1980 to November 14, 1981.

ALL OTHER CONDITIONS REMAINING UNCHANGED.

AS THIS LETTER IS TO BE CONSIDERED A PART OF THE AFOREMENTIONED CREDIT INSTRUMENT, IT SHOULD BE ATTACHED THERETO.

THE FOURTH NATIONAL BANK and TRUST COMPANY, WICHITA



AUTHORIZED SIGNATURE
Marilyn E. Pauly, Assistant Vice President

October 1, 1980

Keith Anderson
Anderson Investment Co.
1175 South Rock Road
Wichita, Kansas 67207

Re: Landscape Plan for "The Buttonwood
Tree" plat at the southeast corner
of Cypress and Harry Street.
✓ (S/D 77-164 and Z-2006)

Dear Keith:

This is to advise you that we have reviewed your revised landscape plan for "The Buttonwood Tree" plat at the above location. Based upon our review of the landscape plan and sprinkler system, we find your proposed materials, their location, the location of the sprinkler heads, and the location of the fence to be acceptable.

Prior to the issuance of any building permits for this site, the landscape materials should either be planted or you will need to submit an irrevocable letter of credit in the amount of \$17,035 (landscape materials \$7,535; fence \$6,000; and sprinkler system \$3,500) to guarantee the plantings and the fence. Although the plant materials on the estimate sheet do not exactly correspond to the materials on the landscape plan, the dollar amount is satisfactory. I would caution you, however, that when the landscaping is planted, it will need to conform to the landscape plan.

We will, by copy of this letter, advise the Superintendent of Central Inspection of the approval of your landscape plan. If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ADC:el

cc: Continued on Page Two

Page Two
Keith Anderson
October 1, 1980

cc: Marilyn B. Pauly, Ass't. Vice-President
4 National Bank & Trust Co., P.O.Box 1090, 67201

Robert B. Feldner, Superintendent of Central Inspection

Mike Lindebak, Project Development Engineer, City Engineering

Rodger A. Brooks, Architect, 7701 E. Kellogg, Suite 725, 67207



Handwritten: 11/17/80

Brown's Country Nursery & Turf

21ST STREET NORTH AT GODDARD ROAD • RURAL ROUTE #1
(Complete Landscaping) GODDARD, KANSAS 67052

Scotts

Window Seal

Phone

794-2440

September 29, 1980

Anderson Investment Company
1117 South Rock Road
Wichita, Kansas 67207

Job Estimate: Buttonwood Tree

4	6 Olive	2-2 1/2"	90.00	540.00
3	3 Locust	1-1 1/2"	40.00	120.00
7	7 Japanese Pagoda	2-2 1/2"	95.00	665.00
3	5 Bradford Pear	1 1/2-2"	50.00	250.00
4	4 Austrian Pine	8-10'	120.00	480.00
4	4 Scotch Pine	8-10'	120.00	480.00
6	6 Armstrong Upright	5 gal.	20.00	120.00
6	6 Juniper Pfitzen	5 gal.	20.00	120.00
3	3 Jansythia	5 gal.	20.00	60.00
2	2 Redbud	1-1 1/2"	40.00	80.00
17	19 Golden Euonymus	5 gal.	20.00	380.00
47	57 Manhattan Euonymus	5 gal.	20.00	1,140.00
	105 Andorra Juniper	1 gal.	6.00	630.00
20	28 Winged Euonymus	5 gal.	20.00	560.00
5	21 Spirea	5 gal.	20.00	420.00
25	25 Fragrant Sumac	5 gal.	20.00	500.00
1	1 Goldenrainree	2-2 1/2"	90.00	90.00
	Tree Mulch			900.00
	Total			7,535.00
	Plus Sales Tax			

let your lawn keep itself GREEN with



SPRINKLER SYSTEMS

CONNER & COMPANY, INC.
A/C 316 838-4061

1325 WEST 29th St. N.
WICHITA, KANSAS 67204
P. O. BOX 4284

September 26, 1980

Mr. Keith Anderson
Anderson Investment
1175 S. Rock Road
Wichita, Ks. 67207

Dear Mr. Anderson

We propose to install an underground irrigation system into the east and south property lines of Buttonwood Village for the sum of \$3,500.00 (Three thousand five hundred dollars and no cents) plus applicable tax.

CONNER & CO., INC.

Gerald Conner

GC/lf

September 10, 1980

Anderson Investment Company
Attention: Keith L. Anderson
1125 S. Rock Rd.
Wichita, Ks. 67207

Re: Letter of credit guaranteeing the construction of 1,200
L.F. of 6-foot high rough cedar fence and 3, 468 plants
for screening for Buttonwood Tree Addition (S/D 77-164)
Credit Number 577

Dear Mr. Anderson:

Your \$10,360.00 letter of credit from Fourth National Bank and Trust
Company guaranteeing the above-referenced improvements for the Button-
wood Tree Addition is nearing default. Said improvements are to
be completed by September 14, 1980.

We are aware that you are in the process of developing a revised
landscape plan due to a change in the site plan required by H.U.D.
regulations. When the revised landscape plan is submitted to our
office for review and approval, please be sure to include an esti-
mated cost figure prepared by a landscape architect so a new dollar
figure may be included on a revised letter of credit.

