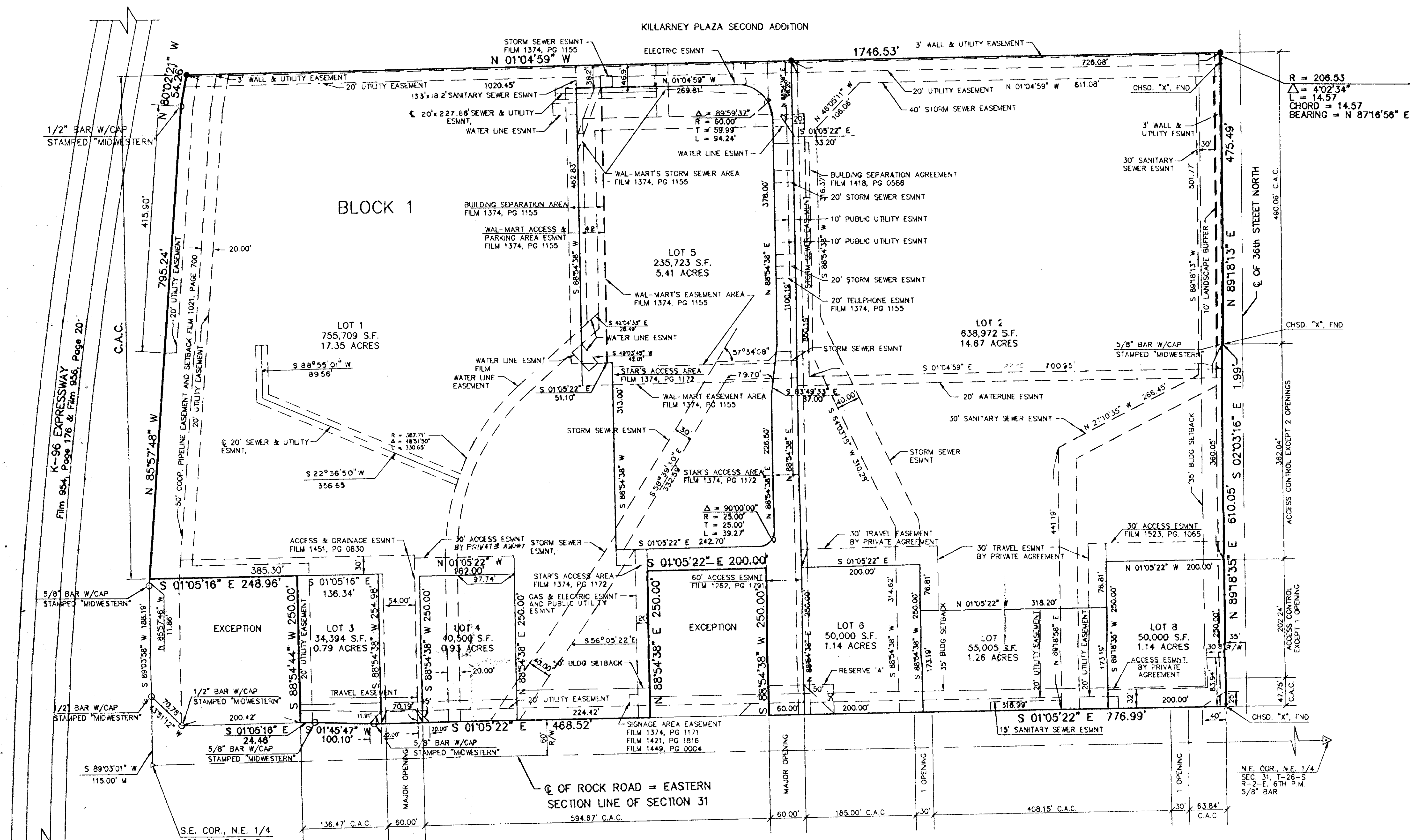




LEGEND

- SECTION CORNER FOUND
- MONUMENT SET, 2" I.D. PIPE FILLED W/CONCRETE W/ALUMINUM SURVEY CAP STAMPED "KAW VALLEY ENGINEERING"
- MONUMENT FOUND
- C.A.C. COMPLETE ACCESS CONTROL

