

PLAT NO. S/D 78-131 MAP NO. 6044

NAME OAK KNOLL ADDITION

LOCATION: 1/4 mile east of Rock Road on the south
side of Pawnee

ENGINEER P.E.C., P.A. (Gary Wiley)

OWNER American Land Development Co., Inc., et al

APPLICATION FILED 11-29-78

SKETCH PLAT FILED 11-29-78 *Amended sketch 2-6-79*

PRELIMINARY FILED 2-27-79

S/D ACTION 3-8-79 *approve*

FINAL FILED 4-20-79

S/D ACTION 5-3-79 *approve*

MAPC ACTION 5-10-79 *Approval*

MAPC ACTION 9-13-79 *approve, revised final*

BCC ACTION 10-9-79 *Approved as amended*

RECORDED 10 | 31 | 79

REMARKS Z 2161

S/D 78-131 - OAK KNOLL ADDITION -
1/4 mile east of Rock Road, on the
south side of Pawnee. P.E.C. (Wiley)

MAPS
B.C.C./B.C.C. *Approved by*
Recommended
10-9-79

Map No. 6044
Sec. 5
Twp. 28S
Range 2E

Subdivision Report and Progress
S/D No.: 78-131

Name: OAK KNOLL ADDITION

General Location: 1/4 mile east of Rock Road, on the south side of Pawnee.

Owner: American Land Development Co., Inc.

Address: 3202 W. 13th, Suite 1, Wichita
Zip Code: 67203 Phone: 943-2308

Subdivider: Randy Voth (Vice President)

Address: same
Zip Code: _____ Phone: _____

Engineer/Surveyor: Professional Engineering Consultants, P.A. (Cary Wiley)

Address: 1440 East English
Wichita Zip Code: 67211 Phone: 262-2691

Present Zoning: "R-1"
Proposed Zoning: "AA"
Assoc. Zone Case: _____

M.A.P.C. ACTION: 5-7-79 Approved
9-13-79 approve revised sketch
Advisory Letter: 5-10-79 9-14-79

APPLICATION RECEIVED: 11-29-78

Closure Data Submitted: _____

SKETCH PLAT RECEIVED: 11-29-78

Title/Taxes Rec'd. and

Letter of Intent: 12-15-78 from Lakin

Reviewed: 9-27-79

PREL. PLAT RECEIVED: 2-27-79

Final Review: 10-1-79

S/D Comm. Action: 3-8-79 approve

Referral to B.C.C.: 10-1-79

Advisory Letter: 3-9-79

B.C.C. ACTION: 10-9-79 Approved as
recommended

FINAL PLAT RECEIVED: 4-20-79

Tracing Received: 9-28-79

S/D Comm. Action: 5-3-79 approve

Released for Recording: 10/25/79

Advisory Letter: 5-4-79

Plat Recorded: 10/21/79

Comments: Note: point out access problem on Pawnee on the
B.C.C. referral sheet.
2-7-79 McKelby reviewed revised sketch. Same comment as on original.
2-7-79 Revised sketch to Lindeback & Greene

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

S/D 78-131
map 6044
case Z-2161A

OAK KNOLL ADDITION was
filed for record on October 31, 1979

T9-302 (2)

Robert M. Bell
Register of Deeds

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

November 30, 1982

Charles L. Weatherall
P. O. Box 8547
Wichita, Kansas 67208

Subject: Oak Knoll Additions

Dear Mr. Weatherall:

You have asked for comments and factual information concerning the platting and zoning of Oak Knoll Addition. Our files show one zoning case, Z-2161, in which there was an application for "R-6" General Residence District, and for "A" Two-Family Dwelling District. The balance of the land not zoned "A" and "R-6" is zoned for "AA" One-Family Dwelling District. These were approved by the Planning Commission on July 17, 1979, subject to platting, and was subsequently approved by the City Commission on August 14, 1979, subject to platting. The platting was completed, and subsequently the zoning was officially established by Ordinance 36-330 on November 15, 1979. A copy of the referral sheet furnished the City Commission containing the Planning Commission minutes is attached for your information. Please note the extensive discussion in the minutes concerning noise.

Oak Knoll Addition was platted and recorded as of October 31, 1979. Approval by the Planning Commission on May 10, 1979, and a subsequent approval of a revised final plat on September 13, 1979, required acknowledgment of the noise problem by requiring the recording of two instruments. One is the granting of an avigational easement which gives right of overflight, thus the right to create noise on the land, and secondly, a restrictive covenant, requiring the developer to take such steps in the construction of the properties to "minimize noise pollution in any such structure". The City Commission approval was conditioned on these events, and was granted on October 9, 1979, as recommended by the Planning Commission. Copies of the avigational easement and of the restrictive covenant are attached for your information. Also attached is the referral sheet submitted to the City Commission for their consideration and approval.

Charles L. Weatherall
November 30, 1982
Page 2

Oak Knoll Second Addition was similarly approved by the Planning Commission and City Commission in 1980. The specific dates are: Planning Commission approval of May 22, 1980, and City Commission approval of August 12, 1980. The same conditions of approval were required relative to noise and overflight. Therefore an avigational easement and restrictive covenant were both required as a condition of plat approval and subsequently recorded with the Register of Deeds. Copies of those instruments are available if you wish them. They are the same document used for the First Addition.

If there is any additional information that we can provide relative to the approval process and the noise issue, please advise.

Sincerely,

Robert A. Lakin
Director of Planning

LAL:rme
Attachments - Referral Sheet
Avigational Easement
Restrictive Covenant
PC Minutes, 7-19-79

October 24, 1980

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

Release of letters of credit associated with Oak Knoll Addition, located 1/4 mile east of Rock Road on the south side of Pawnee (Credit Numbers 676 and 674)

We have been advised by City Engineering that the letters of credit required as a condition of platting for the above-referenced addition may be released. Letter of credit number 676 is in the amount of \$13,000.00 and was submitted as guarantee for drainage improvements. Letter of credit number 674 is in the amount of \$3,855.00 and was submitted as guarantee for several temporary cul-de-sacs. The letters of credit may now be released at the request of either an authorized agent of American Land Development Company, Inc., or 4th National Bank.

Forrest L. Nagley
Junior Planner

FLN:sh

cc: American Land Dev. Co., Inc., 3202 W. 13th, Suite 1, 67203
Fourth National Bank and Trust Co., Attention: R.M. Briley,
Vice-President, 100 N. Broadway, 67202
Mike Lindebak, City Engineering

Janice

THE CITY OF WICHITA

OFFICE OF Industrial Development

DATE December 14, 1979

City of Wichita
117
20
SH
DEC 17 1979

TO E. H. Denton, City Manager

FROM Karl J. Kennedy, Industrial Analyst

SUBJECT Request for Initiation of Public Improvements - Oak Knoll Addition

Mr. B. G. Stout, President of American Land Development, Inc. and Mr. Randall J. Voth of Voth Builders have been working with various City of Wichita departments relative to the Development Policy for Public Improvements. As of December 14, 1979 all requirements have been satisfied under AR31 Revised to initiate public improvements in the development project entitled OAK KNOLL Addition.

Mr. Stout and Mr. Voth have provided this office with the following documents:

1. An "Assignment of Sales Agreements" assigning one certain sales agreement to the City of Wichita and listing the public improvements petitioned.
2. A "Listing of Sales Agreements" listing 47 building lots to be pledged to the City.
3. A "Real Estate Purchase Contract" for 47 building lots which represents an average of 40 percent of the addition benefitting from the petitioned public improvements.
4. A check payable to the City of Wichita in the amount of \$16,450.00 which represents 10 percent of the purchase price of the 47 lots pledged as security for the petitioned public improvements.

The Department of Housing and Economic Development staff has reviewed the above listed documents and has verified the percentages as accurate calculations.

These submissions provide "reasonable assurances" that City's credit will not be adversely affected by the installation and financing of public improvements for this project as set out in AR31 Revised.

With a copy of this memorandum, the original of these documents is being forwarded to the City Clerk and the check is being forwarded to the City Treasurer for deposit in a trust account.

RECEIVED

DEC 20 1979

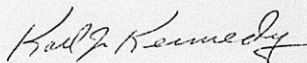
METROPOLITAN PLANNING

ROUTE *[Signature]*
 [Signature]

E. H. Denton, City Manager
Page 2

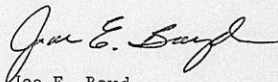
December 14, 1979

It is requested that the petitioned public improvements be implemented.



Karl J. Kennedy
Industrial Analyst

APPROVED:



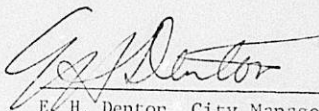
Joe E. Boyd
Economic/Industrial Development
Officer

KJK:mw

Attachments

cc: Russell Brenner, Director of Administration
Ray Bruggeman, Director of Public Works
Robert Lakin, Director of Planning
John Wynkoop, Director of Water & Water Pollution Control
Don Gisick, City Clerk
Ralph Klose, City Treasurer
Dean Sellers, Acting City Engineer

The Director of Public Works and the Director of Water and Water Pollution Control are hereby directed to install the public improvements itemized for this project.



E. H. Denton, City Manager

ASSIGNMENT OF SALES AGREEMENTS

KNOW ALL MEN BY THESE PRESENTS, that AMERICAN LAND DEVELOPMENT, INC. the undersigned, for value received, do hereby GRANT, ASSIGN, TRANSFER AND CONVEY unto the City of Wichita, Sedgwick County, Kansas, (a municipal corporation) one certain sales agreements attached hereto for the property listed and described in Attachment I to this assignment and which is hereby incorporated into this assignment as if fully set out herein, together with the sum of Sixteen thousand four hundred fifty dollars ----- dollars (\$16,450-), said sum being equal to ten (10) percent of the purchase price of the aforementioned sales agreement(s), all of which is given to secure the cost of installing certain petitioned public improvements.

The properties so assigned constitute thirty-six percent (36 %) of the properties to be benefitted by the following public improvements:

Street Paving	472-76-245-80899-000-000-001
Lat 9, Main 21, War Industries Sewer	468-76-245-80857-000-000-001
Water Main	587-80-925-80667-000-000-001

(list description of street, drainage, sewer and/or water improvements to be installed.)

It is requested that installation of said improvements be initiated in accordance with the City of Wichita Development Policy for Public Improvements.

AMERICAN LAND DEVELOPMENT, INC.

[Signature]
W. G. STOUT
President

STATE OF KANSAS)SS
SEDGWICK COUNTY)

Sworn to and subscribed before me this 3rd day of December, 1979.

SCHANK
NOTARY
PUBLIC

[Signature]
Janet M. Schank
Notary Public

My Commission Expires January 12, 1980

(One copy to be sent to the Director of Economic Development of the City of Wichita)

LISTING OF SALES AGREEMENTS
in OAK KNOLL ADDITION Subdivision

- Block 2, Lots 10-18; Block 3, Lots 1-17; Block 4, Lots 1-10;
a. Lot Block 5, Lots 1-10; and Block 6, lot 1, in Oak Knoll Addition, Wichita, KS.
b. Purchaser VOTH BUILDERS
Address R. R. #1, Goddard, KS 67052
Telephone 794-8559
c. Contract Sales Price 164,500.00
d. Down Payment Assigned 16,450.00

- a. Lot _____
b. Purchaser _____
Address _____
Telephone _____
c. Contract Sales Price _____
d. Down Payment Assigned _____

- a. Lot _____
b. Purchaser _____
Address _____
Telephone _____
c. Contract Sales Price _____
d. Down Payment Assigned _____

- a. Lot _____
b. Purchaser _____
Address _____
Telephone _____
c. Contract Sales Price _____
d. Down Payment Assigned _____

- a. Lot _____
b. Purchaser _____
Address _____
Telephone _____
c. Contract Sales Price _____
d. Down Payment Assigned _____

- a. Lot _____
b. Purchaser _____
Address _____
Telephone _____
c. Contract Sales Price _____
d. Down Payment Assigned _____

REAL ESTATE PURCHASE CONTRACT

This Agreement, Made and entered into this 3rd day of December, 1979 by and between American Land Development, Inc. party of the First Part, hereinafter referred to as "Seller," whether one or more, and Voth Builders party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed the following described real property, situated in Sedgwick County, Kansas, to-wit: Block 2, Lots 10-18; Block 3, Lots 1-17, Block 4, Lots 1-10; Block 5, Lots 1-10, and Block 6, Lot 1 in Oak Knoll Addition to Wichita, Sedgwick County, Kansas.

2. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above described real property, the sum of (\$164,500.00) One hundred sixty-four thousand five hundred & no/100 Dollars in manner following, to-wit: Earnest Money: \$16,450.00, receipt of which is herein acknowledged. Balance in cash upon closing. It is understood between Buyer and Seller that sewer and water will be installed and streets under construction prior to closing. Seller to pay 1979 taxes.

3. The Seller, at his option, agrees to furnish to the Buyer, either a complete abstract of title certified to date, or a title insurance company's commitment to insure, to the above described real property, showing a merchantable title vested in the seller, subject to: easements and restrictions of record and standard restrictive covenants. The Title Evidence shall be sent to Buyers attorney for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. The Buyer agrees to and does hereby deposit with American Land Development, Inc. the sum of (\$16,450.00) Sixteen thousand four hundred fifty & no/100 dollars, earnest money, as a guarantee that the terms and conditions of this contract shall be fulfilled by him, said deposit to be applied on the purchase price upon acceptance of title by the Buyer and delivery of deed by the Seller. In the event the Buyer shall fail to fulfill his obligation hereunder, the Seller may, at his option, cancel this agreement, and thereupon the aforementioned deposit shall become the property of the Seller and his Agent, not as a penalty but as liquidated damages. Provided, however, that in the event the Seller is unable to furnish merchantable title, the earnest money deposited shall be returned to the Buyer, and this Agreement shall be null and void and of no further force and effect.

6. [Redacted text]

7. The Seller further agrees to convey the above described premises with all the improvements located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

8. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before July 15, 1980

9. Possession to be given to Buyer on or before closing

10. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 100% by seller and 0% by buyer.

11. Seller has the right to approve all plans of homes to be built in Oak Knoll Addition to Wichita, Sedgwick County, Kansas.

WITNESS OUR HANDS AND SEALS the day and year first above written.

VOTH BUILDERS

[Signature of Buyer]

AMERICAN LAND DEVELOPMENT, INC.

[Signature of Seller]

November 8, 1979

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Z-2161 - Zone Change "AA" to "A" & "R-6"; and
S/D 78-131 - Oak Knoll Addition

At the regular meeting of the Board of City Commissioners on August 14, 1979, the above captioned request for zone change was considered and approved, subject to platting, and the City Clerk was instructed to withhold publication of the ordinance establishing the zone change until such time as the plat had been recorded. The associated plat was approved by the Board of City Commissioners on October 9, 1979.

This is to advise you that the final plat of Oak Knoll Addition was recorded with the Register of Deeds on October 31, 1979 and, therefore, the ordinance establishing the zone change may now be published.

Jack H. Galbraith
Chief Planner

JHG:el

October 12, 1979

Mr. Randall Voth, Vice President
American Land Development Co., Inc.
3202 W. 13th Street, Suite 1
Wichita, Kansas 67203

Re: Sidewalk guarantee for Oak Knoll Addition

Dear Mr. Voth:

The Wichita City Commission, in approving the plat of Oak Knoll Addition on October 9, 1979, required that sidewalk guarantees be submitted in accordance with the newly adopted sidewalk ordinance. These guarantees are to be submitted prior to release of the plat tracing for recording. Based on the new ~~ordinance~~ ordinance, a sidewalk is required on the west side of Capri adjacent to Lot 1, Block 1 and on one side of Dalton. We recommend the east side of Dalton adjacent to Block 3.

It is our understanding that Gary Wiley has already contacted Mike Lindebak in the City Engineer's Office about making up petitions for these sidewalks. Construction of these sidewalks will occur simultaneously with the paving of the streets. Once these sidewalk petitions have been signed and returned to Mike Lindebak, we should be able to release your plat for recording.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

cc: Gary Wiley, Professional Engineering Consultants, P.A.
1440 E. English, 67211

*Petition returned to City Engineer 10-22-79.
In sidewalk on East side of Dalton adjacent to Blk 3
and west side of Capri adjacent to Blk 1.*

October 5, 1979

Donald C. Gisick, City Clerk

Louise Olivarez, Senior Planner

Documents associated with S/D 78-131 - Oak Knoll Addition

The plat of Oak Knoll Addition (S/D 78-131) is scheduled for the City Commission planning agenda on October 9, 1979. Part of the recommended action reads: "instruct the Planning Department to withhold release of the plat until the pipeline covenant has been submitted, and until an easement and guarantee for the storm water outfall sewers west of this plat have been submitted."

A letter of credit in the amount of \$13,000 guaranteeing the outfall sewers, and the pipeline covenant and drainage easement were submitted to our office October 4, 1979. The original documents are herewith attached. Please schedule these three documents on the Clerk's agenda for October 9, 1979, with the following recommended action:

"Receive and file the letter of credit, accept the temporary drainage easement, and instruct the City Clerk to file the easement and the restrictive covenant with the Register of Deeds, the recording costs of which shall be billed to the platator of Oak Knoll Addition."

The platator of Oak Knoll Addition is:

American Land Development Co., Inc.
3202 W. 13th Street, Suite 1
Wichita, Kansas 67203

Louise Olivarez
Senior Planner

LO:el
Attachments (3)

(These documents were acted on as part of the subdivision of the subdivision on the Planning Agenda.)

IRREVOCABLE LETTER OF CREDIT

Fourth National Bank & Trust Co., Wichita
Wichita, Kansas
(NAME OF BANK)

DATE: October 4, 1979

CITY OF WICHITA
STATE OF 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 \$ 13,000.00 for the account of American Land Development Co., Inc.

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before September 13, 1981 (6)
(INSERT DATE TWO YEARS FROM MAPC APPROVAL OF PLAT)

1. Drainage Improvements
- 2.
- 3.

in Oak Knoll a subdivision located in The City of Wichita, State of 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 Fourth National Bank & Trust Co., Wichita, Credit No. 676 dated October 4, 1979"
(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 15, 1981
(insert a date at least 60 days after the date on line 6)

Very truly yours,

Fourth National Bank & Trust Co., Wichita
Wichita, Kansas
(Name of Bank)

(CORPORATE SEAL)

BY: R. M. Briley
(Authorized signature)
R. M. Briley, Vice President

TEMPORARY DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, American Land Co., Inc.
Development

being the owner(s) of the following described real estate in Sedgwick County, Kansas, to wit:

The following description is of the centerline of a temporary 50-foot, 25 feet on each side, Storm Sewer and Drainage Easement, located in the West 1/2 of the Northwest 1/4 of Section 5, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, and is more particularly described as follows:

Commence at the Northwest corner of Lot 12, Block 1 of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, also being a point on the East Boundary Line of the West 1/2 of the Northwest 1/4 of said Section 5; thence along the East Boundary Line of the West 1/2 of the Northwest 1/4 of said Section 5, bearing S 00°03'49" W, 989.44 feet to the Point of Beginning of said centerline; thence bearing S 90°00' W a distance of 600.00 feet; thence bearing S 37°30' W a distance of 330.00 feet to the Point of Termination.

do hereby dedicate the above described real estate to the public for drainage purposes. Said temporary drainage easement shall expire at the time subject area is platted and permanent drainage easements or floodways are dedicated.

Executed this 3rd day of Oct, 1979.

R. J. Voth
Randall J. Voth, Vice President

STATE OF KANSAS)

SS

SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 3rd day of October, 1979, before me, a Notary Public in and for the said County and State, came

American Land Co., Inc. by Randall J. Voth, Vice President
Development

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Lucille M. Owen
Notary Public

My Commission expires Jan 22, 1981



RESTRICTIVE COVENANT

THIS DECLARATION, made this 3rd day of October, 1979, by American Land Co., Inc., hereinafter called DECLARANT,

WITNESS

Whereas, DECLARANT is owner of:

Oak Knoll Addition to Wichita, Sedgwick County, Kansas,

and

Whereas, the undersigned wishes to plat said property as Oak Knoll Addition to Wichita, Sedgwick County, Kansas, and whereas it is required in connection therewith that restrictions involving development of certain lots be placed of record:

Now, Therefore, DECLARANT hereby declares and covenants that no development will occur on the following lots as platted by the plat of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, until such time that Continental Pipe Line Company restricts its easement to 44 feet in width as indicated on the plat:

The north 100 feet of Lot 1, Block 1, Lots 1 and 19, Block 2, and Lot 1, Block 3.

This covenant is binding on the owner, their heirs or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described property, until such time that Continental Pipe Line Company restricts its easement to 44 feet in width as indicated on the plat.

EXECUTED the day and year first above written.

DEVELOPMENT
AMERICAN LAND CO., INC.

Randall J. Voth
Randall J. Voth, Vice President

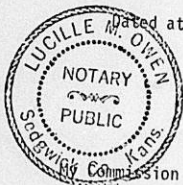
STATE OF KANSAS)

ss

SEDGWICK COUNTY)

Personally appeared before me, a Notary Public in and for the County and State aforesaid, American Land Co., Inc., by Randall J. Voth, Vice President, 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 3rd day of October, 1979.



Lucille M. Owen
Notary Public

My Commission expires:

Jan. 22, 1981

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 78-131 Name Oak Knoll Addition
Application & Sketch Filed: 11-19-78 and 2-6-79
Preliminary Plat Filed: 2-27-79 Approved by S/D: 3-8-79
Final Plat Filed: 4-20-79 Approved by S/D: 5-3-79
Approved by Metropolitan Area Planning Commission: 5-10-79 & 9-13-79

DESCRIPTION

General Location: 1/4 mile east of Rock Road on the south side of Pawnee

Surveyor or Engineer: Professional Engineering Consultants
Owner: American Land Development Co., Inc.
Address: 3202 W. 13th, Suite 1, 67203

- | | | | |
|--|-----------------------|-------------------------|--|
| 1. Gross Acreage of Plat <u>33</u> | 6. Access Control | | |
| 2. Number of Lots | St. <u>Pawnee</u> | No. Openings <u>one</u> | |
| Residential <u>88</u> | St. _____ | No. Openings _____ | |
| Commercial _____ | St. _____ | No. Openings _____ | |
| Industrial _____ | 7. Req'd Improvements | | |
| Other _____ | St. Paving <u>Yes</u> | Water <u>Yes</u> | |
| Total Number of Lots: <u>88</u> | Sidewalk <u>No</u> | Drainage <u>Yes</u> | |
| 3. Minimum Lot Area: <u>0.19 acres</u> | Sewer <u>Yes</u> | Other <u>None</u> | |
| 4. Existing Zoning: <u>AA</u> | | | |
| 5. Special Problems Discussed: <u>Access to Pawnee from Lot 1, Block 1 and</u> | | | |
| <u>the location of this property within a noise hazard area.</u> | | | |

Zone case Z-2161 "AA" to "A" (Lots 1-9, Block 2) and "R-6" (Lot 1, Block 1) has been approved subject to platting. The applicant has submitted valid petitions for water, street paving, storm water sewers, and sanitary sewers. A certificate has been submitted certifying these petitions. Temporary cul-de-sacs have been granted by separate instruments and their paving has been guaranteed by a letter of credit in the amount of \$3,855.00. The usual avigational easement and restrictive noise covenant have been submitted. (The Subdivision Committee's recommendation that specific construction standards be incorporated into the noise covenant was deleted by the Planning Commission). A parking covenant has been submitted which requires four off-street parking spaces for each lot which abuts a 58-foot street. The City Traffic Engineer recommended no access to Pawnee from Lot 1, Block 1, because of the nearness to the curve in the road but one opening in the east 100 feet of this lot has been approved by the Subdivision Committee and Planning Commission. A gas pipeline crosses the north portion of this property but is in the process of being relocated. A restrictive covenant is needed which states that no buildings can be built on Lots 1 and 19, Block 2; Lot 1, Block 3; or the north 100 feet of Lot 1, Block 1 until the pipeline is relocated and the easement release has been filed by the pipeline company.

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

- A. Sidewalks shall be guaranteed in accordance with the City policy in effect when the plat is forwarded to the City Commission.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Baycuth moved, Cole seconded and it carried unanimously.
Martens and Hennessy were absent.

ACTION: Receive and file the water engineering feasibility report, adopt the resolution of finding and the resolution ordering and directing the water system improvement; approve the petitions and instruct the Director of Law to prepare the necessary resolutions; accept the temporary cul-de-sac dedications and the avigational easement; receive and file the letter of credit; instruct the City Clerk to file the certificate, dedications, avigational easement and noise covenant and the restrictive parking covenant with

the Register of Deeds, the recording costs of which shall be billed to the applicant; approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign; instruct the Planning Department to withhold release of the plat until the pipeline covenant has been submitted, and until an easement and guarantee for the storm water outfall sewers west of this plat have been submitted.