Should you have any questions regarding this matter, please call me
at 268-4405.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:hh

cc: Marilyn B. Pauly, Assistant Vice President, 4th National Bank
and Trust Company, P.O. Box 1090, 67201
Mike Lindabak, Project Development Engineer, City Engineering

ANDERSON INVESTMENT CO.
1125 SOUTH ROCK ROAD
WICHITA, KANSAS 67207

August 19, 1980

RECEIVED

AUG 21 1980

METROPOLITAN PLANNING

ROUTE 16

Jack H. Galbraith, Chief Planner
Metropolitan Planning Commission
City Hall 10th Floor
Wichita, Kansas 67202

RE: Buttonwood Tree S/D 77-164

Dear Mr. Galbraith,

Attached is a revised landscape plan for your approval. The revision reduces the landscape screening depth from 10 feet to 5 feet along a portion of the east property line as indicated on the plan. The balance of the plan remains unchanged.

The change is required by a site plan revision due to H.U.D. regulation not anticipated when we filed the plot.

We look forward to your response as the plans are nearing completion.

Sincerely,



Keith L. Anderson
ANDERSON INVESTMENT COMPANY

KLA/aa

*Discussed proposed Jarboage Plan to
reduce the 10' planting area to 5' with
Keith Anderson and Roger Brooks on 8-25-80.
Wished that they try to change the 10' feet if
necessary that they change plant materials
and justify their reduction of plant
material numbers. They are going
to revise their plan and resubmit*

JLA

RODGER A. BROOKS - ARCHITECT, P.A.
 East Side Financial Center
 7701 East Kellogg Avenue - Suite 725
 WICHITA, KANSAS 67207

LETTER OF TRANSMITTAL

(316) 684-0147

TO Mr. Jack Galbraith

DATE	8/20/80	JOB NO.	77-330
ATTENTION			
RE:	Buttonwood Tree		

GENTLEMEN:

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
4	8/20/80	1/1	Landscape screening plan (revised)

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE _____ 19 _____
- Approved as submitted
- Approved as noted
- Returned for corrections
- _____
- Resubmit _____ copies for approval
- Submit _____ copies for distribution
- Return _____ corrected prints
- PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED: *Rodger A. Brooks*

February 13, 1979

Donald C. Glsick, City Clerk

Jack H. Galbraith, Chief Planner

✓ Z-2006 - Zone change from "AA" to "R-6"; and
S/D 77-164 - The Buttonwood Tree.

At the regular meeting of the Board of City Commissioners on January 31, 1978, the above captioned request for zone change was considered and approved, and the City Clerk was instructed to withhold publication of the ordinance effectuating the zone change until such time as the Plat had been recorded. The associated plat was approved by the Board of City Commissioners on January 2, 1979.

This is to advise you that the final plat of The Buttonwood Tree was recorded with the Register of Deeds on February 8, 1979 and, therefore, the ordinance effectuating the zone change may now be published.

Jack H. Galbraith
Chief Planner

JHG:e1

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 77-164 Name The Buttonwood Tree
Application & Sketch Filed: 12-16-77
Preliminary Plat Filed: 12-16-77 Approved by S/D: 1-12-78
Final Plat Filed: 8-28-78 Approved by S/D: 9-7-78
Approved by Metropolitan Area Planning Commission: 9-14-78

DESCRIPTION

General Location: Southeast corner of Harry and Cypress

Surveyor or Engineer: Van Doren-Hazard-Stallings
Owner: Keith Anderson
Address: 1175 S. Rock Road, Wichita, Ks. 67207

- | | | | |
|---|---------------------------|----------------|----------|
| 1. Gross Acreage of Plat <u>12.17</u> | 6. Access Control | | |
| 2. Number of Lots: | St. <u>Harry</u> | No. Openings | <u>1</u> |
| Residential <u>1</u> | St. <u>Osie</u> | No. Openings | <u>0</u> |
| Commercial _____ | St. _____ | No. Openings | _____ |
| Industrial _____ | 7. Req'd Improvements | | |
| Other _____ | St. Paving Req'd | Water Req'd | _____ |
| Total Number of Lots: <u>1</u> | Sidewalk <u>Not req'd</u> | Drainage Req'd | _____ |
| 3. Minimum Lot Area: <u>12.1</u> Acres | Sewer <u>Req'd</u> | Other _____ | |
| 4. Existing Zoning <u>AA</u> | | | |
| 5. Special Problems Discussed <u>Screening of site from adjoining properties.</u> | | | |

Valid petitions have been submitted guaranteeing the installation of sanitary sewer, storm water sewer, paving of the cul-de-sac on Osie and installation of City water. A certificate has been submitted certifying the petitions. Note: The water petition was approved by the City Commission on December 19, 1978.

Planning Commission Recommendation:
That this plat be approved subject to:

- A. The applicant shall submit a covenant assuring the construction of the screening, fences and planting of the landscape buffers on the south and east sides of the subject property, and the continued maintenance of same.
- B. The applicant shall guarantee the installation of the screening fences and landscape buffers.
- C. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bell moved, Cole seconded, and it carried unanimously.

Note: The sanitary sewer petition is an 85% petition, the storm water sewer petition is 65%, and the paving petition is 94%. Therefore, appropriate notices have been sent to affected property owners.

Associated zone case Z-2006, "AA" to "R-6" has been approved by the Board of City Commissioners subject to platting.

ACTION: Receive and file the irrevocable letter of credit guarantee for the screening fences and planting buffers, approve the petitions and instruct the Director of Law to prepare the necessary resolutions and instruct 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.