NOTES:

- ALL SETBACK REQUIREMENTS SHALL BE IN CONFORMANCE WITH COMMERCIAL COMMUNITY UNIT PL-95 ON FILE WITH THE METROPOLITAN AREA PLANNING DEPARTMENT.
- REGARDING 3' WALL EASEMENT, ANY WALL CONSTRUCTION THAT WILL CROSS SANITARY SEWER OR DRAINAGE EASEMENTS SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION.
- LOT 2 IS SUBJECT TO A GRANT OF DRAINAGE AGREEMENT RECORDED ON FILM 1523, PAGE 1064.

THE BASIS OF BEARINGS OF THIS SURVEY ARE THE SAME AS THE FINAL PLAT OF COMOTARA POWER CENTER AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS } ss
CITY OF WICHITA } ss
THIS PLAT OF "COMOTARA POWER CENTER 2ND ADDITION", HAS BEEN SUBMITTED TO AND APPROVED BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, WICHITA, KANSAS.

DATED THIS ____ DAY OF _____, 19__

WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING COMMISSION

JOHN W. MCKAY, JR. CHAIRMAN

MARVIN S. KROUT SECRETARY

GOVERNING BODY CERTIFICATE

STATE OF KANSAS } ss
CITY OF WICHITA } ss
THIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN THEREON, IF ANY, ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS.

DATED THIS ____ DAY OF _____, 19__

BOB KNIGHT MAYOR

PAT BURNETT CITY CLERK

ENTERED ON TRANSFER RECORD THIS ____ DAY OF _____, 1995.

SUSAN E. CROCKETT-SPOON COUNTY CLERK

ENTERED ON TRANSFER RECORD THIS ____ DAY OF _____, 19__

____ COUNTY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE AT _____ A.M.-P.M. THIS ____ DAY OF _____, 19__

PAT KETTLER REGISTER OF DEEDS

ED RESA DEPUTY

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 18, 1995 BY THOMAS W. BOYD AS MEMBER OF BOX DEVELOPMENT, LLC ON BEHALF OF BOX DEVELOPMENT, LLC

TERESA J. ROUSHKOLB Notary Public - State of Kansas
My Comm. Expires 7/30/97

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 7-14-95 BY ANDREW SCHWEDTIGER AS DIRECTOR OF DEVELOPMENT FOR WAL-MART STORES, INC. ON BEHALF OF WAL-MART STORES, INC.

John Scott Greer Notary Public
My Comm. Expires 12-31-97

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 7-18-95 BY MICHAEL G. GOEBEL AS VICE PRES. OF STAR PROPERTIES, LLC ON BEHALF OF STAR PROPERTIES, LLC

JENNIFER L. STEPHENS Notary Public
My Comm. Expires 7/19/97

NOTARY CERTIFICATE

STATE OF OKLAHOMA } ss
COUNTY OF OKLAHOMA } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 7-11-95 BY W.H. BRAUM AS PRESIDENT OF RETAIL BUILDINGS, INC. ON BEHALF OF RETAIL BUILDINGS, INC.

Glenne Fuller Notary Public
My Commission Expires: 12-17-98

I, LEON D. OSBOURN, A CIVIL ENGINEER AND LICENSED LAND SURVEYOR IN KANSAS, DO HEREBY CERTIFY THAT I HAVE BEEN IN RESPONSIBLE CHARGE OF SURVEYING AND PLATTING OF "COMOTARA POWER CENTER 2ND ADDITION" AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, INTO LOTS AND BLOCKS, THE SAME BEING ACCURATELY SET FORTH IN THE ACCOMPANYING PLAT AND DESCRIBED HEREIN:

A REPLAT OF LOT 1, LOT 2 AND LOT 3, BLOCK 1, COMOTARA POWER CENTER, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS;
THENCE S 89°03'01" W A DISTANCE OF 115.00 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY OF K-96 EXPRESSWAY;
THENCE CONTINUING ON SAID NORTH RIGHT-OF-WAY LINE OF NORTHEAST EXPRESSWAY S 89°03'58" W A DISTANCE OF 158.19 FEET;
THENCE CONTINUING ON SAID NORTH RIGHT-OF-WAY LINE N 85°57'48" W A DISTANCE OF 11.88 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED;
THENCE CONTINUING ON SAID NORTH RIGHT-OF-WAY LINE N 85°57'48" W A DISTANCE OF 795.24 FEET;
THENCE S 89°03'21" W A DISTANCE OF 54.28 FEET;
THENCE N 01°04'59" W A DISTANCE OF 1746.53 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 38TH STREET NORTH;
THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 208.53 FEET, A LONG CHORD BEARING OF N 87°16'56" E A LONG CHORD DISTANCE OF 14.57 FEET, AN ARC DISTANCE OF 14.57 FEET;
THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, N 89°18'13" E A DISTANCE OF 475.49 FEET;
THENCE S 02°03'18" E A DISTANCE OF 1.99 FEET;
THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE N 89°18'35" E A DISTANCE OF 610.05 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE WEST RIGHT-OF-WAY LINE OF ROCK ROAD;
THENCE S 01°05'22" E ON SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 776.99 FEET;
THENCE S 88°54'38" W A DISTANCE OF 250.00 FEET;
THENCE S 01°05'22" E A DISTANCE OF 200.00 FEET;
THENCE N 88°54'38" E A DISTANCE OF 250.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE;
THENCE CONTINUING ON SAID WEST RIGHT-OF-WAY LINE S 01°05'22" E A DISTANCE OF 468.52 FEET;
THENCE CONTINUING ON SAID WEST RIGHT-OF-WAY LINE S 01°45'47" W A DISTANCE OF 100.10 FEET;
THENCE CONTINUING ON SAID WEST RIGHT-OF-WAY LINE S 01°05'16" E A DISTANCE OF 24.46 FEET;
THENCE S 01°05'16" E A DISTANCE OF 248.96 FEET TO THE POINT OF BEGINNING. CONTAINS 42.71 ACRES MORE OR LESS. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

END OF DESCRIPTION

ALL LOTS, BLOCKS, STREETS, ACCESS CONTROL, EASEMENTS AND BUILDING SETBACKS WITHIN THE ABOVE DESCRIBED PROPERTY ARE HEREBY VACATED AND REPLATTED BY VIRTUE OF K.S.A. 12-512(b).

I HEREBY CERTIFY THAT THE DETAILS OF THIS PLAT ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS 17th DAY OF July, 1995.

Leon D. Osbourn
LEON D. OSBOURN, R.L.S. # 800
KAW VALLEY ENGINEERING, INC.
2318 N. JACKSON
P.O. BOX 1304
JUNCTION CITY, KS 66441

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY OWNERS OF THE LAND AS ABOVE SET FORTH IN THE CIVIL ENGINEER'S AND LAND SURVEYOR'S CERTIFICATE, HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AND BLOCKS THE SAME TO BE KNOWN AS "COMOTARA POWER CENTER 2ND ADDITION" AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS. THE STREETS ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC. EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF DRAINAGE AND PUBLIC UTILITIES AS INDICATED ON THE ACCOMPANYING PLAT ARE HEREBY GRANTED. RESOLVE A IS PLATTED FOR ENTRY MONUMENTS, SIGNS, LANDSCAPING, SIDEWALKS, ACCESS AND SPRINKLERS. THE RESERVE SHALL BE OWNED AND MAINTAINED BY LOT 2. THE WALL EASEMENT IS DEDICATED FOR THE CONSTRUCTION AND MAINTENANCE FOR THE WALL UTILITIES WAY CROSS THE WALL EASEMENT. ALL ADJUTERS RIGHTS OF ACCESS TO OR FROM THE SOUTH LINE OF "COMOTARA POWER CENTER 2ND ADDITION" ARE HEREBY DEDICATED TO THE CITY OF WICHITA. ALL ACCESS LOCATIONS ARE AS INDICATED ON THE ACCOMPANYING PLAT OR AS DETERMINED BY THE CITY ENGINEER.