D. M. Cobb
District Manager

Continental Pipe Line Company
3025 East Skelly Drive, Suite 420
Tulsa, Oklahoma 74105

September 20, 1979

American Land Development Company
Attention Mr. Randy Voth
3202 West 13th Street
Wichita, Kansas 67203

To Whom it May Concern:

This document has been prepared to aid Mr. Randy Voth of the American Land Development Company obtain financing on his portion of the below described land. At present, Continental Pipe Line Company is in the process of restricting its blanket easement described as follows:

Beginning at the Northwest 1/4 of Section 5, Township 28 South, Range 2 East of the 6th P.M.; thence bearing $S0^{\circ}00'E$ along the East line of said Northwest 1/4 a distance of 1220.00 feet; thence bearing $N90^{\circ}00'W$ a distance of 1328.82 feet to a point in the West line of the East 1/2 of said Northwest 1/4; thence bearing $NO^{\circ}03'49''W$ along said West line a distance of 569.44 feet; thence bearing $S89.42'00''E$ a distance of 265 feet; thence bearing $NO^{\circ}03'49''W$ a distance of 657.50 feet to a point in the North line of said Northwest 1/4; thence bearing $S89^{\circ}42'00''E$ along the North line of said Northwest 1/4 a distance of 1069.20 feet to the point of beginning.

The restriction of Continental Pipe Line's right of way will be in two phases:

Phase I - Continental Pipe Line is in the process of restricting its blanket easement, described above, to a width of 100.00 feet. This 100 feet will cover both the proposed right of way of 44 feet, and the present location of the 6-inch products line. The writing of the 100.00 foot wide right of way will allow Mr. Voth to obtain his final plats on the proposed Oak Knoll Addition.

Phase II - Upon the advanced payment from American Land Development Company to Continental Pipe Line Company for all work and materials necessary to relocate approximately 440 feet of the 6-inch products line, and to encase the line at two proposed road crossings; and in addition, agree to all the terms listed in the attached 14 points letter, Continental Pipe Line intends to further restrict itself to a final 44.00 foot wide right of way.

American Land Development Company
September 20, 1979
Page 2

If there are any questions as to the steps being taken in the release of said blanket easement or the proposed final right of way width of 44.00 feet, please do not hesitate to call me at Tulsa, Oklahoma (918) 743-8803.

Sincerely,

DM Cobb

D. M. Cobb

bjs
Enclosure



1" = 2000'

R 2 E

T 28 S

OAK KNOLL ADDITION

1. Continental's pipelines are presently in compliance with Department of Transportation regulations by which we are governed. Should your proposed plans alter the area through which our lines pass, causing them to not meet these regulations, modifications to the lines will be made to keep them in compliance and these will be at your expense.
2. No buildings, engineering works, or other similar permanent structures will be allowed over any portion of our easement.
3. All hard surface roads passing over our pipelines will require the installation of casing around our lines for the entire length which lies under the road(s). In addition, it may be necessary to lower the lines at the point of crossing to insure that they are not subjected to excessive stress from the movement of traffic. Any such modification to the lines will be made at your expense.
4. At any point in the easement where the existing grade profile will be lowered by the removal of earth, our lines must be lowered to a depth which provides a minimum cover of 36 inches after final grading. Any lowering which is necessary shall be done at your expense and shall include coating and wrapping the entire exposed portion of line.
5. Construction of concrete parking lots over the lines will not be allowed unless the lines are cased in the same manner as for road crossings. Asphalt parking lots overlying the lines will be allowed only with your execution of a hold harmless agreement which releases us from all damages to the asphalt associated with any maintenance on our lines.
6. All utilities which cross our lines must pass underneath our existing lines by a minimum of 12 inches. If there are specific instances for which you feel gravity flow utilities will not be able to comply with this requirement, please provide an accurate description of the proposed utility and we will be willing to discuss possible alternate solutions.
7. If any lines crossing our lines are installed and constructed of a material requiring cathodic protection, an interference survey shall be made and necessary steps will be taken to prevent the sacrifice of either line. This will be done at your expense.
8. We will allow no material to be used in the construction which would hinder or impair our ability to safely maintain and operate our lines.
9. We require the right to adequately mark our pipelines with permanent line markers to insure public safety and the future safe operation of the lines, and to meet Department of Transportation regulations.
10. This office must be provided with construction drawings for all work which will affect our pipeline easement, including a present plat and a profile showing any grade work to be done. Upon receipt of your drawings we will prepare a cost estimate of any modifications to our lines which will be necessary.
11. Before proceeding with construction, we will require that the cash equivalent of our cost estimate be placed in an escrow fund to cover construction costs in the event of a default. You will be charged actual costs for the construction, whether higher or lower than our estimated costs. Any construction work which is required shall be done by one of our maintenance contractors or another contractor acceptable to both parties. We reserve the right to have an inspector on the job to oversee all construction within our easement.
12. We require a minimum of ten days written notice prior to any excavation, construction, or movement of equipment across our right of way so that our lines can be staked to minimize the possibility of accidental damage. In the event that construction is necessary, Continental Pipe Line Company shall be indemnified and held harmless from and against any and all claims for injuries to person or persons or for damages to property arising directly or indirectly from work to be performed by you or those under contract to you.
13. No permanent structure will be built within 50 feet of our line unless landowner agrees to pay the cost of lowering our line to a depth of 48 inches to comply with Department of Transportation regulations.
14. Landowner requesting us to restrict our easement will have a center line survey of our line completed across his land by a professional engineer at landowner's expense.

September, 1979

Stout Property

October 3, 1979

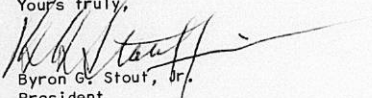
Wichita Metropolitan Area Planning Department
City Building
455 N. Main
Wichita, Kansas 67201

Attention: Louise Alvarez

As per your request of Mr. Randy Voth of American Land Development Company, Inc., please be advised that Mr. Voth is Vice President of American Land Development Company, Inc., and as such is duly authorized agent and attorney-in-fact for the purpose of executing any and all zoning applications, and documents associated therewith, in accordance with the request of the Metropolitan Area Planning Commission.

I trust this handles the matter satisfactorily.

Yours truly,


Byron G. Stout, Jr.
President
American Land Development Company, Inc.

BGS,jr:lla

cc: Randy Voth
Vice President
American Land Development Company, Inc.

CHICAGO TITLE INSURANCE COMPANY



COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a 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 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.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) 267-8371

CHICAGO TITLE INSURANCE COMPANY

Alvin W. Long
President.

ATTEST:

Chester C. McLaughlin
Secretary.

David A. Henderson
Authorized Signatory



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, the Exclusion from Coverage and the Conditions and Stipulations 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.

SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. 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.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): Year 1978 Taxes \$703.59 Paid. Key #'s GY-22 & GY-22-2.
9. Pipeline easement granted to Cities Service Gas Company over a portion of captioned property in Book Misc. 42, Page 168 and confined by instrument filed on Film 376, Page 623. (See copy attached)
10. Easement granted to Kansas Gas and Electric Company over a strip to be 1 foot to the right and left of a line which line is 51 feet East of and parallel to the West line of said Northwest Quarter, Section 5, with additional rights for an anchor with guy wires attached thereto. Said anchor to be located approximately 511 feet North and 92 feet East of the Southwest corner of said Northwest Quarter, Section 5, Township 28 South, Range 2 East, in Book Misc. 277, Page 312.
11. Roadway easement over the West 65 feet and the North 40 feet of subject property as established in Book Misc. 306, Page 83 and in Book Misc. 309, Page 591.
12. Pipeline easement granted to Cherokee Pipeline Company over the Northeast Quarter of the Northwest Quarter of Section 5, Township 28 South, Range 2 East, and assigned unto Apco Pipe Line Inc., in Book Misc. 328, Page 241.
13. Mortgage dated April 1, 1979, executed by American Land Development Co., Inc., a Kansas Corporation, to Byron G. Stout Jr. and Elmina G. Stout, husband and wife, filed April 16, 1979, on Film 359, Page 735, in the original amount of \$580,000.00.

PARTIAL RELEASE OF RIGHT OF WAY CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

42

FILM 376 PAGE 623

That Cities Service Gas Company, a Delaware corporation, with an office in Oklahoma City, Oklahoma, the present owner of Right of Way Contract dated June 25, 1927, granted by Mrs. R. E. Pease, covering the Northwest Quarter (NW/4) Section 5-28S-2E, Sedgwick County, Kansas, recorded in Book 4 of Misc. on Page 186, Register of Deeds Office, Sedgwick County, Kansas does hereby and by these presents release, relinquish and discharge from the operation of said Right of Way Contract the following described real property, namely:

The South Half of the Northwest Quarter (S/2 NW/4) and the Northeast Quarter of the Northwest Quarter (NE/4 NW/4) (except the North 528 feet of the West 265 feet and except that part lying within 50 feet of the Wichita 18" Line as shown on plat attached and made a part hereof.) Section 5, Township 28 South, Range 2 East., Sedgwick County, Kansas.

Nothing herein contained shall be held to be a release, a relinquishment or a disturbance of Cities Service Gas Company's right, title, interest and estate in said Right of Way Contract, with respect to and concerning the other land described in said Right of Way Contract.

Executed this 3rd day of July, 1979.

CITIES SERVICE GAS COMPANY

By: Jim R. Miller
Jim R. Miller, Vice President

ATTEST:
G. A. Gilbert
G. A. Gilbert, Asst. Secy.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
JUL 19 1979
4 49756
NO. BETTE F. McCART
REGISTER OF DEEDS
Tab Property

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

Before me, a Notary Public in and for said County and State, on this 3rd day of July, 1979, personally appeared Jim R. Miller, to me personally known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Vice President and duly acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

Rutha V. Williams
Rutha V. Williams, Notary Public

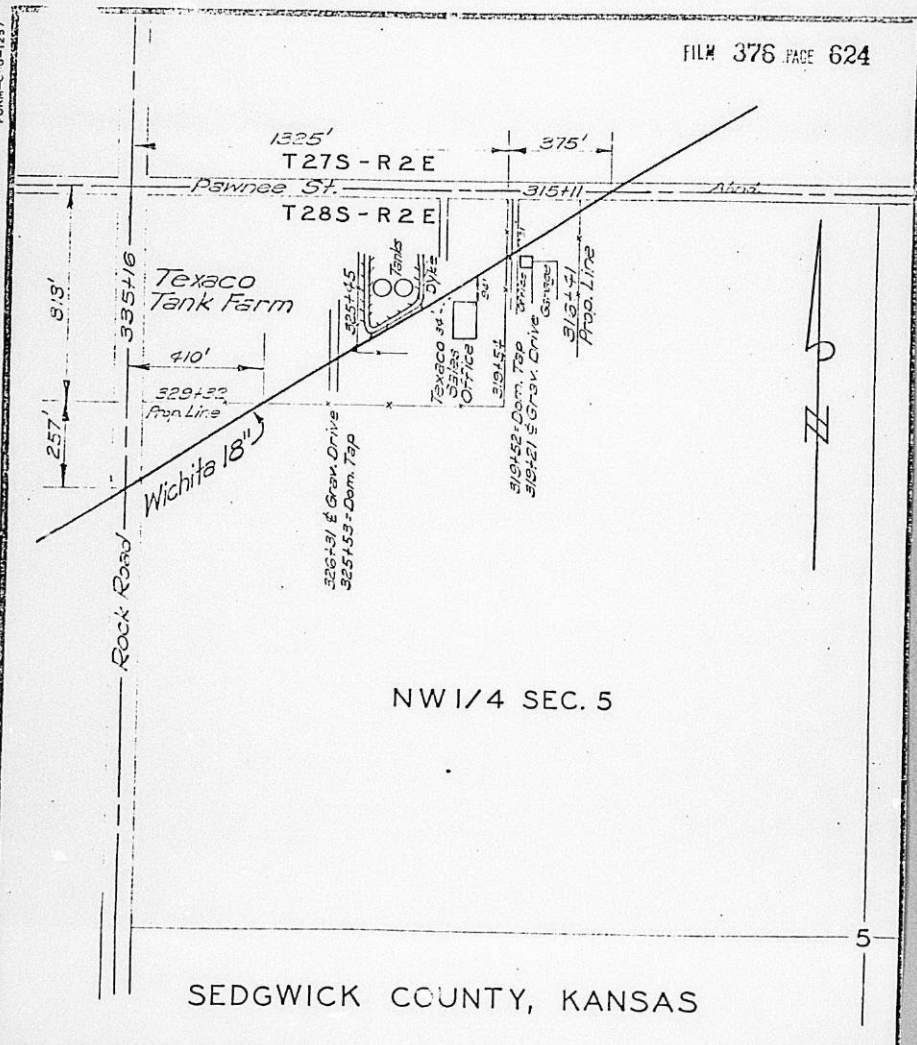
My commission expires:
June 24, 1980



James ...