COVENANT

WHEREAS, Keith Anderson and his wife are the owners of real property which is being platted as Buttonwood Tree Apartments Addition to the City of Wichita, Sedgwick County, Kansas (the Property); and

WHEREAS, the City is requiring that said owners guarantee to provide certain screening as a condition of the platting,

NOW, THEREFORE, owners covenant to construct prior to completion of Buttonwood Tree Apartments, and to maintain thereafter a fence and shall plant and maintain thereafter a landscape buffer of shrubs and/or trees as follows:

A six foot wooden fence and landscape buffer of shrubs and/or trees at the south boundary line of the Property and the east boundary line of the Property which abuts Block 1, Lot 29, Hampton Acres Addition.

A ten foot landscape buffer along the east boundary of the Property line between Osie and Harry.

It is the intent of the owners that this covenant shall run with the land described as Lot 1, Block 1, Buttonwood Tree Addition to the City of Wichita, Sedgwick County, Kansas, and shall be binding upon their heirs, assigns and successors and upon all subsequent owners of any part or parcel of the Property until such time as the Property does not have apartments on it or the land adjacent to such landscape buffer is not being used for single family residences.

Executed this 26 day of AUGUST, 1978.

Keith Anderson
Keith Anderson
Louis Anderson

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

Subscribed and sworn to before me this 26 day of
AUGUST, 1978.

Jean Hubbard
Jean Hubbard Notary Public

My Appointment Expires: 2-23-80

IRREVOCABLE LETTER OF CREDIT

Fourth National Bank and Trust Company
(Name and address of bank)
P. O. Box 1090
Wichita, Kansas

Date: October 13, 1978

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 \$ 10,360.00 for the account of Keith L. Anderson

(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 September 14, 1980 (6)
(Insert date two years from MAPC approval of plat)

1. 1,200 L.F. of 6' high rough cedar fence - \$5,575.00
2. 3,468 plants for screening - \$4,785.00
- 3.

in The Buttonwood Tree, An Addition to Wichita, Sedgwick County, Kansas 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 and Trust Company, Credit No. 577, dated October 13, 1978
(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 November 14, 1980.
(insert a date at least 60 days after the date on line 6)

Very truly yours,

The Fourth National Bank and Trust Company
(Name of bank)

By: Marilyn E. Pauly,
Asst. Vice Pres

(CORPORATE SEAL)

CERTIFICATE

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

I, KEITH L ANDERSON, owner of
(give name of proposed plat, if appropriate) _____

THE BUTTWOOD TREE

do hereby certify that petitions for the following improvements
have been submitted to the Board of Commissioners of the City of
Wichita, Kansas:

1. ASHALTIC CONCRETE PAVING PETITION
2. SANITARY SEWER LATERAL
3. STORM WATER SEWER
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for
improvements, lots or portions thereof within _____
THE BUTTWOOD TREE Addition may be subject to special
assessments assessed thereto for the cost of constructing the
above-described improvements.

Signed this 10 day of OCTOBER, 1978.

Keith L Anderson

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

Be it remembered that on this 11th day of October,
1978, before me, a notary public in and for said County and State,
came Keith L. Anderson, 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.

Sarah Lee Olson
Notary Public

My Commission Expires: 4-5-80

April 5, 1980
SARAH LEE OLSON
NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
MY APPT. EXP. 4-5-80

October 30, 1978

Mr. Bill G. Yung
1355 N. Waco
Wichita, Kansas 67203

Re: Landscape Plan for "The Buttonwood Tree" plat at the southeast corner of Cypress and Harry Street. (S/D 77-164 & Z-2006)

Dear Mr. Yung:

This is to advise that we are in receipt of and have reviewed your proposed landscape plan for "The Buttonwood Tree" plat at the southeast corner of Cypress and Harry Streets. As you are aware, the submission and approval of a landscape plan is a condition of approval of the final plat for the property. The condition requiring the landscape plan, furthermore, specifies that the screening fence to be constructed in conjunction with the landscaping is to be completed prior to any other construction occurring on the site and the landscaping is to be installed prior to the occupancy of the buildings.

Upon completion of our review, we find your proposed landscape materials, their proposed location, and the proposed location of the required screening fence to be acceptable. We did not, however, find upon the plan an indication of the provisions to be made to supply adequate water to the plant materials to assure their survival after installation. Some means of watering should be provided, such as an underground sprinkling system or hose bibs on 200 foot centers.

Your proposed landscape plan is, therefore, approved subject to the condition of providing a watering system for the intended plant materials.

We will, by copy of this letter, advise the Superintendent of Central Inspection of the conditional approval of your plan. If you have any questions concerning this item, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:RLY:el
cc: Continued on Page Two

Page Two
Mr. Bill Yung
October 30, 1978

cc: Robert Feldner, Superintendent of Central Inspection
Keith Anderson, 1175 S. Rock Road, 67207

TO: WICHITA METROPOLITAN AREA PLANNING COMMISSION

Lawyers Title Insurance Corporation

A STOCK COMPANY
Home Office—Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE SCHEDULE A

Report Only
Platting Binder
Case No. RT-781608

1. Effective date August 17, 1978, at 7:00 A.M.

2. Policy or policies to be issued:

(a) ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70)
Proposed insured:

Amount \$ _____

N/A

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70)
Proposed insured:

Amount \$ _____

N/A

(c)
Proposed insured:

Amount \$ _____

N/A

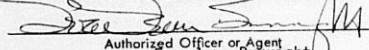
3. Title to the fee simple estate or interest in the land
described or referred to in this Commitment is at the effective date hereof vested in:

Keith L. Anderson, as to Lot 14; Keith Anderson, as to all of the below-
described lots except Lot 14

4. The land referred to in this Commitment is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 16, 17,
18, 19, 20, 21, 23, 25, 27, 28, 30, and 32, in
Hampton Acres, Sedgwick County, Kansas.