DATE SIGNED: July 18, 1995
David C. Nesbitt
NORTHROCK REALTY PARTNERS
DAVID C. NESBITT, PARTNER

DATE SIGNED: 7-11, 1995
W.H. Braum
STAR PROPERTIES, LLC
MICHAEL G. GOEBEL, MANAGING PARTNER

DATE SIGNED: 7-18, 1995
Wayne Wong
PROSPERITY ENTERPRISES, LLC
WAYNE WONG, MEMBER

DATE SIGNED: 7-11, 1995
Thomas W. Boyd
BOX DEVELOPMENT, LLC
THOMAS W. BOYD, MEMBER

KNOW ALL MEN BY THESE PRESENTS THAT WE, BANK IV KANSAS, NATIONAL ASSOCIATION, AS MORTGAGE HOLDER OF A PORTION OF THE LAND AS ABOVE SET FORTH IN THE CIVIL ENGINEER'S AND REGISTERED LAND SURVEYOR'S CERTIFICATE, DO HEREBY CONSENT TO THE PLATTING OF THE SAME TO BE KNOWN AS "COMOTARA POWER CENTER 2ND ADDITION" AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS.

DATE SIGNED: 7-10, 1995
John Frazee
BANK IV KANSAS NATIONAL ASSOCIATION
JOHN FRAZEE, VICE PRESIDENT

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 18, 1995 BY JOHN FRAZEE AS VICE PRES. OF BANK IV KANSAS, NATIONAL ASSOCIATION ON BEHALF OF BANK IV KANSAS, NATIONAL ASSOCIATION.

Sheila L. Thrush Notary Public
My Comm. Expires: 7-23-98

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 7-18-95 BY DAVID C. NESBITT AS PARTNER OF NORTHROCK REALTY PARTNERS ON BEHALF OF NORTHROCK REALTY PARTNERS.

JAYE ANN BUEHLER Notary Public
My Commission Expires: 12-17-97

NOTARY CERTIFICATE

STATE OF KANSAS } ss
COUNTY OF SEDGWICK } ss
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 16, 1995 BY WAYNE WONG AS MEMBER OF PROSPERITY ENTERPRISES, LLC ON BEHALF OF PROSPERITY ENTERPRISES, LLC.

Virginia L. Aklah Notary Public
My Commission Expires: 12-1-97

FINAL PLAT
OF
COMOTARA POWER CENTER 2ND ADDITION
TO THE CITY OF WICHITA,
SEDGWICK COUNTY, KANSAS
A REPLAT OF LOT 1, LOT 2, AND LOT 3 OF BLOCK 1
COMOTARA POWER CENTER
AN ADDITION TO SEDGWICK COUNTY, KANSAS

KAW VALLEY ENGINEERING, INC
JUNCTION CITY, KANSAS 66441
PROJECT NO. 95-1683

*Copied from
Tracing 7/19/95*

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

June 29, 1995

Kaw Valley Engineering, Inc. S/D 95-47
2319 N. Jackson
Junction City, KS 66441

Re: S/D 95-47 COMOTARA POWER CENTER 2ND ADDITION (Final Plat)

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on June 29, 1995, 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 June 22, 1995 but with the following changes:

✓ *Tracing shows*
The final plat tracing may indicate a joint access opening centered on the common lot lines of Lots 6 and 7. As determined appropriate by Planning, an adjustment to the CUP will also be necessary. The applicant shall contact the Planning Department to determine how such an adjustment will be provided. Further, the guarantee for an accel/decel lane along Rock Road shall provide for the extension of this lane further northward as determined appropriate by City and Traffic Engineering. Also, as determined by Traffic Engineering, Lot 8 shall provide complete access control to 36th Street North for an appropriate distance west of Rock Road.