FORM-CG-1237

FILE 376 PAGE 624



NW 1/4 SEC. 5

SEDGWICK COUNTY, KANSAS

CITIES SERVICE GAS COMPANY		
TITLE <i>Location of Wichita 18" Line across NW 1/4 Sec. 5 - T27S-R2E Sedgwick County, Kansas</i>		SCALE 1" = 400' DATE 6-22-73
COMPUTED BY	CHECKED BY	APPROVED <i>TKI</i>
		FILE NO. 79-56-4

CERTIFICATE

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

We, X American Land Development Co., Inc., owner of
(give name of proposed plat, if appropriate) _____
Oak Knoll 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. Sanitary Sewer Lateral
2. Asphaltic Concrete Paving
3. Storm Sewer
4. Water
- 5.
- 6.
- 7.

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

Signed this 24th day of September, 19 79.

American Land Development Co., Inc.

Randall J. Voth
Randall J. Voth, Vice President

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

Be it remembered that on this 24th day of September,
19 79, before me, a notary public in and for said County and State,
came Randall J. Voth, 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.

Lucille M. Owen
Notary Public

My Commission Expires:
Jan 22, 1979
T9-207



RESTRICTIVE COVENANT

This Declaration, made this 24th day of September, 1979, by American Land Co., Inc., hereinafter called DECLARANT,

WITNESS

Whereas, Declarant is owner of:

Oak Knoll Addition to Wichita, Sedgwick County, Kansas,

and

Whereas, the undersigned wishes to plat said property as Oak Knoll Addition to Wichita, Sedgwick County, Kansas, and whereas it is required in connection therewith that restrictions involving parking be placed of record:

Now, Therefore, Declarant hereby declares and covenants that each of the following lots as platted by the plat of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, will provide for four (4) off-street parking spaces:

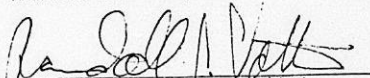
Lots 1 through 5, Block 4; Lots 6 through 10, Block 5; and Lots 10 through 15, block 6,

and it is further declared and covenanted that parking will be allowed only on one (1) side of Lori Court and Capri as platted adjacent to Blocks 4, 5 and 6.

This covenant is binding on the owner, their heirs or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described property.

EXECUTED the day and year first above written.

AMERICAN LAND CO., INC.


Randall J. Voth, Vice President

State of Kansas)

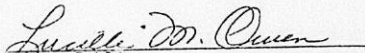
ss

Sedgwick County

Personally appeared before me, a Notary Public in and for the County and State aforesaid American Land Co., Inc. by Randall J. Voth, Vice President, 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 24th day of September, 1979.




Notary Public

My Commission expires:

Jan. 22, 1981

TEMPORARY CUL-DE-SAC DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged the undersigned, American Land Development Company, Inc.

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

A 50-foot temporary cul-de-sac abutting the south line of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, described as a cul-de-sac whose center is at the centerline of Dalton Street, 38.42' south of the south property line of said Oak Knoll Addition, with the P.C. at the S.E. corner of Lot 6, Block 4, and the P.T. at the S.W. corner of Lot 17, Block 3, in said Oak Knoll Addition.

do hereby dedicate the above described real estate to the public for street purposes. Said temporary cul-de-sac dedication shall expire at the time subject streets are extended in the future.

Executed this 21st day of August, 19 79.

American Land Development Company, Inc.

By: Randall J. Voth
Vice President

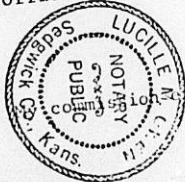
STATE OF KANSAS) SS
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 21st day of August, 19 79, before me, a Notary Public in and for the said County and State, came American Land Development Company, Inc., by its president, Randall J. Voth

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Lucille M. Owen
Notary Public



Expires January 22, 1981

TEMPORARY CUL-DE-SAC DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, American Land Development Company, Inc.

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

A 50-foot temporary cul-de-sac abutting the south line of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, described as a cul-de-sac whose center is at the centerline of Capri Street, 38.42' south of the south property line of said Oak Knoll Addition, with the P.C. at the S.E. corner of Lot 6, Block 5, and the P.T. at the S.W. corner of Lot 5, Block 4, in said Oak Knoll Addition.

do hereby dedicate the above described real estate to the public for street purposes. Said temporary cul-de-sac dedication shall expire at the time subject streets are extended in the future.

Executed this 21st day of August, 1979.

American Land Development Company, Inc.

By:

Randall J. Voth
Vice President

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 21st day of August, 1979, before me, a Notary Public in and for the said County and State, came American Land Development Company, Inc., by its president, Randall J. Voth vice-

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Lucille M. Owen
Notary Public

My commission expires January 22, 1981

TEMPORARY CUL-DE-SAC DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, American Land Development Company, Inc.

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

A 50-foot temporary cul-de-sac abutting the south line of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, described as a cul-de-sac whose center is at the centerline of White Cliff Street, 38.42' south of the south property line of said Oak Knoll Addition, with the P.C. at the S.E. corner of Lot 1, Block 6, and the P.T. at the S.W. corner of Lot 5, Block 5, in said Oak Knoll Addition.

do hereby dedicate the above described real estate to the public for street purposes. Said temporary cul-de-sac dedication shall expire at the time subject streets are extended in the future.

Executed this 21st day of August, 19 79.

American Land Development Company, Inc.

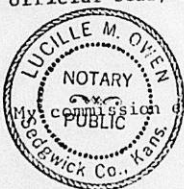
By: *Randall J. Voth*
Randall J. Voth
Vice President

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 21st day of August, 19 79, before me, a Notary Public in and for the said County and State, came vice - American Land Development Company, Inc., by its president, Randall J. Voth

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Lucille M. Owen
Notary Public

TEMPORARY CUL-DE-SAC DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, American Land Development Company, Inc.

being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

A 50-foot temporary cul-de-sac abutting the south line of Oak Knoll Addition to Wichita, Sedgwick County, Kansas, described as a cul-de-sac whose center is at the centerline of Lori Street, 38.42' south of the south property line of said Oak Knoll Addition, with the P.C. at the S.E. corner of Lot 17, Block 6, and the P.T. at the S.W. corner of Lot 15, Block 6, in said Oak Knoll Addition.

do hereby dedicate the above described real estate to the public for street purposes. Said temporary cul-de-sac dedication shall expire at the time subject streets are extended in the future.

Executed this 21st day of August, 19 79

American Land Development Company, Inc.

By:

Randall J. Voth
Randall J. Voth
Vice President

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 21st day of August, 1979, before me, a Notary Public in and for the said County and State, came American Land Development Company, Inc., by its president, Randall J. Voth

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



My commission expires January 22, 1981

Lucille M. Owen
Notary Public

9-28-79

IRREVOCABLE LETTER OF CREDIT

Fourth National Bank & Trust Co., Wichita
Wichita, Kansas
(NAME OF BANK)

DATE: September 27, 1979

CITY OF WICHITA
STATE OF 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 \$ 3855.00 for the account of American Land Development Co., Inc.

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before September 13, 1981 (6)

(INSERT DATE TWO YEARS FROM MAPC APPROVAL OF PLAT)

1. Temporary Cul-De-Sac
- 2.
- 3.

in Oak Knoll a subdivision located in The City of Wichita, State of 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 Fourth National Bank & Trust Co., Wichita, Credit No. 674 dated Sept. 27, 1979.
(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 15, 1981
(insert a date at least 60 days after the date on line 6)

Very truly yours,

Fourth National Bank & Tr. Co., Wichita
Wichita, Kansas
(Name of Bank)

(CORPORATE SEAL)

BY: R. M. Briley
(Authorized Signature)
R. M. BRILEY, Vice President

BEGINNING AT THE NE CORNER OF THE NW 1/4 OF SECTION 5, TOWNSHIP 28 SOUTH,
RANGE 2 EAST OF THE 6TH P.M.; THENCE BEARING S 0°00' E ALONG THE EAST LINE
OF SAID NW 1/4 A DISTANCE OF 1220.00 FEET; THENCE BEARING N 90°00' W A DIS-
TANCE OF 1323.82 FEET TO A POINT IN THE WEST LINE OF THE EAST 1/2 OF SAID
NW 1/4; THENCE BEARING N 0°03'49" W ALONG SAID WEST LINE A DISTANCE OF
569.44 FEET; THENCE BEARING S 89°42'00" E A DISTANCE OF 265 FEET; THENCE
BEARING N 0°03'49" W A DISTANCE OF 657.50 FEET TO A POINT IN THE NORTH LINE
OF SAID NW 1/4; THENCE BEARING S 89°42'00" E ALONG THE NORTH LINE OF SAID
NW 1/4 A DISTANCE OF 1069.20 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING OAK KNOLL ADDITION

THIS DECLARATION made this 1st day of August, 1979 by American Land Development Co. Inc., hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of Oak Knoll Addition to Wichita, Sedgwick County, which property is located near McConnell Air Force Base 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 Oak Knoll 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 structure, 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.

AMERICAN LAND DEVELOPMENT CO., INC.

By Randall J. Voth
Randall J. Voth, Vice President

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid Randall J. Voth, Vice-President of

American Land Development Co., 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 1st day of August, 1979.

Shirley L. Mills
Notary Public

Commission expires July 25, 1983



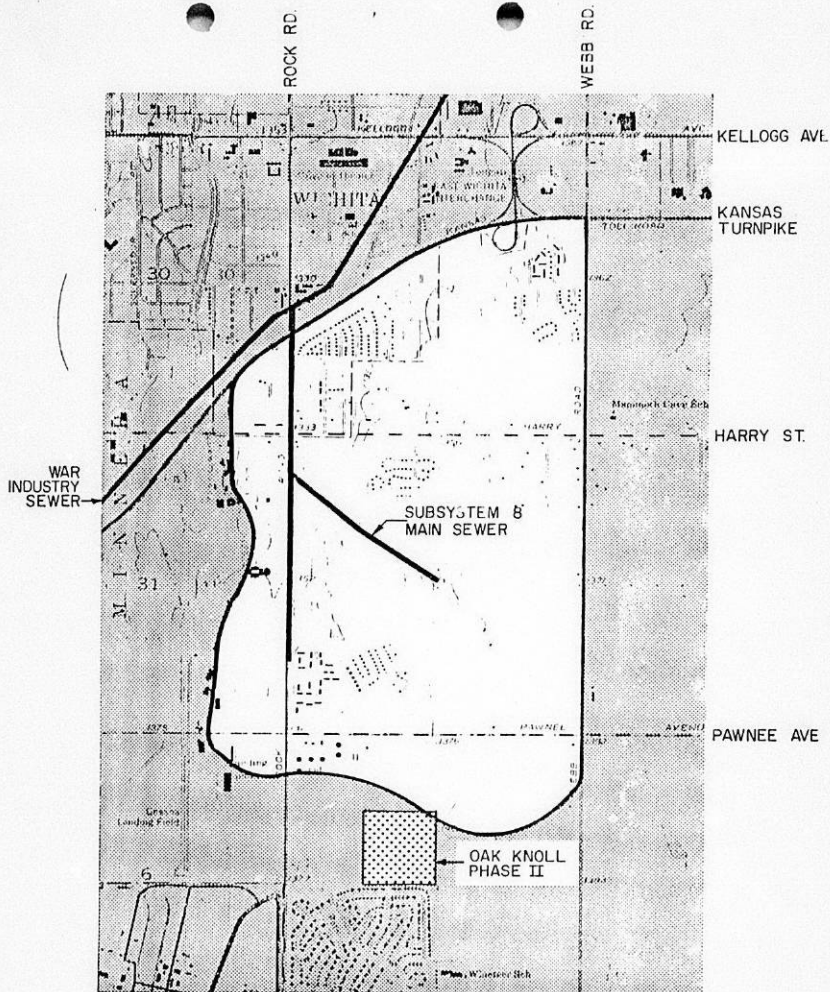
9-17-79

Wanted you to be aware the PEC discussed with Water Engineering, and me yesterday the results of their study which provided evidence that the sewer line from the Turkeys south, and then branching to the SE to serve Oak Knoll are ^{now} over capacity and there will be a need in the future to construct some parallel line system.

Nothing was decided, however, we should be careful with new plots and requests for higher densities and caution applicants about the undersized lines.

At this time there is not a clear answer as to whether or not you can assess a benefit district for the necessary parallel lines.