Countersigned at Wichita, Kansas
REALTY TITLE CO., INC.


Authorized Officer or Agent
Eva Jean Burright

Schedule A—Page 1—No. **BB** 225494

Form No. 91-88 (Sch. A) Litho in U.S.A.
035-1-088-0001

(over)
ORIGINAL

Lawyers Title Insurance Corporation

A Stock Company
Home Office - Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."



Lawyers Title Insurance Corporation

Robert C. Dawson

President

Attest:

Raymond

Secretary

Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office—Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

N/A

NOTE: Taxes for the year 1977 and prior years are paid. Key Numbers:
C-38963, C-38964, C-38965, C-38966, C-38969, C-38971, C-38972, C-38973,
C-38974, C-38975, C-38976, C-38979, C-38980, C-38981, C-38982, C-38984,
C-38985, C-38986, C-38987, C-38988, C-38992, C-38993, and C-38994.



RT-781608
BB 225494

Schedule B—Section 1—Page 1

Form No. 91 88 (B 1)
035 1 088 0003

ORIGINAL

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Lawyers Title Insurance Corporation
A Stock Company
Home Office - Richmond, Virginia

Ken Bergsten

Lawyers Title Insurance Corporation

A STOCK COMPANY
Home Office - Richmond, Virginia

SCHEDULE B-Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Taxes for the year 1978 and subsequent years not yet due and payable together with special assessments due and payable therewith.
3. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, violated restrictive covenants, deficiency in quantity of ground, or any matters not recorded which would be disclosed by an accurate survey and inspection of the premises.
4. Easements for public utilities over the south 8 feet and the east 5 feet of the south 196 feet of subject property as shown in the recorded plat, as to Lots 1 and 17.
5. Easements for public utilities over the north 8 feet and the east 5 feet of the north 196 feet of subject property as shown in the recorded plat, as to Lots 2 and 18.
6. Easements for public utilities over the south 8 feet, the west 5 feet of the south 196 feet, and the east 5 feet of the south 196 feet of subject property as shown in the recorded plat, as to Lots 3, 5, 7, 13, 19, 21, 23, 25 and 27.
7. Easements for public utilities over the north 8 feet, the east 5 feet of the north 196 feet, and the west 5 feet of the north 196 feet of subject property as shown in the recorded plat, as to Lots 4, 8, 14, 20, 28 and 30.
8. Easements for public utilities over the north 8 feet and the west 5 feet of the north 196 feet of subject property as shown in the recorded plat, as to Lots 16 and 32.

RT-781608
BB 225494

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

AMERICAN LAND
TITLE ASSOCIATION
STANDARD FORM
COMMITMENT



Lawyers Title
Insurance Corporation
A Stock Company
Home Office
Richmond, Virginia

September 14, 1978

Van Doren-Hazard-Stallings
260 North Rock Road
Wichita, Kansas 67208

Re: S/D 77-164 - Final plat of The Buttonwood Tree

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on September 14, 1978, the above captioned plat was considered. The action of the Planning Commission was to approve the plat as recommended by the Subdivision Committee subject to the conditions stated in our letter of September 8, 1978, with an additional condition being that the applicant shall guarantee the construction of the screening fence by cash, letter of credit or bond.

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 Department.
- 10-12-78 2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 10-6-78 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 platlor.
- 10-6-78 4. Certification that all taxes due and payable for 1977 and prior years have been paid.

You should also be advised regarding the screening fence that the City Engineer has agreed to the fence being located on the utility easement subject to the following conditions being agreed to by the applicant:

- A. The fence will be a non-structural type construction, but will be the required solid or semi-solid type screening fence.

Van Doren-Hazard-Stallings
Page 2 9-14-78

- B. The fence shall be constructed after the utilities have been placed in the easement.
- C. Any removal, replacement or reconstruction of any portion of the fence which is necessitated by maintenance or service connection to the utilities shall be at the applicant's expense.

If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bh

cc: Keith Anderson, 1175 S. Rock Road, 67207
Dean Sellers, Assistant City Engineer

September 8, 1978

Van Doren-Hazard-Stallings
260 North Rock Rd.
Wichita, Kansas 67208

Re: S/D 77-164 - Final plat of The Buttonwood Tree

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 7, 1978, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. The revised building setbacks as proposed by the applicant shall be indicated on the final plat.
- B. Any abandonment or relocation of existing utilities necessitated by this plat, shall be at the sole expense of the developer.
- C. *Cash or letter of credit guarantee from fence*
The applicant shall construct and maintain a 6-foot wooden fence at the south property line and the east property line which abuts the Fusco property and shall plant and maintain a 10-foot landscaping buffer at the east property line between Osie and Harry. A plan for this screening shall be submitted to the Planning Department for review and approval. A guarantee for this screening in the form of cash, letter of credit, or bond shall be submitted to the Planning Department prior to scheduling this plat before the City Commission. The guarantee shall state that the fence will be required at the time of issuance of building permits and that the landscape planting season after the first building units are occupied.
- D. The easement indicated on the plat running from Osie to Cypress shall be relabeled as a "drainage" easement.
- E. Prior to the Planning Commission meeting of September 14, 1978, the applicant shall contact the Department of Public Works and the Planning Department relative to location of the required fence along the south and east lines of the plat.

see letter of 9-14-78

*Letter credit
for 10,300.00
received
DOES NOT STATE
THIS*

10-25-78

Van Doren-Hazrd-Stallings
Page 2
September 8, 1978

- 12-21-78 / F. "Access control except for one opening" adjacent to Harry Street and "complete access control" adjacent to Osie shall be labeled on the plat and indicated in the plattor's text.
- 12-21-78 / G. The applicant shall guarantee the extension of sanitary sewer to serve subject property. *petition to Eng. 10-11*
- 12-21-78 / H. The applicant shall join in a water service petition which shall include all of Hampton Acres Addition to assure that water service will be available to the adjoining property owners. *petition accepted by B.C.C. 10-12-78*
- 12-21-78 / I. The applicant shall guarantee the paving of Osie adjacent to subject property. *petition to Eng. 10-11*
- 12-21-78 / J. The applicant shall guarantee the construction of the underground storm sewer required for the drainage of this property. *petition to Eng. 10-11*
- 12-21-78 / 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, September 14, 1978. If you should have any questions concerning this matter, please call.

