

Book 6;  
H-5W-D

PLAT NO. S/D 79-88 MAP NO. 4445

NAME ROOKS ADDITION

LOCATION: East side of 167th St. West approx. 1/2  
mile south of U.S. 54

ENGINEER D. L. Winfrey

OWNER James Rooks

APPLICATION FILED 7-16-79

SKETCH PLAT FILED 7-16-79

PRELIMINARY FILED \_\_\_\_\_

S/D ACTION \_\_\_\_\_

FINAL FILED 7-16-79

S/D ACTION 7-26-79 Approve

MAPC ACTION 8-2-79 approve

BCC ACTION \_\_\_\_\_

RECORDED \_\_\_\_\_

REMARKS Closed

S/D 79-88 - ROOKS ADDITION - East  
side of 167th St, West, approx. 1/2  
mile South of U.S. 54. D.L. Winfrey

POSTED  
7-24-79  
*[Signature]*

# ACTION

	DATE
S/D COMMITTEE ( <i>final</i> ) <u>approve</u>	<u>7-26-79</u>
M.A.P.C. <u>approve</u>	<u>8-2-79</u>
B.C.C./B. CO. C. _____	_____

S/D 79-88 - ROOKS ADDITION - East  
side of 167th St. West, approx. 1/2  
mile South of U.S. 54. D.L. Mintrey



Sharon Rooks 722-3167 10-2-79

Mrs Rooks called this date and explained in detail all the problems they are having in pletting their 2 acre tract.

First they owned a 3.8 acre tract which deed was not recorded until 1970. She contends, however, that the tract existed prior to 1965, however, she has not been able to offer such proof. She and her attorney, apparently, have been advised by everyone that if proof is provided then a permit will be issued for the 2 acre tract that they have retained. The Rooks sold a 1.5 acre tract off of the 3.8 acre tract that had an old farm home on it, and they thought they could easily obtain a permit on the 2 acre retention without pletting.

Discussed the problem with Steve Jones. She contends that after she hired someone to conduct percolation tests, which failed, that Steve advised her that her soil was a poor type that possibly deeper test holes might result in an acceptable test. Steve says that he received SIC maps sometime after his first contact with the Rooks and didn't have the benefit of the mapping information. Before she pays for a retest, I advised her to contact Jerry Henry of the SCE to see if he could assist her in

revising her soil type, offering assurance that if she goes to the extra expense of having the tests run again at a greater depth, that the tests have a good chance of being successful.

James advises that if the tests are not successful then no sewerage system will be approved for the site as he would expect that no system could be successful and he points out that there are sites in the eastern part of the County where homes cannot be developed because of poor percolation.

Again I advised her that if the 3.8 acre tract existed prior to 1965, they were ~~so~~ permitted the one sell-off without platting. She is to call again if Henry turns up anything that will help her and me to complete her plat.

I am bothered by the fact that if they can prove they were permitted one sell off, that first some one can create a 1.8 acre tract when the "R" district requires 2 acres; and that if ~~platting~~ is not required, then they can get a permit without adequate percolation. This is bad and simply doesn't make sense.

KIDWELL & WILLIAMSON  
CHARTERED  
ATTORNEYS AT LAW  
SUITE 750 - 200 WEST DOUGLAS  
WICHITA, KANSAS 67202

DALE KIDWELL (1906-1973)  
WALTER C. WILLIAMSON  
RANDY S. STALCUP  
MARK F. ANDERSON  
JOHN F. MOORE  
ROSS BARNETT ORIGGS

August 24, 1979

263-6141  
AREA CODE 316

RECEIVED

AUG 27 1979

METROPOLITAN PLANNING  
ROUTE  House

Louise Olivarez, Senior Planner  
Wichita Sedgwick County Metropolitan  
Area Planning Dept.  
10th Floor, City Hall  
455 N. Main  
Wichita, Kansas 67202

Re: Lot 1, Block 1, Rooks Addition, Your File  
No. S-D79-88

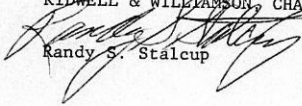
Dear Ms. Olivarez:

This is to be considered as an amendment to my previous letter  
issued August 23, 1979 in regard to the above captioned matter.

In truth and in fact, Mr. Rooks retained the 2 acre tract and  
sold the 1.8 acre tract and my last letter should be amended  
to reflect said fact.