JLS



STUDY AREA
OAK KNOLL PHASE II SEWER STUDY

September 14, 1979

Mr. Gary Wiley
Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Ks. 67211

Re: S/D 78-131- Revised final plat of Oak Knoll Addition

Dear Mr. Wiley:

At the regular meeting of the Metropolitan Area Planning Commission on September 13, 1979, the above-captioned revised plat was considered. The action of the Planning Commission was to approve the plat subject to the conditions previously stated in our letters of May 4, 1979, May 10, 1979 and July 23, 1979 (letter to James Schaefer regarding changes in noise covenant requirement), except that the requirement for sidewalks was changed to read:

"Sidewalks shall be guaranteed in accordance with the City policy in effect when the plat is forwarded to the City Commission."

As we discussed with you prior to the meeting, assurances will be needed that the proposed sanitary sewers and storm sewers will be permitted by the pipeline within their easement. The covenant which you and Bill Keltner have discussed with us regarding the temporary 150 foot pipeline easement will also be needed if the plat is to be recorded prior to relocation of the pipeline.

If you have any questions regarding these platting requirements, please call.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

cc: Randy Voth, 3202 W. 15th, Suite 1, 67203

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE
September 10,
1979

TO Utility Advisory Committee
FROM Louise Olivarez, Senior Planner
SUBJECT S/D 78-131 - revised final plat of Oak Knoll Addition;
south side of Pawnee in an area east of
Rock Road

On May 13, 1979, the Subdivision Committee and Utility Advisory Committee reviewed and approved the final plat of Oak Knoll Addition. Since that time, the platters discovered a Continental Pipeline Company easement through the north end of this property which has necessitated a slight redesign of the plat. The northernmost lots in Blocks 2 and 3 have been increased in size while the other lots in those two blocks have been reduced in size.

Enclosed with this memo is a print of the revised final plat. It has been scheduled for consideration by the Planning Commission this Thursday, September 13, 1979. If you have any comments to make concerning this redesign, may I please hear from you prior to that meeting. You may call me or Forrest Nagley at 268-4421.

Louise Olivarez
Louise Olivarez
Senior Planner

LO:bh

9/13/79

Discovery of Continental Pipeline & easement through north end of property appears to conflict with proposed storm sewer lines leaving at north end of property. Written approval from Continental Pipeline will be necessary to utilize their easement. Also verification of pipe depth should occur to insure that the storm sewer will not conflict with same and necessary clearances for encasement is provided.



RECORDED

SEP 10 1979

WICHITA-SEDGWICK COUNTY

DATE
September 10,
1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO Utility Advisory Committee
FROM Louise Olivarez, Senior Planner
SUBJECT S/D 78-131 - revised final plat of Oak Knoll Addition;
south side of Pawnee in an area east of
Rock Road

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Enclosed with this memo is a print of the revised final plat. It has been scheduled for consideration by the Planning Commission this Thursday, September 13, 1979. If you have any comments to make concerning this redesign, may I please hear from you prior to that meeting. You may call me or Forrest Nagley at 268-4421.

Louise Olivarez
Senior Planner

LO:bh

cc: *Bill Otten*
Bill McKinley
Mike Lindvall
Paul Johnston
Tom Page
Boy Blevins
Gene Wilcox
John Quinn

July 23, 1979

James Schaefer
Brown Building
Wichita, Kansas 67202

Re: 2-2161 - "AA" to "A" & "R-6"
south side of Pawnee in an
area east of Rock Road

Dear Mr. Schaefer:

At its regular meeting on July 19, 1979, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Planning Commission was to recommend that this application be approved subject to completing the plat of Oak Knoll Addition within one year from the date of zone change approval by the Board of City Commissioners; or the case be considered denied and closed and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.

*sent
received
8-6-79*

In addition, the Planning Commission moved to not require the covenant that assured the reduction of noise within dwelling units by 30 decibels. The Commission required the standard avigational easement and covenant, copies of which are enclosed. These should be returned to our office as a condition of plat approval.

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on August 14, 1979, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

Page 2
July 23, 1979
2-2161

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bbc
cc: American Land Development CO., Inc., 150 S. Old Manor
67218
Randy Voth, Pres., 3202 W. 13th, Suite 1 67203
Gary Wiley, Professional Eng. Consultants, 1440 E.
English 67211

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 19, 1979:

CREIDER returned to the meeting.

21. Case No. 2-2161 - American Land Development Co., Inc., Requests zone change from "AA" to "A" & "R-6" beginning at a point 297.5 feet west and 50 feet south of the NE Corner, NW 1/4, Sec. 5, T28S, R2E of the 6th P.M., Sedgwick County, Kansas; thence south bearing S 0°00'E, 723.56 feet; thence west bearing N 90°00'E, 113.5 feet; thence north bearing S 0°00'E, 724.15 feet; thence east bearing S 89°42'00"E, 1135.5 feet to the point of beginning. (Being platted as Lots 1 through 9, Block 2, Oak Knoll Addition.) AND, Beginning at a point 475 feet west and 50 feet south of the NE Corner, NW 1/4, Sec. 5, T28S, R2E of the 6th P.M., Sedgwick County, Kansas; thence bearing S 0°00'E, 604.44 feet; thence west bearing N 90°00'E, 584.46 feet; thence north bearing N 0°03'49"W, 607.5 feet; thence east bearing S 89°42'E, 585.14 feet to the point of beginning. (Being platted as Lot 1, Block 1, Oak Knoll Addition.) All generally located on the south side of Pawnee, in an area east of Rock Road.

GALBRAITH pointed out adjacent land use, zoning and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The area being requested for "R-6" General Residence zoning is being platted as Lot 1, Block 1, Oak Knoll Addition. The area being requested for "A" Two Family zoning is being platted as Lots 1-9, Block 2, Oak Knoll Addition. The final plat of Oak Knoll Addition was approved by the Planning Commission on May 10, 1979, subject to several conditions.

The application areas are within the flight approach noise zone for McConnell Air Force Base, and as a condition of approval of the Oak Knoll plat, the applicant is being required to submit restrictive covenants assuring that construction methods will be used to lower the interior noise levels by 30 decibels.

The area being requested for "R-6" General Residence contains 8.16 acres which would permit construction of 236 dwelling units.

2. A recommendation for approval by the Planning Commission should be subject to completing the plat of Oak Knoll Addition within one year from the date of zone change approval by the Board of City Commissioners; or the case be considered denied and closed; and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds.

GALBRAITH stated that although staff was concerned in the relation of the location of this property with the noise zone for McConnell, the staff recommended approval of the request subject to platting. CPO Council Area "H" voted 5-0 in favor of the zone change.

There was no one present in opposition to the application.

JAMES R. SCHAEFER, attorney representing the applicant, stated that one of the conditions of the plat associated with this zone case was the filing of some restrictive covenants concerning attenuation of the noise level. It was suggested that the AICUZ report would be a background to work with on this. He said that their architect had gone through the requirements in the AICUZ report, and he has matched them up against the Wichita City Code, and based upon his review of the 40 requirements in the AICUZ report, 14 of the requirements are within the Wichita City Code. Ten of the requirements, the applicant could live with, and 17 of them were totally impossible. SCHAEFER said that they were of the opinion that when restrictive covenants are required as to the type of construction that goes on a project, you reach a point where you are so severely restricting the real estate that it could be impossible to build in the future. He said the normal method of handling these things in the past, has been for the owner of the property to file an avigational easement and covenant in which he recognizes the fact that there is aircraft, and that there would be noise, and agrees that they would take methods to reduce the sound levels within the house. SCHAEFER cited some of the requirements in the AICUZ report. He said that they did not feel it would be proper to start putting restrictive covenants on a piece of real estate telling you how to design and build. He said that he would like to see the covenant requirement removed as a condition of the platting and just require the standard avigational easement.

SAVINA pointed out that in zoning, restrictive covenants could not be made part of the zoning. He said that this is the first time he had ever seen restrictive covenants made part of the plat.

GALBRAITH said that it frequently happens. He continued that Schaefer was raising another issue, a requirement of the AICUZ report that the Commission has concurred with, trying to reduce the noise within dwelling units. He said that the staff had asked Schaefer to go his architect or engineer and prepare a set of covenants that they believe would reduce noise substantially within these structures. GALBRAITH said that he would like to see an attempt made that when you have property proposed to be developed in close proximity to the noise hazard area, that everything possible be done to reduce noise within those structures.

BELL said that the principal point of the AICUZ report was that the Air Force nation-wide is saying that they did not want local bodies to be unaware of the fact that if they start crowding residential development in close to the flight cones, that they would leave and go somewhere where they would not have that kind of encroachment. BELL said that he hated to see the Commission start making these kind of things mandatory for property developers. He felt that property developers were smart enough to have their own economic well-being at heart too, and if they are in a very noisy flight cone area, and if they don't put some kind of noise attenuation in, it would be pretty hard to sell or rent whatever it is they build there. BELL said that there was a need in Wichita for some housing of the type and in this area that this appears to be heading toward, and he would hate to see the Commission, by imposing some of these suggestions as a requirement, cause undue burdens on this kind of development. BELL continued that when you start making actual details of the construction a part of the restrictive covenants, it offends his sense of priority as a title lawyer.

HENNESSY left the meeting.

SCHAEFER said that what concerns him too.

COLE stated that Mr. Bell had already reminded the Commission that one of the possible contingencies of continuing to impose residential zoning around the air bases, we will lose the air

basess. He said that regardless of avigational easements, once a person is in a house that does not keep them from writing the Air Force, their Congressman, etc., saying this was too noisy, uncomfortable, and an imposition on the citizens. He said that there has been housing built right next to or in the AICUZ study area. He said that if the study had been done first, probably that government housing would have been much more well insulated and more livable than it probably is. COLE said that it was easy to, without anyone here to defend the report, characterize it as ridiculous. He said that he did not know the justification for the different particular items in the report. They may have no justification, or they may be well-based, but he was impressed when the Colonel gave the report, and it was not challenged at that time. He felt it was good planning. COLE said that he would not support, and he hoped the City Commission would not support, anything that would jeopardize what he felt was one of the major economic contributors to this area, and that is our air base.

SCHAEFER commented that Mr. Brooks went out to the air base and talked with them about this, and they were not too concerned, stating that this was a suggestion and they did want the housing there.

BELL added that he did not want to mean by his earlier remarks to indicate that he was in favor of disregarding AICUZ recommendation, it was that he did not think that when the time came, they should convert a recommendation into a mandatory requirement.

HENNESSY returned.

MOTION: Having considered the factors as contained in Policy Statement No. 10, and in view of the length of time subject property has remained vacant as zoned; the relative gain to the public by this proximity of housing in an area where it is badly needed; and as there is no opposition from neighborhood residents; I move that we recommend to the governing body that this application be approved subject to completing the plat of Oak Knoll Addition within one year from the date of zone change approval by the Board of City Commissioners; or the case be considered denied and closed and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Decds. Bell moved, Savina seconded.

SAVINA asked Bell if he would like to delete specific reference to the restrictive covenants, assuring that construction methods would be used to lower the interior noise levels by 30 decibels and substitute thereof the standard language of the avigational easement and covenant which they have used in the past.

BELL felt that they were getting the cart before the horse to do that at this point with the zoning case. He felt that they needed to give attention to that problem with the platting.

SCHAEFER pointed out that the plat had already been approved by the Planning Commission. BELL said that he was unaware of that.

GALBRATH suggested that the Planning Commission determine whether Schaefer has to comply with the previous condition of platting.

SAVINA asked Galbraith if this was the first time the 30 decibels had ever been put in print. GALBRAITH said that it had been a requirement on several recent plats around the air base. He said that it was occurring on every plat now within the noise problem area it relates to the AICUZ report.

SAVINA wanted to know under whose authority the staff acted to use this kind of language. GALBRAITH said that it was in the report, and staff was simply calling it to the Commissioners attention. The Planning Commission concurred in the findings of the report, and they may not concur in requiring developers to submit covenants that reduces noise.

MOTION AS AMENDED: In view of the length of time subject property has remained vacant as zoned; the relative gain to the public by this proximity of housing in an area where it is badly needed; as as there is no opposition from neighborhood residents; and while the Planning Commission concurs with the sentiment behind the policy expressed in the AICUZ report that applies to this property, it would not be necessary to remain in compliance with that policy for these detailed restrictions to be incorporated as restrictive covenants in connection with the platting, and that the staff be instructed to accept the plat with nothing more in the way of recorded restrictions than the standard covenant and avigational easement; I move that we recommend to the governing body that this application be approved subject to completing the plat of Oak Knoll Addition within one year from the date of zone change approval by the Board of City Commissioners; or the case be considered denied and closed and that the ordinance effectuating the zone change not be published until the plat has been recorded with the Register of Deeds. Bell moved, Savina seconded.