Sincerely yours,

Curtis L. Newby
Junior Planner

CLN:bh
Enclosure

cc: Keith Anderson, 1175 S. Rock Road, 67207
Dean Sellers, Assistant City Engineer

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE September 5, 1978

TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Chief Engineer-Water Engineering
SUBJECT The Buttonwood Tree Addition

The plattors of the Buttonwood Tree Addition have submitted a valid petition for a water benefit district to serve this plat. Therefore, our requirements for water service to this area have been fulfilled. The petition and resolution will be placed on the City Commission Agenda for approval at your discretion.

Bill H. Otten SA

Bill H. Otten, Chief Engineer
Water Engineering

BHO:sd

FINAL PLAT

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 77-164 Name The Buttonwood Tree
 Date Application Rec'd 12-15-77 Preliminary Approval 12-29-77
 Scheduled S/D Meeting 9-7-78

DESCRIPTION

General Location Southeast corner of Harry and Cypress

Owner Keith Anderson
 Surveyor/Engineer Van Doren-Hazard-Stallings
 Address 260 N. Rock Road, 67208 Phone 686-7303

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>12.17 ac.</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u> 1 </u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u> 1 </u> | TOTAL <u> </u> ft. |
| 3. Minimum Lot Frontage <u> 490 </u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u> 12.17 </u> ft. | streets? <u> </u> yes <u> </u> x no |
| 5. Existing Zoning <u> "AA" </u> | |
| 6. Proposed Zoning <u> "R-6" </u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>Wichita</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 building setbacks from the east and south property lines as indicated on the final plat are less than the setbacks indicated on the preliminary plat. The applicant shall be prepared to comment on this matter at the Subdivision Committee meeting.
- B. The applicant shall construct and maintain a 6-foot wooden fence at the south property line and the east property line which abuts the Fusco property and shall plant and maintain a 10-foot landscaping buffer at the east property line between Osie and Harry. A plan for this screening shall be submitted to the Planning Department for review and approval. A guarantee for this screening in the form of cash, letter of credit, or bond shall be submitted to the Planning Department prior to scheduling this plat before the City Commission. The guarantee shall state that the fence will be installed prior to any construction on the site and the plants will be installed prior to the occupancy of any of the buildings. A covenant shall also be submitted which provides for the continued maintenance of the fence and plant materials as long as apartments are on subject property and are bounded by single-family homes.
- C. "Access control except for one opening" adjacent to Harry Street and "complete access control" adjacent to Osie shall be labeled on the plat and indicated in the plat's text.
- D. The applicant shall guarantee the extension of sanitary sewer to serve subject property.
- E. The applicant shall join in a water service petition which shall include all of Hampton Acres Addition to assure that water service will be available to the adjoining property owners.
- F. The applicant shall guarantee the paving of Osie adjacent to subject property.

T9-303

(Over)

- G. The applicant shall guarantee the construction of the underground storm sewer required for the drainage of this property.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

August 31, 1978

TO WHOM IT MAY CONCERN:

This is to advise you that the final plat of "The Buttonwood Tree" has been submitted to the Planning Department and will be considered by the Subdivision Committee of the Planning Commission meeting to be held on September 7, 1978, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. The meeting begins at 1:00 p.m., and this plat will be item number 8 on the agenda. Also be advised that this letter is being sent to those who attended the preliminary plat hearing.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:bh

cc: Walter Peare, 9220 E. Osie, Wichita, Kansas 67207
Joseph Fusco, 9325 E. Osie, Wichita, Kansas 67207
Norman Biggs, 9200 E. Funston, Wichita, Kansas 67207
Ray Pierce, 9220 E. Funston, Wichita, Kansas 67207

August 2, 1978

Mr. Bill G. Yung
1355 N. Waco
Wichita, Kansas 67203

Re: Landscape Plan on "The Buttonwood
Tree", southeast corner of Harry
and Cypress. (S/D 77-164)

Dear Mr. Yung:

We have reviewed the landscape plan which has been submitted in conjunction with the landscaping required as a condition of the above referenced plat. On the basis of our review, we find that the types, numbers, and suggested locations of the landscape materials proposed on the plan are acceptable.

On January 12, 1978, the Subdivision Committee of the Metropolitan Area Planning Commission approved the preliminary plat of "The Buttonwood Tree" subject to several conditions. One such condition was the provision of building setbacks of 25 feet from Harry and Cypress, 30 feet and 200 feet from the east property line, and 100 feet from the south property line. In reviewing the proposed landscape plan, we noted that the building setback lines are not depicted and that some of the proposed carports would infringe into the required 30 foot building setback area. A revised landscape plan should depict both the setback areas, and the location of structures should not be within the building setbacks. In addition, the legend needs to be amended to reflect the pattern denoting location of the proposed fencing. Would you please make these changes to the plan and submit 15 copies to our office for final review and approval along with the final plat.