Very sincerely,

KIDWELL & WILLIAMSON, CHARTERED

  
Randy S. Stalcup

lft  
F-4  
cc: J. Rooks

8-27-79

Called Stalup to advise him that it was the ground itself and not the house which had to exist prior to 7-1-68 as a separate parcel in order for Jim Rook's source to meet the "first sell-off" plotting exemption. He said he was searching the deeds to determine if this was the case. I told him to furnish proof to County Public Works if this should be the case.

Leise

KIDWELL & WILLIAMSON  
CHARTERED  
ATTORNEYS AT LAW  
SUITE 700 - 200 WEST DOUGLAS  
WICHITA, KANSAS 67202

DALE KIDWELL (1906-1973)  
WALTER C. WILLIAMSON  
RANDY S. STALCUP  
MARK F. ANDERSON  
JOHN F. MCGEE  
ROSS BARNETT GRIFFIS

August 22, 1979

RECEIVED  
AUG 24 1979

AUG 24 1979  
METROPOLITAN PLANNING  
ROUTE  1000  
 \_\_\_\_\_

Louise Olivarez,  
Senior Planner  
Wichita Sedgwick County Metropolitan  
Area Planning Dept.  
10th Floor, City Hall  
455 N. Main  
Wichita, Kansas 67202

Re: Lot 1, Block 1, Rooks Addition, Your File  
No. S-D79-88

Dear Ms. Olivarez:

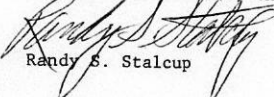
As you know, I represent Mr. Jim Rooks in regard to the  
above captioned matter.

My review of the Metropolitan Area Subdivision Regulations  
particularly at the exemptions listed in 3-105(F) and (G)  
indicates that in fact, the subject property is exempt from  
the subdivision regulations. The 1.8 acre tract has of  
course been retained by Mr. Rooks and he did sell the ad-  
joining 2.0 acre tract in the Spring of 1979. Furthermore,  
the house which was on the property sold by Mr. Rooks was  
located thereon as of July 1, 1968. As such, it is our  
contention that he would fit within the exemption here-  
inbefore mentioned as indeed the Spring 1979 division only  
creates one additional parcel or lot as allowed in sub-  
section (F).

If you need additional documentation relative to this matter,  
please advise as soon as possible as my client is most  
anxious to commence building on the subject property.

Very sincerely,

KIDWELL & WILLIAMSON, CHARTERED

  
Randy S. Stalcup

lft  
Th-7  
cc: J. Rooks

August 2, 1979

Mr. D. L. Winfrey  
#21 S. Lakeview Dr., Lake Waltanna  
Route 1  
Goddard, Ks.

Dear Mr. Winfrey:

Re: S/D 79-88 - Final plat of Rooks Addition

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, August 2, 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 July 27, 1979.

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

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
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.
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,

Louise Olivarez  
Senior Planner

LO:bh

cc: James Rooks, 1932 S. 167th St., West 67052

July 27, 1979

D. L. Winfrey  
#21 S. Lakeview Drive  
Lake Waltanna  
Route 1  
Goddard, Kansas

Re: S/D 79-88 - Final plat of Rooks Addition

Dear Mr. Winfrey:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 26, 1979, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. The applicant shall submit a lot grading and drainage plan to the County Engineer's Office for review and approval. The plan will have to be approved prior to forwarding the plat to the County Commission for approval. Approval of the drainage plan may require the granting of drainage easements and/or approval from the railroad for the acceptance of drainage waters onto their property.
- B. The applicant's engineer shall reset the corner irons adjacent to 167 Street West to reflect the 50-foot right-of-way dedication for 167th Street. A legend shall be added to the face of the plat identifying irons set and irons found.
- C. The final plat tracing shall show a 35' building setback along 167th Street West and a 30' setback along the roadway to the south.
- D. The final plat tracing shall show complete access control along 167th Street West and the appropriate wording shall be added to the plat's text.
- E. The existing 60-foot roadway to the south of the lot shall be labeled Dora on the final plat tracing.
- F. Approval of this plat shall be subject to satisfactory percolation test results and approval by the Health

D. L. Winfrey  
Page 2  
July 27, 1979

Department for the issuance of a septic tank permit.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, August 2, 1979, at 1:00 p.m. If you should have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivares  
Senior Planner

LO:hh

cc: James Rocks, 1932 S. 167th St. West, 67052  
Joe Freeman, Co. Department of Public Works