BARRIER said that she personally saw no reason to endorse the AICUZ report, approving it, and then ignoring it.

VOTE ON THE MOTION: It carried with a vote of 5 in favor (Bell, Savina, Bayouth, Hennessy and Greider), and 2 opposed (Barrier and Cole). Jones, Shook and Taylor were absent.

COLE stated for the record that he was not opposed to the zoning, but only to what he perceived to be the stated inability of the representative of the developer to meet the AICUZ report.

BARRIER commented that to require some kind of construction that would lower the decibel impact was not asking the developer to comply with everything in the AICUZ report. It does seem to her that this Commission should consider the public welfare, and as a member of this Commission, that was why she was here.

SAVINA responded that this was another step of red tape that is causing the American public not to have confidence in the things that a handful of do-gooders try to do in this country. He said that all they were doing was pressing people to do more and more, and causing more inflation. The people know that they are living in a flight zone, and they are taking that risk, and if they don't want to live under the noise of the airplanes, then they ought to move away from it.

May 10, 1979

Professional Engineering Consultants, P.A.
Attention: Gary Wiley
1440 E. English
Wichita, Kansas 67211

Re: S/D 78-131 - Final plat of Oak Knoll Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, May 10, 1979, the above-captioned plat was considered. The action of the Planning 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 4, 1979.

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:

- 9-26-79 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 9-26-79 2. 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.
- 9-26-79 3. Certification that all taxes due and payable for 1978 and prior years have been paid.

Please call if you have any questions.

Very truly yours,

Jack H. Galbraith
Chief Planner

JHG:bh

cc: Randy Voth, 3202 W. 13th St., Suite 1, 67203

May 4, 1979

Professional Engineering Consultants, P.A.
Attention: Gary Wiley
1440 E. English
Wichita, Ks. 67211

Re: S/D 78-131 - Final plat of Oak Knoll Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 3, 1979, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. Final approval and recording of the plat shall be subject to annexation of the property. *amended 6-1-79*
- B. The applicant shall submit to the Planning Department for review and for recording a set of restrictive covenants which require all habitable structures to be built in such a manner that the interior noise level is reduced by 30 decibels. Specific construction standards as specified in the AICUZ report (or other standards if first submitted for review and approval) shall be included in the covenants. The applicant shall also grant the usual avigational easement.
- C. The applicant shall guarantee the extension of sanitary sewer to serve all lots. *73% petition*
- D. The applicant shall guarantee the extension of City water to serve all lots. *86% petition*
- E. The applicant shall guarantee the paving of all interior streets, including the temporary cul-de-sacs.
- F. The temporary cul-de-sacs shall be dedicated by *letter of credit* separate instrument or referenced in the plat's text with the notation that their dedication becomes null and void at such time as the streets are extended south. The City Engineer recommends that these temporary cul-de-sacs be

see letter dated 7-23-79 and copy of MAPC minutes of 2-21-61 7-14-79

dedicated on property south of the south line of this plat.

see letter of 9-14-79
G. Sidewalks will be required on both sides of all interior streets. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.

H. Since Lori Ct. and a portion of Capri are being platted with only 58 feet of right-of-way, the applicant shall submit a covenant stating that all lots abutting these streets shall provide four off-street parking spaces per dwelling unit. The covenant shall also state that parking will be allowed on only one side of the street.

I. The applicant shall guarantee the storm water sewers within the plat and the necessary outfall sewers west of the plat as required by his approved drainage plan. *\$13,000 letter of credit*

operation
J. Complete access control to Pawnee shall be indicated along the entire north line of Lot 1, Block 1 except for the east 100 feet which is allowed one opening.

K. The applicant has indicated a desire for R6 zoning on Lot 1, Block 1. A zone change application shall be submitted and will be held for processing after the property has been annexed. *Z-2161 approved 8-14-79*

L. The applicant shall be advised that the report prepared for this property by the Soil Conservation Service indicates severe limitations for dwellings and for roads due to the high shrink-swell and low strength of the soil.

check with Landmark
M. Additional perimeter easements as requested by the City Engineer shall be added to the final plat tracing.

N. 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

P.E.C., P.A.
Page 3
5-4-79

consideration on Thursday, May 10, 1979, at 1:30 p.m. If you
have any questions regarding this matter, please call.

Sincerely,

Louise Olivarez
Junior Planner

LO:bh

cc: Randy Voth, Vice-Pres., American Land Dev. Co., Inc., 3202
W. 13th, Suite 1, 67203
Dean Sellers, Assistant City Engineer

Linn

MEMO



TO: Mr. Dick Linn, P. E.
City Engineer
City Hall-Seventh Floor
455 North Main Street
Wichita, Kansas 67202

PROJECT NO. 30-78395-1047
PROJECT: Oak Knoll Addition

COPIES TO:

ATTN:

DATE: April 26, 1979

Yash Desai, P. E.

FROM: Chris Brennenstuhl

Louise Olivarez ✓

REFERENCE: Drainage Plan

Max Greene, P. E.

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

This is to confirm the approval of the Drainage Plan our firm prepared for Oak Knoll Addition and delivered to your office on April 10, 1979.

Following our meetings of Tuesday and Wednesday (April 24 and 25, 1979) it is our understanding that, while there may be a more efficient and/or economic way to drain the Plat, our design is in keeping with the request made by Public Works to drain as much of the area as possible to the west and therefore is acceptable; any redesign of the system will be done by Public Works at the time of final design.

Those changes requested as a condition of approval were:

1. To relocate the storm sewer outfall on the west line of the Plat to a point immediately west of the street labeled "Mattson" on the Preliminary Plat.
2. To show the storm sewer outfall on the west line of the Plat as a temporary open-channel which would allow more flexibility in the development design of the property immediately west.

If we receive no further comments by Wednesday, May 2, 1979, we will assume that your office will have no objection to that approval of the Final Plat of Oak Knoll Addition at the MAPC Subdivision Committee Meeting on Thursday, May 3, 1979.



Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 78-131 Name Oak Knoll Addition
Date Application Rec'd. 2-27-79 Preliminary Approval 3-8-79
Scheduled S/D Meeting 5-3-79

DESCRIPTION

General Location 1/4 mile east of Rock Road, on the south side of Pawnee

Owner American Land Development Co., Inc.
Surveyor/Engineer Professional Engineering Consultants
Address 1440 E. English, Wichita, Ks. 67211 Phone 262-2691

1. Gross Acreage of Plat 33+
2. Number of Lots:
 - Residential 88
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 41 ft.
4. Minimum Lot Area 8,000 sq. ft.
5. Existing Zoning "R-1"
6. Proposed Zoning "A", "AA", and "R-6"
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. 64 R/W 3660 ft.
 - c. 58 R/W 480 ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 4140 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewer Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) N/A (Yes-No)
12. City of Wichita _____: Three-Mile Area (Annexation requested)

STAFF COMMENTS:

- A. Final approval and recording of the plat shall be subject to annexation of the property.
- B. The applicant shall submit to the Planning Department for review and for recording a set of restrictive covenants which require all habitable structures to be built in such a manner that the interior noise level is reduced by 30 decibels. Specific construction standards as specified in the AICUZ report shall be included in the covenants. The applicant shall also grant the usual avigational easement.
- C. The applicant shall guarantee the extension of sanitary sewer to serve all lots.
- D. The applicant shall guarantee the extension of City water to serve all lots.
- E. The applicant shall guarantee the paving of all interior streets, including the temporary cul-de-sacs.
- F. The temporary cul-de-sacs shall be dedicated by separate instrument or referenced in the plat or's text with the notation that their dedication becomes null and void at such time as the streets are extended south.
- G. Sidewalks will be required on both sides of all interior streets. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.
- H. Since Lori Ct. and a portion of Capri are being platted with only 58 feet of right-of-way, the applicant shall submit a covenant stating that all lots abutting these streets shall provide four off-street parking spaces per dwelling unit. The
T9-303 covenant shall also state that parking will be allowed on only one side of the street.

(Over)

- I. The City Engineer's representative shall be prepared to comment on the applicant's drainage plan and state what drainage guarantees, if any, will be needed.
- J. Complete access control to Pawnee shall be indicated along the entire north line of Lot 1, Block 1 and the appropriate corrections made in the plat's text.
- K. The applicant has indicated a desire for R-6 zoning on Lot 1, Block 1. A zone change application shall be submitted and will be held for processing after the property has been annexed.
- L. The applicant shall be advised that the report prepared for this property by the Soil Conservation Service indicates severe limitations for dwellings and for roads due to the high shrink-swell and low strength of the soil.
- M. Recording of the plat within 30 days after approval by the Board of City Commissioners.



MEMO

TO: Mr. Dick Linn, P. E.
City Engineer
City Hall - Seventh Floor
455 North Main Street
Wichita, Kansas 67202

PROJECT NO. 30-78395-1047
PROJECT: Oak Knoll Addition

COPIES TO:

ATTN: Yash Desai, P. E.

DATE: April 9, 1979

Max Greene, P. E.

FROM: Chris Brennenstuhl

Curtis Newby

REFERENCE: Drainage Plan

Mike Lindebak, P. E.

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

Transmitted herewith is the Drainage Plan for Oak Knoll Addition which is located one-quarter mile east of Rock Road on the south side of Pawnee. Also transmitted with the Drainage Plan are the hydrology and hydraulic calculations, the inlet capacity calculations, and the cost estimate.

The Final Plat of Oak Knoll Addition will be filed with MAPD on April 23, 1979, and will then be heard by the MAPC Subdivision Committee on May 3, 1979.

4-11-79

Yash called to say P.E.C. turned in a drainage plan 4-10-79 which has some problems. He says Mattison (Marion) St. should be extended to the west line of the plot and eventually on west to the drainage ditch east of Rock Road in order to provide for drainage of the 100-year frequency.

SCCD-CORS-5 (Rev 11/77)
 RESOURCE MANAGEMENT INVENTORY FOR UNBANKING LAND

DATE: March 8, 1979

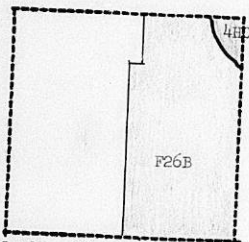
PROPERTY NAME: OAK KNOLL ADDITION

LOCATION: $\frac{1}{4}$ mile east of Rock Road, on the south side of Pawnee.

MAILED TO: Professional Engineering Consultants
 1440 E. English
 Wichita, Kansas 67211

PREPARED BY: Larry L. Henry
 District Conservationist
 USDA-Soil Conservation Service
 4100 Maple, Wichita, Kansas
 942-8422 67209

REQUESTED BY: Wichita-Sedgwick County
 Metropolitan Area Planning
 Commission



Scale: 4" equals 1 mile 5
 NW $\frac{1}{4}$ 5-28-2E

Situation and/or Problems:

The entire plat has high erosive soils. Several terraces and diversions are being cut so new outlets must be established.

<u>Symbols</u>	<u>Class</u>	<u>Soil</u>	<u>SOILS LEGEND</u>	<u>Brief Description</u>	<u>Hydro Group</u>
F26B	IIIe-1	Irwin silty clay loam 1 to 3% slopes		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. <u>Prime agricultural land.</u>	D
4HC	IVe-1	Cline silty clay 3 to 6% slopes		Moderately deep, sloping, well drained soils, on uplands, developed over shales. These soils have rapid runoff and low available water capacity. Permeability is very slow. <u>Prime agricultural land.</u>	C

SOCD-CONS-5 (con)
RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>Class</u>	<u>Soil</u>	<u>Item</u>	<u>Limitation</u>	<u>Reason</u>
F26B	IIIe-1	Irwin silty clay loam	Dwellings	Severe	Shrink-Swell Low Strength
			Local Roads & Streets	Severe	Shrink-Swell Low Strength
			Parks & Green Area	Severe	Percolation Slow
4HC	IVe-1	Clime silty clay	Dwellings	Moderate	Shrink-Swell Low Strength
			Local Roads & Streets	Severe	Low Strength
			Parks & Green Area	Severe	Too Clayey

RECOMMENDATIONS:

1. Disturb only the area needed for construction.
2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.
3. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.
4. 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.
5. Temporarily stabilize each segment of graded or otherwise disturbed land 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.
6. Stabilize each lot within 60 days after work starts on home or other building construction.
7. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
8. 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.