Sincerely,

Mike Meek
Senior Planner

MM:el

January 13, 1978

Mr. Bill G. Yung
1355 North Waco
Wichita, Kansas 67203

Re: S/D 77-164 Preliminary Plat of The Buttonwood Tree

Dear Mr. Yung:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 12, 1978, 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. Approval of the plat is subject to the approval of the associated zone case 2-2006, "AA" to "R-6".
- B. "Access control except for one opening" adjacent to Harry Street, shall be indicated on the final plat as shown on the revised preliminary plat.
- C. "Complete access control" adjacent to Osie Street, shall be indicated on the final plat as shown on the revised preliminary plat.
- D. Building setbacks of 25 feet from Harry and Cypress, 80 feet and 200 feet from the east property lines, and 100 feet from the south property line, as shown on the revised preliminary plat, shall be shown on the final plat.
- E. The applicant shall guarantee the extension of sanitary sewer to serve subject property.
- F. The applicant shall join in a water service petition which shall include all of the Hampton Acres Addition to assure that water service will be available to the adjoining property owners.

Mr. Bill G. Yung
January 13, 1978
Page Two

- G. The applicant shall guarantee the paving of Cypress and the cul-de-sac on Osie.
- H. The applicant shall contact KG&E regarding costs for re-locating some existing utility lines. A letter from KG&E stating that satisfactory arrangements have been made shall be submitted to the Planning Department.
- I. The 20-foot utility easement shown on portions of the east and south sides of the plat shall be extended so that there is a 20-foot easement adjacent to all east and south property lines.
- J. The applicant shall construct and maintain a 6-foot wooden fence at the south property line and the east property line which abuts the Fusco property and shall plant and maintain a 10-foot landscaping buffer at the east property line between Osie and Harry.
- K. The applicant shall contact Dean Sellers, Assistant City Engineer, regarding the location and size of storm sewer easements across this property and guarantees for construction of underground storm sewers.
- L. 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.
- M. Requirements of a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Regarding item "J" above, some type of guarantee will be required before the plat can be recorded. We will suggest at the final plat hearing that a landscape and fencing plan be submitted for review and approval and that a cash deposit or letter of credit be submitted assuring the installation of these buffers. Perhaps a covenant should also be filed which would assure the continued maintenance of the fence and landscaping as long as apartments are on subject property and are bounded by single family homes.

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

Mr. Bill G. Yung
January 13, 1978
Page Three

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

Sincerely

Louise Olivarez
Junior Planner

LO:et

cc:

Keith Anderson, 1175 S. Rock Road, Wichita, Kansas 67207
Dean Sellers, Assistant City Engineer

SCCD-CONS-5 (Rev 11/77)
RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

DATE: 12-29-77

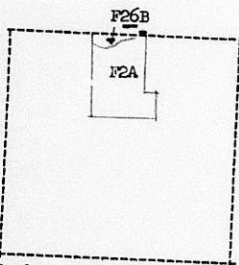
PROPERTY NAME: The Buttonwood Tree

LOCATION: Generally located at the southeast corner of Harry and Cypress

MAILED TO: Bill C. Yung
Design Consultant
13th & Waco
1355 N. Waco
Wichita, Ks. 67203

PREPARED BY: Larry L. Henry
District Conservationist
USDA-Soil Conservation Service
4100 Maple, Wichita, Kansas
942-3422 67209

REQUESTED BY: Wichita-Sedgwick County
Metropolitan Area Planning
Commission



Scale: 4" equals 1 mile

Situation and/or Problems:

The area has no problems at this time. But this area is subject to severe wind erosion if not covered at all times. This area has very tight soils and special development precautions need to be taken.

Symbols

Soil

SOILS LEGEND

Brief Description

F2A

Tabler silty clay
loam Class IIe-1

Deep, level and nearly level, moderately well drained soils on uplands and terraces. These soils have slow runoff and high available water capacity. Permeability is very slow.

F26B

Irwin silty clay
loam 1 to 3% slopes
Class IIIe-1

Deep, gently sloping, moderately well and well drained soils on uplands and terraces. These soils have medium runoff and high available water capacity. Permeability is very slow and moderate.



SOIL INTERPRETATIONS

<u>Symbol</u>	<u>Soil</u>			
F2A	Tabler silty clay loam	1) Dwellings with Basements	Severe	Shrink-Swell Low Strength
		2) Local Roads & Streets	Severe	Shrink-Swell Low Strength
		3) Topsoil	Fair	Thin Layer
F26B	Irvin silty clay loam 1 to 3% slopes	1) Dwellings with Basements	Severe	Shrink-Swell Low Strength
		2) Local Roads & Streets	Severe	Shrink-Swell Low Strength
		3) Topsoil	Fair	Thin Layer

RECOMMENDATIONS:

1. Disturb only the area needed for construction.
2. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.
3. Temporarily stabilize each segment of graded or otherwise disturbed land, including the sediment-control devices not otherwise stabilized, by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.
4. Loose-pile material that is excavated for building construction purposes. Keep it loose-piled until it is used for foundation backfill or until the lot is ready for final grading and permanent vegetation.
5. Stabilize each lot within 60 days after work starts on home or other building construction.
6. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
7. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316-942-8422.
8. Remove all debris such as tree stumps, scrap lumber, mortar or concrete, and rocks. Do not bury them; wood will eventually rot and cause settling; rocks mortar and concrete can cause real difficulties in lawn maintenance and later construction.

If you have any questions or if we can be of additional assistance, don't hesitate to call on us.