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-88 Name Rooks Addition  
Date Application Rec'd. 7-11-79 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 7-26-79

DESCRIPTION

General Location East side of 167th St. West approximately 1/2  
mile south of US 54

Owner James Rooks

Surveyor/Engineer D. L. Winfrey

Address #21 S. Lakeview Drive, Lake Waltonna Phone 794-2356

Route 1, Goddard, Ks. 67052

- |                                                                  |                                |
|------------------------------------------------------------------|--------------------------------|
| 1. Gross Acreage of Plat <u>2</u>                                | 7. Lineal Feet of New Streets: |
| 2. Number of Lots:                                               | a. _____ R/W _____ ft.         |
| Residential <u>1</u>                                             | b. _____ R/W _____ ft.         |
| Commercial _____                                                 | c. _____ R/W _____ ft.         |
| Industrial _____                                                 | d. _____ R/W _____ ft.         |
| Other _____                                                      | e. _____ R/W _____ ft.         |
| Total Number of Lots <u>1</u>                                    | TOTAL _____ ft.                |
| 3. Minimum Lot Frontage <u>95</u> ft.                            | 8. Sidewalk adjacent to all    |
| 4. Minimum Lot Area <u>2 acres</u> <del>688</del>                | streets? <u>yes</u> <u>no</u>  |
| 5. Existing Zoning <u>R</u>                                      |                                |
| 6. Proposed Zoning <u>R</u>                                      |                                |
| 9. Public Water Supply <u>No</u> (Yes-No), Name _____            |                                |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name _____        |                                |
| 11. Health Department Approval (where applicable) _____ (Yes-No) |                                |
| 12. City of Wichita <u>No</u> : Three-Mile Area <u>No</u>        |                                |

STAFF COMMENTS:

- A. The applicant shall submit a lot grading and drainage plan to the County Engineer's Office for review and approval. The plan will have to be approved prior to forwarding the plat to the County Commission for approval.
- B. The applicant's engineer shall reset the corner irons adjacent to 167th Street West to reflect the 50-foot right-of-way dedication for 167th Street. A legend shall be added to the face of the plat identifying irons set and irons found.
- C. The final plat tracing shall show a 35' building setback along 167th Street West and a 30' setback along the roadway to the south.
- D. The final plat tracing shall show complete access control along 167th Street West.
- E. The existing 60-foot roadway to the south of the lot shall be labeled Dora on the final plat tracing.
- F. The applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities (and water wells). A memorandum shall be obtained specifying approval.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5 of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements or discuss the feasibility of the applicant extending and/or installing same.

Book 6  
Map No.: 4445 4445  
Section No.: 34  
Twp. No.: 27  
Range: 2W

S/D No. 79-88

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Rocks Addition  
General Location: east side of 16th St. West approx. 1/2 mile south of US 54  
Name of Property Owner: James Rocks  
Address: 1982 S. 16th St. West 67052 Phone: 794-2553  
Name of Subdivider: same Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Name of Agent/Surveyor: D. F. Winfrey  
Address: #21 S. Jackson St. - Topeka, Kansas Phone: 794-2350  
Date of Application: Plat #1, Sedgwick 67052

SUBDIVISION INFORMATION:

- 1. Gross Acreage of Plat 2
- 2. Number of Lots:
  - Residential 1
  - Commercial \_\_\_\_\_
  - Industrial \_\_\_\_\_
  - Other \_\_\_\_\_
- 3. Minimum Lot Frontage 45 ft.
- 4. Minimum Lot Area 3 acres
- 5. Existing Zoning R
- 6. Proposed Zoning R
- 7. Lineal Feet of New Streets:
  - a. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - b. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - TOTAL \_\_\_\_\_ ft.
- 8. Sidewalk adjacent to all streets? yes no
- 9. Public Water Supply (Yes/No) Name \_\_\_\_\_
- 10. Public Sanitary Sewers (Yes/No) Name \_\_\_\_\_
- 11. Health Department Approval (where applicable) \_\_\_\_\_ (Yes-No)
- 12. City of Wichita No Three-Mile Area No

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

Owner's Signature: James W. Rocks

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

Received by L.O.  
Date 7-11-79  
Fee Submitted 50.00

FORM 29-C

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		

DESCRIPTION	AMOUNT
-------------	--------

NAME

ADDRESS

FUND	DUE DATE
------	----------

COMMENTS

DATE	BY
------	----