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

March 9, 1979

Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Ks. 67211

Re: S/D 78-131 - Preliminary plat of Oak Knoll Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 8, 1979, 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 any final urban plats on this property will be subject to the annexation of the property.
- B. The applicant shall submit to the Planning Department for review and for recording a set of restrictive covenants which require all habitable structures to be built in such a manner that the interior noise level is reduced by 30 decibels. Specific construction standards shall be included in the covenants. The applicant shall also grant the usual avigational easement.
- C. The City Public Works Department recommends that "Mattson" be relabeled "Marion" and "27th Street" be relabeled "Wassall."
- D. Easements as shown on the "marked" engineer's copy of the preliminary plat shall be added to the final plat.
- E. The applicant's engineer is making a sanitary sewer study which will recommend how the balance of this property south of Phase 1 can be sewerred. No final plat shall be submitted on any of this property south of Phase 1 until a method of providing sanitary sewer is approved.

Professional Engineering Consultants
Page 2
3-9-79

- F. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots in Phase 1.
- G. The applicant shall guarantee the paving of all streets in Phase 1, including the temporary cul-de-sacs.
- H. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.
- I. Since 58-foot street widths are applicable only in one-family and two-family areas, Capri from Pawnee to Scott shall be platted with 64 feet of right-of-way.
- J. For all streets approved with 58 feet of right-of-way, the applicant shall submit a covenant stating that all lots which abut these streets shall provide for four off-street parking spaces.
- K. The access control to Pawnee from Lot 1, Block 1, shall be changed to "complete access control" unless one access point is approved by the Traffic Engineer.
- 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. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
- M. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

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

Sincerely,

Louise Olivarez
Junior Planner

LO:bh

cc: American Land Development Co., Inc. 3202 W. 13th, Suite 1,
67203
Dean Sellers, Assistant City Engineer

Preliminary plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 78-131 Name Oak Knoll Addition
Date Application Rec'd. 2-27-79 Preliminary Approval _____
Scheduled S/D Meeting March 8, 1979

DESCRIPTION

General Location 1/4 mile east of Rock Road, on the south side of Pawnee.

Owner American Land Development Co., Inc.
Surveyor/Engineer Professional Engineering Consultants
Address 1440 E. English, Wichita, Ks. 67211 Phone 262-2691

1. Gross Acreage of Plat 76+
2. Number of Lots:
 - Residential 249
 - Commercial _____
 - Industrial _____
 - Other _____
 - Total Number of Lots 249
3. Minimum Lot Frontage 45 ft.
4. Minimum Lot Area 8,000 square ft.
5. Existing Zoning R-1
6. Proposed Zoning A, AA and R-6
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. 64 R/W 8050 ft.
 - c. 58 R/W 3350 ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 11,400 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) N/A (Yes-No)
12. City of Wichita _____ : Three-Mile Area (Annexation requested)

STAFF COMMENTS:

- A. The applicant has requested annexation of subject property. However, since sewer capacity exists for only that portion of the property designated as Phase 1, the applicant has indicated he will revise his request for annexation to include only Phase 1. Only Phase 1 will be platted for development at this time. No final plat should be submitted until annexation approval has been given by the City Commission.
 - B. The applicant's engineer is making a sanitary sewer study which will recommend how the balance of this property can be sewer. No final plat shall be submitted on any of this property south of Phase 1 until a method of providing sanitary sewer is approved.
 - C. This entire tract is subject to high noise levels from McConnell Air Force Base air traffic. According to the AICUZ report published by McConnell last June, this property is within Compatible Use District (CUD) 12 in which residential development is strongly discouraged. However, if residential development does occur, construction of habitable buildings should be of such a nature that the interior noise levels are reduced by 30 decibels. A condition of plat approval will be to require covenants to be filed which set forth specific noise-related construction standards which must be adhered to when any habitable structures are built within this subdivision. The applicant will also be required to grant the usual avigational easement.
 - D. After annexation has been approved, the applicant will need to request the appropriate zone changes for Lot 1, Block 1 and for the proposed duplex lots. No final plat shall be submitted until the zone change for Lot 1, Block 1 has been recommended for approval by the City Commission.
- T9-303E. A drainage concept has been submitted to the City Engineer's office for review. The City Engineer's representative shall

(Over)

be prepared to comment on the acceptability of this drainage concept.

- F. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots in Phase 1.
- G. The applicant shall guarantee the paving of all streets in Phase 1, including the temporary cul-de-sacs.
- H. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.
- I. Since 58-foot street widths are applicable only in one-family and two-family areas, Capri from Pawnee to Scott shall be platted with 64 feet of right-of-way.
- J. For all streets approved with 58 feet of right-of-way, the applicant shall submit a covenant stating that all lots which abut these streets shall provide for four off-street parking spaces.
- K. The access control to Pawnee from Lot 1, Block 1, shall be changed to "complete access control."
- 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. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
- M. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: _____
Section No.: 5
Twp. No.: 28S
Range: R2E

S/D No. _____

REVISED

2-20-79

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Oak Knoll Addition

General Location: 1/4 Mile East of Rock Road on the South Side of Pawnee

Name of Property Owner: American Land Development Co., Inc.

Address: 3202 W. 13th, Suite 1, Wichita, KS 67203 Phone: 943-2308

Name of Subdivider: Randy Voth (Vice President)

Address: Same Phone: _____

Name of Agent/Surveyor: Professional Engineering Consultants, P.A. (Gary Wiley)

Address: 1440 East English, Wichita, KS 67211 Phone: 262-2691

Date of Application: November 29, 1978

SUBDIVISION INFORMATION:

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>76±</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. 66 R/W 2550 ft. |
| Residential <u>236 249</u> | b. 64 R/W 6950 8050 |
| Commercial _____ | c. 58 R/W 2200 3350 |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>236 249</u> | TOTAL 11,700 <u>11,400</u> ft. |
| 3. Minimum Lot Frontage <u>45</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>8,000</u> Sq. ft. | streets? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 5. Existing Zoning <u>R-1</u> | |
| 6. Proposed Zoning <u>A-AA & E-6</u> | |
| 9. Public Water Supply <input type="checkbox"/> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <input type="checkbox"/> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>N/A</u> (Yes-No) | |
| 12. City of Wichita <u>Three-Mile Area</u> <i>Annexation requested</i> | |

(Proposed to be annexed to the City of Wichita)

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: *Randy Voth*
Vice President
American Land Development Co., Inc.

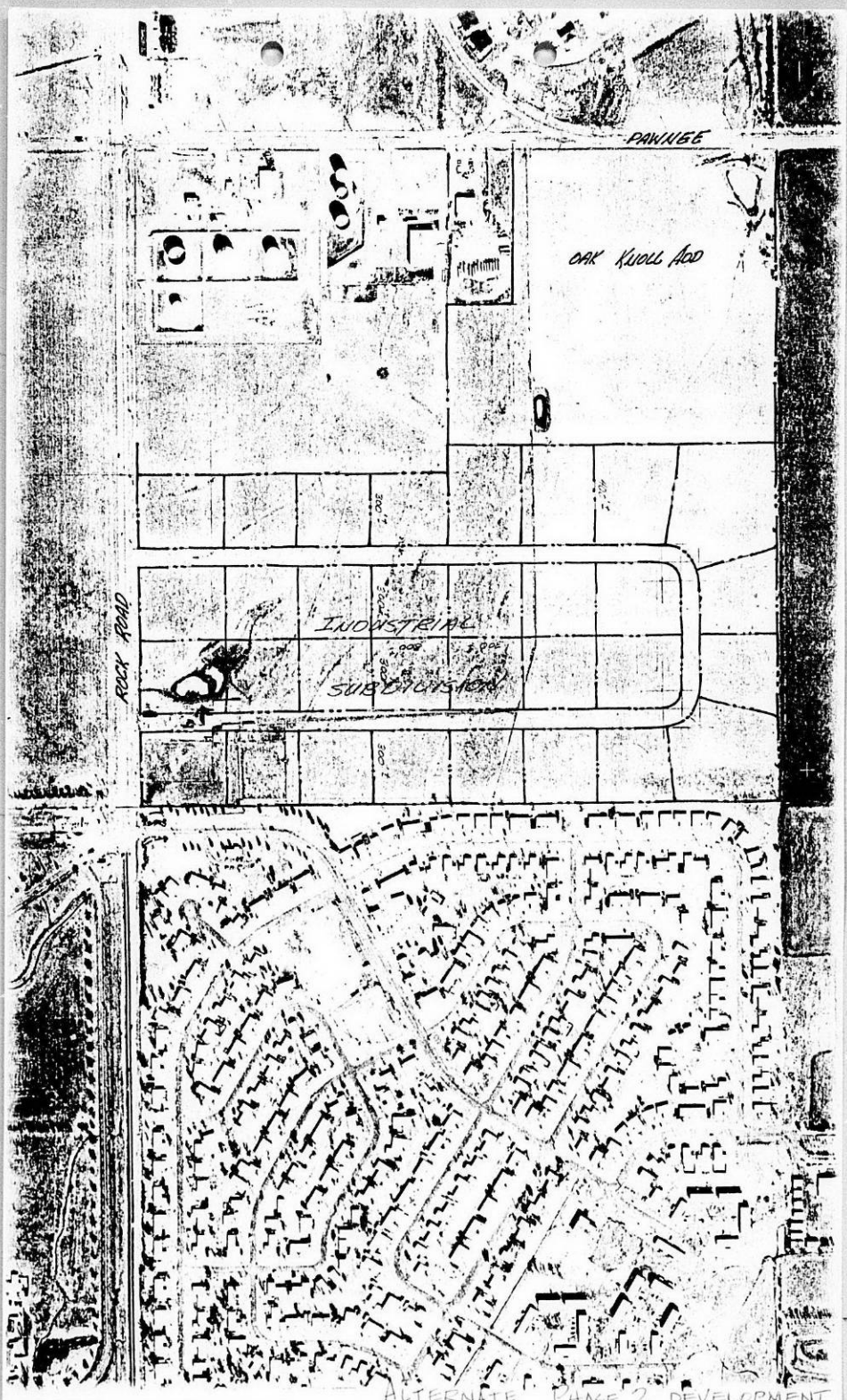
Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by *L.O.*
Date *2-27*
Fee Submitted *3/100*

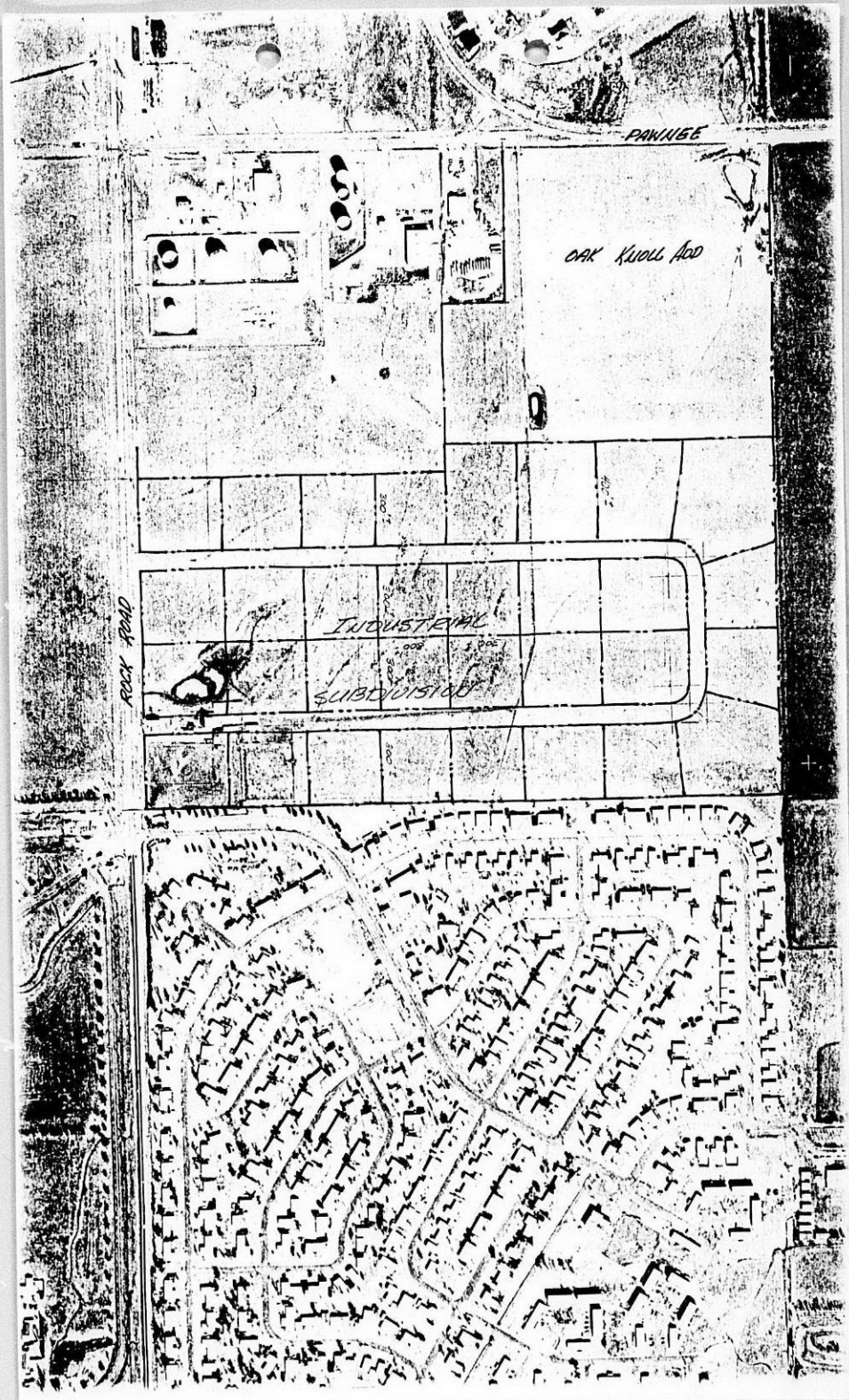
*for phase one
only
(88 lots)*

T9-301B
(2-71)