January 3, 1978

Bill G. Yung
1355 North Waco
Wichita, Kansas 67203

Re: S/D 77-164 Preliminary Plat of The Buttonwood Tree

Dear Mr. Yung:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on December 29, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be deferred until the requested zone change has been considered by the Planning Commission. Request for zone change will be considered by the Metropolitan Area Planning Commission on January 5, 1978. If the zone change is recommended for approval, this preliminary plat can be re-scheduled for the Subdivision Committee meeting of January 12, 1978.

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

Sincerely,

Louise Olivarez
Junior Planner

LO:et
cc:

Keith Anderson, 1175 S. Rock Road, Wichita, Kansas 67207

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 77-164 Name The Buttonwood Tree
Date Application Rec'd. 12/15/77 Preliminary Approval _____
Scheduled S/D Meeting 12/29/77

DESCRIPTION

General Location Southeast corner of Harry and Cypress

Owner Keith Anderson
Surveyor/Engineer Bill G. Yung *Van Doren - Hazard - Stallins*
Address 1355 N. Waco 260 N. Rock Road Phone 264-0676

1. Gross Acreage of Plat 12.17 ac. 7. Lineal Feet of New Streets: *686-7303*
2. Number of Lots: a. _____ R/W _____ ft.
Residential 1 b. _____ R/W _____ ft.
Commercial _____ c. _____ R/W _____ ft.
Industrial _____ d. _____ R/W _____ ft.
Other _____ e. _____ R/W _____ ft.
Total Number of Lots 1 TOTAL _____ ft.
3. Minimum Lot Frontage 490 ft. 8. Sidewalk adjacent to all
4. Minimum Lot Area 12.17 streets? yes x no
5. Existing Zoning AA
6. Proposed Zoning R-6
9. Public Water Supply yes (Yes-No), Name Wichita
10. Public Sanitary Sewers yes (Yes-No), Name Wichita
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X: Three-Mile Area _____

STAFF COMMENTS:

- A. Approval of the plat is subject to the approval of the associated zone case Z-2006, "AA" to "R-6".
- B. "Access control except for one opening" adjacent to Harry Street, shall be indicated on the plat.
- C. "Complete access control" adjacent to Osie Street, shall be indicated on the plat.
- D. The applicant shall guarantee the paving of the cul-de-sac on Osie Street.
- E. The applicant shall guarantee the extension of sanitary sewer to serve subject property.
- F. It is recommended that the applicant join in a water service petition which shall include all of the Hampton Acres Addition to assure that water service will be available to the adjoining property owners.
- G. 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.
- H. Requirements of a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

December 20, 1977

TO WHOM IT MAY CONCERN:

A preliminary plat known as "The Buttonwood Tree" has been filed with the Metropolitan Area Planning Department. This one-lot plat is a replat of Lots 1 thru 8 and 17, 19, 21, 23, 25 and 27 in Hampton Acres. The plat proposes to vacate the west half of Osie between Beech and Cypress. A turn-around will be provided at the west end of that portion of Osie which is to remain open.

This plat will be reviewed by the Subdivision Committee and Utility Advisory Committee at their next regularly scheduled meeting to be held on Thursday, December 29, 1977, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. The meeting begins at 1:00 p.m. This plat will be item 3 on the agenda.

If you have any questions about this matter, please call me at 268-4421.

Sincerely,

Louise Olivarez
Junior Planner

LO:et
cc:

- Walter Peare, 9220 E. Osie, Wichita, Kansas 67207
- Joseph Fusco, 9325 E. Osie, Wichita, Kansas 67207
- Audie N. Yancey, 9325 E. Harry, Wichita, Kansas 67207
- Levitt Development, Inc., 7930 E. Harry, Wichita, Kansas 67207
- Tidal Oil & Gas, Inc., 208 Bonnie Brae, Wichita, Kansas 67207
- James W. Schmit, 1705 S. Webb Road, Wichita, Kansas 67207
- Clayton R. Le Fors, 1659 S. Webb Road, Wichita, Kansas 67207
- Nels Magnusson, 1759 S. Webb Road, Wichita, Kansas 67207
- Harry W. McCarter, 9415 E. Harry, Wichita, Kansas 67207
- Gerhard Heersche, 3007 Aloma Street, Wichita, Kansas 67211
- Carl J. Bierbusse, 801 Marcilene, Wichita, Kansas 67218
- Carl Coover, 6027 Grace Lane, Wichita, Kansas 67208
- Norman Biggs, 9200 E. Funston, Wichita, Kansas 67207
- ~~Ray Pierce, 841 S. Clifton, Wichita, Kansas 67218~~
- ~~Conrad Mar, 9301 E. Harry, Wichita, Kansas 67207~~
- RAY PIERCE, 9220 E. FUNSTON 67207

*in attendance
at 12-29-77
meeting*

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Encl



Cornell Mar,
9301 E. Harry,
Wichita, Kansas 67207

NOT DELIVERABLE AS ADDRESSED
RETURN TO SENDER
NO FORWARDING ORDER ON FILE
SOUTHEAST

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

December 20, 1977

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Ray Pierce, 841 S. Clifton, Wichita, Kansas 67218
Cornell Mar, 9301 E. Harry, Wichita, Kansas 67207

NOTE:

SEND NOTICES TO THE FOLLOWING ADDRESSES FOR CASES (INCLUDING PLATS) FILED IN THE EAST HALF OF THIS SECTION (6045)