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

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a check, made out to the Register of Deeds, covering the costs of any documents to be recorded as a requirement of platting.
3. Subdivision regulations now require a detailed Lot Grading Plan be submitted to Engineering prior to the tracing being released. This applies to all multi-lot and residential developments.

Please call if you have any questions.

Sincerely,

Don Losew

Don Losew
Senior Planner

DL:rh

cc: Wal Mart Stores, Inc., 701 S. Walton Blvd., Bentonville, AR 72716
Star Properties, 325 S. West St., Wichita, KS 67213
Northrock Realty Partners, 1313 N. Webb Road, Wichita, KS 67206
Mike Lindebak, City Engineer

SEDGWICK COUNTY



June 22, 1995

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1588
(316) 268-4421
FAX (316) 268-4390

Kaw Valley Engineering, Inc. S/D 95-47
2319 N. Jackson
Junction City, KS 66441

Re: S/D 95-47 COMOTARA POWER CENTER 2ND ADDITION (Final Plat)

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, June 22, 1995, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. Prior to submitting the final plat tracing, the applicant shall meet with City Engineering to determine requirements concerning guarantees for improvements needed to serve this site and any additional easement requirements.

In regard to guarantees, as necessary new guarantees shall be provided and existing guarantees revised as necessary (traffic, drainage, etc.), that is, agreements, square footages, etc. being provided. New guarantees may or will be needed for sanitary extensions, the relocation of an existing sewer line and possibly for certain drainage improvements.

In regard to easements, both permanent and a temporary easement shall be provided for the sanitary sewer line being relocated. Any other easements for sanitary sewer or drainage shall also be platted. Further, for the existing sewer line along this site's western line, sufficient easement exclusive of any wall easements shall also be platted. If any conflicts between this sewer line and the wall easement or existing buildings would occur, the applicant shall provide City Engineering with a hold harmless agreement. A copy of any such agreement shall also be submitted to Planning for the plat file.

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. In regard to this site's access controls, the applicant shall review both the CUP and final plat. The final plat tracing shall indicate the access controls as established by the CUP. To properly locate and interpret these controls, the applicant is advised that the final plat tracing should include as necessary sufficient dimensions to clearly depict such access controls and the allowed locations. If necessary, the applicant is encouraged to discuss

this matter with Planning Department staff.

As noted by Traffic Engineering, access in regard to Lots 7 & 8 may be further reviewed with that Department. However, the applicant is advised that any additional access beyond that now allowed by the CUP will require an adjustment or amendment of the present CUP. Traffic Engineering and the plat can require more restrictive controls but any additional access, greater than noted in the CUP, will require a change to the CUP before the plat can be scheduled for City Council action.

- D. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- E. On the final plat tracing, all lot lines, for lots within this Addition, shall be shown as solid, not dashed, lines. For the two properties adjacent to Rock Road, not now being included in this replat, these sites shall be labeled as exceptions. Their property lines (to Rock) should be shown either as dashed lines or more faintly than normal lot lines.
- F. Since this replat is vacating and replatting public easements, any such easements previously created by separate instruments and now being replatted, may simply be labeled for the intended purpose (utility, drainage, etc.) with the previously existing recording information (Film, page, etc.) deleted. Private type easements such as for access, pipelines, etc. should, however, still be shown with the appropriate labeling and recording information.
- G. As noted by the platting binder, substantial property taxes are/were due for this site and a mortgage is held by Bank IV for a portion of the site. Prior to this plat being released for recording, the applicant shall provide proof that all current and due taxes have been paid for the property. The final plat tracing shall also be signed by any mortgage holder involving the site or proof provided that any such mortgage has been released.
- H. The applicant is advised that the C.U.P indicates a three foot wall easement along 36th Street, beginning at the northwest corner of the plat, and going eastward. The 10 foot landscape buffer shown on the plat may include the wall easement. C.U.P. condition 16.F also calls for a solid evergreen screen along the north 100 feet of the west side of the property if a building is built within 100 feet. The remainder of the west side property line on Parcel 7 would be required to meet the landscape ordinance. From the plat it is not clear if that requirement can be met with all the utility and storm water easements located along the west property line. Engineering and the utility companies need to comment on the appropriateness of the joint wall and utility easement.
- I. On the final plat tracing, the signature block shall be amended to indicate Bob Knight as Mayor, and John W. McKay, Jr. as Chair of the Planning Commission, indicate the president of Braum's Ice Cream name and clear up which name belongs to Northrock Realty Partners - Chris Goebel or David C. Nesbitt.
- J. 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.

- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- M. Recording of the plat within 30 days after approval by the City Council.

If this plat requires the guaranteeing of improvements a list of the five methods which have been adopted as being acceptable is available through the Planning Department. Also, certificates which are required if petitions are submitted and forms for the bond and irrevocable Letter of Credit are also available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, June 29, 1995 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,



Don Losew
Senior Planner

DL:rh

Enclosure: Marked Copy of plat

cc: Wal Mart Stores, Inc., 701 S. Walton Blvd., Bentonville, AR 72716
Star Properties, 325 S. West St., Wichita, KS 67213
Northrock Realty Partners, 1313 N. Webb Road, Wichita, KS 67206
Mike Lindebak, City Engineer

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2-8

June 29, 1995

STAFF REPORT
(Final Plat Approved 6/22/95)

CASE NUMBER: S/D 95-47 COMOTARA POWER CENTER 2ND ADDITION

OWNER/APPLICANT: Wal Mart Stores, Inc., 701 S. Walton Blvd., Bentonville, AR 72716
and Star Properties, 325 S. West St., Wichita, KS 67213
and Northrock Realty Partners, 1313 N. Webb Road, Wichita, KS 67206

SURVEYOR/ENGINEER: Kaw Valley Engineering, Inc., 2319 N. Jackson, Junction City, KS 66441

LOCATION: West side of Rock Road, south of 36th Street North

SITE SIZE: 42.73 Acres

NUMBER OF LOTS

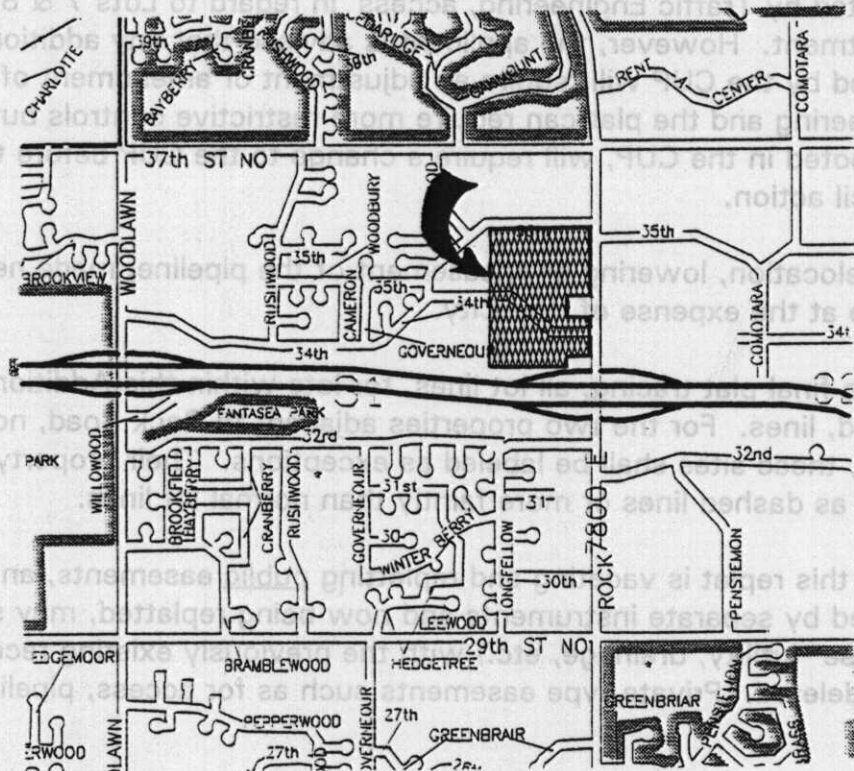
Residential:	
Office:	
Commercial:	8
Industrial:	
Total:	8

MINIMUM LOT AREA: 0.79 Acres

CURRENT ZONING: "LC" (DP-195)

PROPOSED ZONING:

VICINITY MAP:



STAFF COMMENTS:

- A. Prior to submitting the final plat tracing, the applicant shall meet with City Engineering to determine requirements concerning guarantees for improvements needed to serve this site and any additional easement requirements.