*311
50
3/26/79*



ALTERNATE PAGE 2 DEVELOPMENT



PAWINGE

OAK KNOLL ACD

ROCK ROAD

INDUSTRIAL
SUBDIVISION

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

200'

FORM 29

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

Phase one only 3/1/00
DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

February 22, 1979

Mr. Gary Wiley
Professional Engineering Consultants, P.A.
1440 E. English
Wichita, Kansas 67211

Re: Revised sketch plat of Oak Knoll Addition

Dear Mr. Wiley:

We have reviewed the above-referenced sketch plat within the Planning Department and with other departments and have compiled the following comments:

1. Prior to filing a preliminary plat, the sewer study which you have begun should be completed and a determination made about how this entire property can be sewerred. This is essential because the City's willingness to annex this land will depend to a great degree on how sewer services can be provided.
2. Annexation of this property will be necessary in order to plat the size lots which are being proposed and in order to provide municipal water to each lot. Annexation of this property should be approved by the Board of City Commissioners prior to filing a final plat.
3. The proposed west access point is too close to the curve in Pawnee. Although two access points into the subdivision are desirable, the west access point should be moved further east. We would suggest that the large multi-family lot be platted in the northwest corner of the tract with the first access point being immediately east of that lot.
4. As you have been previously advised, this entire tract is subject to high noise levels from McConnell Air Force base air traffic. According to the AICUX report published by McConnell last June, this property is within Compatible Use District (CUD) 12 in which residential development is strongly discouraged. "The absence of viable alternative development options should be determined and an evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited in these CUD's should be conducted prior to approvals." However, if residential development does occur,

do not mail

Mr. Gary Wiley, P.E.C., P.A.
2-22-79
Page 2

construction of habitable buildings should be of such a nature that the interior noise levels are reduced by 30 decibels. If residential development is approved for this property, a condition of approval will be to require covenants to be filed which set forth specific noise-related construction standards which must be adhered to when any habitable structures are built within this subdivision.

5. A drainage concept should be submitted to the City Engineer's office for review and approval prior to or at the time of submission of a preliminary plat.
6. Proposed street names shall be shown on the preliminary plat.
7. A zone change will be necessary for the multi-family development. No final plat shall be submitted until the zone change request has been approved by the Board of City Commissioners.

We will be happy to meet with you or your client at any time to discuss these platting requirements if you so desire.

Sincerely,

Louise Olivarez
Louise Olivarez
Junior Planner

LO:bh

cc: Randy Voth, Vice President
American Land Development Company, Inc.
3202 W. 13th Street, Suite 1
Wichita, Kansas 67203

- 10 gallons per acre ?
- Design plot to accommodate only 35 acres with sewers.
- Study is possible to see if pumping system could accommodate more.
- Mitigate against noise.
Set out specific criteria in contract that will reduce noise 30 decibels - 20% extra cost per unit.
- Acquisition discouraged until guarantees are formulated to reduce noise.

THE CITY OF WICHITA

OFFICE OF Flood Control Maintenance

DATE February 14, 1979

TO Jack Galbraith, Chief Planner, MAPD

FROM Max Greene

SUBJECT Revised Sketch Plat -
Oak Knoll Addition

I have reviewed the Revised Sketch Plat of Oak Knoll Addition and
comments are as follows:

- 1) Need drainage concept plan.
- 2) Need details and hydrology on existing pond.
- 3) Need to consult with City Engineer on retention requirements.

The above information should be submitted with the preliminary plat.

Max Greene

Max Greene,
Flood Control Engineer
Flood Control Maintenance

MG/gln

cc: D. R. Brewer, Jr.
Yash Desai
Oak Knoll Addition Plat File



THE CITY OF WICHITA
OFFICE OF ENGINEERING

DATE December 27, 1978



TO Robert A. Lakin, Director of Planning
FROM R.W. Linn, City Engineer

SUBJECT Oak Knoll Addition
South of Pawnee and East of Rock Road

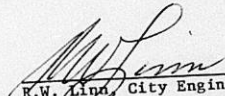
Engineering Division staff met with Mr. Randy Voth and Gary Wiley on December 21st, 1978 to review the availability of sanitary sewer service for this area. The problems of main sewer capacity, pumping station and force main options with a holding tank concept were reviewed.

Mr. Voth was advised that main sewer capacity is available for the extension of gravity sewers to the northeast 35 acres of his proposed development. The sewer extension will also serve approximately 10 acres of the ownership adjacent to the east.

Mr. Voth was advised that the Engineering Division would approve the extension of sewers to serve this portion of his development. He indicated that he intended to proceed with an engineering study of alternate methods of sewer service for the balance of the tract.

We advised Mr. Wiley to consider the options and possibility of no sewer service on the remainder of the tract in design of the preliminary plat.

If additional information is desired, please contact me.


R.W. Linn, City Engineer

RWL:gd
CC: Randy Voth, President - American Land Development
Gary Wiley, Professional Engineering Consultants
Jack Galbraith, Chief Planner
Bob Young, Principal Planner

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

December 15, 1978

Randall J. Voth, President
American Land Development Co., Inc.
Suite 1
3202 West 13th Street
Wichita, Kansas 67203

Re: Annexation - South side of
Pawnee, between Rock Road
and Webb Road

Dear Mr. Voth:

By copy of your letter to Mr. Denton, we have begun to evaluate your request for annexation of a 76 acre tract, lying south of Pawnee, in an area to the east of Rock Road. You have also submitted a sketch plat for this area for our preliminary review.

I have discussed briefly with your land planner, Mr. Wiley, some of the problems attendant with this piece of land. This particular piece of land has been the subject of much discussion over the years with a previous owner, and the Department of Public Works concerning sewer capacities. As you may be aware, there are capacity problems for sewer in the area south of Pawnee. When the sewers were built for the area south of the Kansas Turnpike, decisions were made which resulted in the limiting of the sewer size and the capacities therein. Essentially, the existing sewers would serve approximately the north 45 acres of your tract, and at a density of approximately 10 persons per acre. This would be closer to three dwelling units per acre which is considerably lower density than that being suggested in your sketch plat. The problem of sewer does need to be resolved. Wherever development occurs on your tract of land, of course, must be considered as a possible and probable impact on adjoining tracts of land. There may be good engineering answers to provide alternate service. We would request, however, that prior to proceeding further with either the plat or the annexation, that you secure or develop a study showing in what fashion this area can be sewerred. I would think since you are proposing to begin development in this area south of Pawnee that all of the north half of

WICHITA - SEDGWICK COUNTY

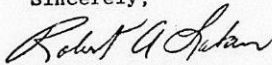
Randall J. Voth
December 15, 1978
Page 2

Section 5 be included in that study. For specifics and details in the area, please contact Dick Linn, City Engineer's office. As a part of this study, of course, not only should the engineering features be considered, also the policy implications as to costs that might be required in order to install or develop such service system.

You should also be aware that there is a report prepared by the Department of Defense called AICUZ, this stands for Area Installation Compatible Use Zones. It is a report dated June 1978, prepared for the use of local governments and citizens in the McConnell Air Force Base environs. A copy of this report is available in our office, and will be loaned to you at your request. Your land appears to fall in two separate rating areas around McConnell. One, is an area which residential development is strongly recommended to be excluded from future development. The remainder is in another category in which residential development is not preferred, but which, upon further examination, could be made compatible in the event construction was such that a 30 decibel noise reduction level could be achieved within the structure. This of course would indicate for that portion which might possible be developed, that considerably additional construction costs would be required in order to achieve this decibel reduction. As I am sure you are aware, high noise levels can be both physically and psychologically harmful to people, and as such, I would urge that you review carefully this report before considering proceeding with development plans for this tract of land. It may be argued that a development exists both to the north and to the south, however, further intrusions into the high noise zones which may result in either complaints and/or damage suits against the government and public, could result in the loss of this vital facility to the Wichita area. I am sure as a developer in the Wichita area, that you would not want to participate in that type of outcome or to provide a product in which your clients, the home buyers, would be damaged.

I am sure that some of this information is quite new to you and I would suggest that after you have had an opportunity to review the AICUZ report, and to confer further with your consultants, that a meeting between yourself and my staff would be appropriate and in order.

Sincerely,



Robert A. Lakin
Director of Planning

RAL:rme

*C. Denton
Bruggeman
Wynkoop
McLure*

*Selkield
Young
Wiley
Colonel Hampton*

WICHITA-SEDGWICK COUNTY

December 13, 1978

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

TO Bill Otten, Water Department
Max Greene, Flood-Control, Maintenance
Dean Sellers, Assistant City Engineer
William McKinley, Assistant Traffic Engineer

FROM Louise Olivarez, Junior Planner

SUBJECT S/D 78-131 - Oak Knoll Addition sketch
plat, located 1/4 mile east of Rock Road
on the south side of Pawnee

Attached is a sketch plat recently submitted to our office for review. The applicant has requested annexation. I would appreciate your review of this plat with any comments returned to me by Tuesday, December 19, 1978.

Louise Olivarez
Louise Olivarez
Junior Planner

Bill McKinley 12-14-78
Pawnee's Oak Knoll sketch
- move entrances on Pawnee
to east end of plat

- complete access control
on curve in Pawnee

Bill Otten said this plat could be served with City water by extending the main which is new in Pawnee.

The water line which serves the housing project to the south most likely could not be extended (lack capacity, and is government property).

December 13, 1978

Bill Otten, Water Department
Max Greene, Flood-Control, Maintenance
Dean Sellers, Assistant City Engineer
William McKinley, Assistant Traffic Engineer
Louise Olivarez, Junior Planner

S/D 78-131 - Oak Knoll Addition sketch
plat, located 1/4 mile east of Rock Road
on the south side of Pawnee

Attached is a sketch plat recently submitted to our
office for review. The applicant has requested an-
nexation. I would appreciate your review of this
plat with any comments returned to me by Tuesday,
December 19, 1978.

Louise Olivarez
Junior Planner
LO:bh
Attach.

Map No.: 6044
Section No.: 5
Twp. No.: 28S
Range: R2E

S/D No. 78-131

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Oak Knoll Addition

General Location: 1/4 Mile East of Rock Road on the South Side of Pawnee

Name of Property Owner: American Land Development Co., Inc.

Address: 3202 W. 13th, Suite 1, Wichita, KS 67203 Phone: 943-2308

Name of Subdivider: Randy Voth (Vice President)

Address: Same Phone: _____

Name of Agent/Surveyor: Professional Engineering Consultants, P.A. (Gary Wiley)

Address: 1440 East English, Wichita, KS 67211 Phone: 262-2691

Date of Application: November 28, 1978

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 76 $\frac{1}{2}$
2. Number of Lots:
 - Residential 236
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 45 ft.
4. Minimum Lot Area 8,000 Sq. ft.
5. Existing Zoning R-1
6. Proposed Zoning AA
7. Lineal Feet of New Streets:
 - a. 66 R/W 2550 ft.
 - b. 64 R/W 6950 ft.
 - c. 58 R/W 2200 ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 11,700 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply (Yes-No), Name City of Wichita
10. Public Sanitary Sewers (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) N/A (Yes-No)
12. City of Wichita Three-Mile Area

(Proposed to be annexed to the City of Wichita)

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: [Signature]
Vice President
American Land Development Co., Inc.

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

Received by R.O.
Date 11-29-78
Fee Submitted none
(Shelton)