LEVITT DEVELOPMENT INC.
7930 E. HARRY 67207

TIDAL OIL AND GAS INC.
208 BONNIE BRAE 67207

JAMES W. SCHMIT
1705 S. WEBB ROAD 67207

CLAYTON R. LEFORS
1659 S. WEBB ROAD 67207

NELS MAGNUSSON
1759 S. WEBB ROAD 67207

HARRY W. McCARTER
9415 E. HARRY 67207

KEITH L. ANDERSON
6002 GRACE LANE 67208

GERHARD HEERSCHKE ^{lot 9}
3007 ALOMA STREET 67211

CARL J. BIERBUSSE ^{lot 11}
801 MARCILENE 67218

WALTER PEARE ^{lot 10}
9220 E. OSIE 67207

AUDIE N. YANCEY ^{lot 15}
9325 E. HARRY 67207

JOSEPH FUSCO ^{lot 21+22}
9325 E. OSIE 67207

~~RAY PIERCE lot 26~~
~~84 S. CHIFTON 67218~~
~~CORNELL MAR~~
~~9301 E. HARRY 67207~~

CARL COOVER ^{lot 22}
6027 GRACE LANE 67208
NORMAN BIGGS
9200 E. FUNSTON 67207

RAY PIERCE
9220 E. FUNSTON 67207

applicant

- 1.
- 2.

Map No.: 6045
Section No.: 32
Twp. No.: 27
Range: 2E

S/D No. 77-164
avoc. 2-2006

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: The Buttonwood Tree
General Location: South of Harry & West of Webb Rd. S.E. corner of Harry and Agness
Name of Property Owner: Keith Anderson
Address: 1175 S. Rock Road Wichita, KS 07 Phone: 685-6261
Name of Subdivider: Keith Anderson
Address: 1175 S. Rock Road Wichita, KS 07 Phone: _____
Name of Agent/Surveyor: Bill G. Yung Design
Address: 1355 N. Waco Wichita, KS 67203 03 Phone: 264-0676
Date of Application: December 15, 1977

SUBDIVISION INFORMATION:

- 1. Gross Acreage of Plat 12.17 ac.
- 2. Number of Lots:
 - Residential 1
 - Commercial _____
 - Industrial _____
 - Other _____Total Number of Lots 1
- 3. Minimum Lot Frontage _____ ft.
- 4. Minimum Lot Area _____ ft.
- 5. Existing Zoning A-A
- 6. Proposed Zoning R-6 (2-2006)
- 7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL _____ ft.
- 8. Sidewalk adjacent to all streets? yes no
- 9. Public Water Supply (Yes/No), Name Wichita
- 10. Public Sanitary Sewers (Yes/No), Name Wichita
- 11. Health Department Approval (where applicable) _____ (Yes-No)
- 12. City of Wichita 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: Keith Anderson

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

Received by LO
Date 12-16-77
Fee Submitted 50.00

T9-301B
(2-71)

See notification list in grey atlas 6045 (attached)

59139 (Published in the Daily Record Feb. 9, 1979)11

RESOLUTION

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF STORM WATER SEWER NO. 151 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING STORM WATER SEWER NO. 151 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE, TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Storm Water Sewer No. 151 in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvement provided for in Section 1 hereof is estimated to be One Hundred Sixteen Thousand Dollars, \$116,000.00 payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1% per month from and after the date of approval of this resolution.

SECTION 3. That the cost of said improvement, when ascertained, shall be assessed against the land lying within a benefit district described as follows:

Lot 1, The Buttonwood Tract, Lots 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 29, 30, 31, 32, and that part of Lot 15 described as beginning at the Northeast Corner thereof; thence south along the east line of said Lot 15 to the south line of said Lot 15; thence west along the south line of said Lot 15 to the west line of said Lot 15; thence northeasterly to the point of beginning, all in Hampton Addition to Cherry Creek Hills. Also an unplatted tract of land in the Northeast Quarter of Section 32, Township 27 South, Range 2 East of the 5th P.M., more fully described as the west ten (10) acres of the east twenty (20) acres of the North Half of the Northeast Quarter of Section 32, Township 27 South, Range 2 East, except street right of way.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on the value of the land without regard to improvement. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessment may indefinitely be deferred as against those property owners eligible for such deferral as defined in City of Wichita Ordinance no. 35-570 under the criteria established for "hardship deferral".

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. The advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1974 Supp. 12-5401 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body, as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, on this 6th day of February, 1979.
CONNIE A. PETERS, MAYOR
ATTEST: (SEAL) DONALD C. GISICK, CITY CLERK
(74)

Need to read the minutes of the
Sub Committee Jan 12, 1978
Prelim of Buttonwood Tree

Also Final Pilot minutes of 9-7-78.

Covenant provides for fencing
+ landscaping. No time is set
when such has to be complied with

Why were setbacks substantially reduced
from those shown on prelim and those
in Final

Justification for substantially reducing
numbers of plant materials

	Approved	Revised
Honeylocust	15	14
Arbutus	3	3
Satch Pine	8	11
China Berry	10	6
Ficus	170	94
Sumac	32	53
Honeylocust	3,230	181

238

Vacate setbacks - not BZA Varian

3230
238
3468
181
3287

less plant materials than on the
other plan - 57 lbs

~~Handwritten scribble~~

Vacation application

Filing fee

Abstract ownership list

Owners of Hampton Ave 2nd
Hampton Ave 3rd
lots 9, 10 Hampton Ave
31

New Guarantee

New Covenant

Request for consideration of reduction
of mortgage requirement -

Form 221

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	Plap.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Application

Name

R. L. Investments

Address

1175 S. Rock Road 1747

Type

14 4 71 3

Due Date

12-16-77

Comments:

Date

12-16-77

By

L. L.