In regard to guarantees, as necessary new guarantees shall be provided and existing guarantees revised as necessary (traffic, drainage, etc.), that is, agreements, square footages, etc. being provided. New guarantees may or will be needed for sanitary extensions, the relocation of an existing sewer line and possibly for certain drainage improvements.

In regard to easements, both permanent and a temporary easement shall be provided for the sanitary sewer line being relocated. Any other easements for sanitary sewer or drainage shall also be platted. Further, for the existing sewer line along this site's western line, sufficient easement exclusive of any wall easements shall also be platted. If any conflicts between this sewer line and the wall easement or existing buildings would occur, the applicant shall provide City Engineering with a hold harmless agreement. A copy of any such agreement shall also be submitted to Planning for the plat file.

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. In regard to this site's access controls, the applicant shall review both the CUP and final plat. The final plat tracing shall indicate the access controls as established by the CUP. To properly locate and interpret these controls, the applicant is advised that the final plat tracing should include as necessary sufficient dimensions to clearly depict such access controls and the allowed locations. If necessary, the applicant is encouraged to discuss this matter with Planning Department staff.

As noted by Traffic Engineering, access in regard to Lots 7 & 8 may be further reviewed with that Department. However, the applicant is advised that any additional access beyond that now allowed by the CUP will require an adjustment or amendment of the present CUP. Traffic Engineering and the plat can require more restrictive controls but any additional access, greater than noted in the CUP, will require a change to the CUP before the plat can be scheduled for City Council action.

- D. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.

- E. On the final plat tracing, all lot lines, for lots within this Addition, shall be shown as solid, not dashed, lines. For the two properties adjacent to Rock Road, not now being included in this replat, these sites shall be labeled as exceptions. Their property lines (to Rock) should be shown either as dashed lines or more faintly than normal lot lines.

- F. Since this replat is vacating and replatting public easements, any such easements previously created by separate instruments and now being replatted, may simply be labeled for the intended purpose (utility, drainage, etc.) with the previously existing recording information (Film, page, etc.) deleted. Private type easements such as for access, pipelines, etc. should, however, still be

shown with the appropriate labeling and recording information.

- ✓ **G.** As noted by the platting binder, substantial property taxes are/were due for this site and a mortgage is held by Bank IV for a portion of the site. Prior to this plat being released for recording, the applicant shall provide proof that all current and due taxes have been paid for the property. The final plat tracing shall also be signed by any mortgage holder involving the site or proof provided that any such mortgage has been released.
- ✓ **H.** The applicant is advised that the C.U.P indicates a three foot wall easement along 36th Street, beginning at the northwest corner of the plat, and going eastward. The 10 foot landscape buffer shown on the plat may include the wall easement. C.U.P. condition 16.F also calls for a solid evergreen screen along the north 100 feet of the west side of the property if a building is built within 100 feet. The remainder of the west side property line on Parcel 7 would be required to meet the landscape ordinance. From the plat it is not clear if that requirement can be met with all the utility and storm water easements located along the west property line. Engineering and the utility companies need to comment on the appropriateness of the joint wall and utility easement.
- ✓ **I.** On the final plat tracing, the signature block shall be amended to indicate Bob Knight as Mayor, and John W. McKay, Jr. as Chair of the Planning Commission, indicate the president of Braum's Ice Cream name and clear up which name belongs to Northrock Realty Partners - Chris Goebel or David C. Nesbitt.
- ✓ **J.** 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.
- ✓ **K.** The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L.** Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- ✓ **M.** Recording of the plat within 30 days after approval by the City Council.