

for 5-11-60

MAP No. K-5
SEC. 16
TWP. 28
RANGE 15
NH'D _____

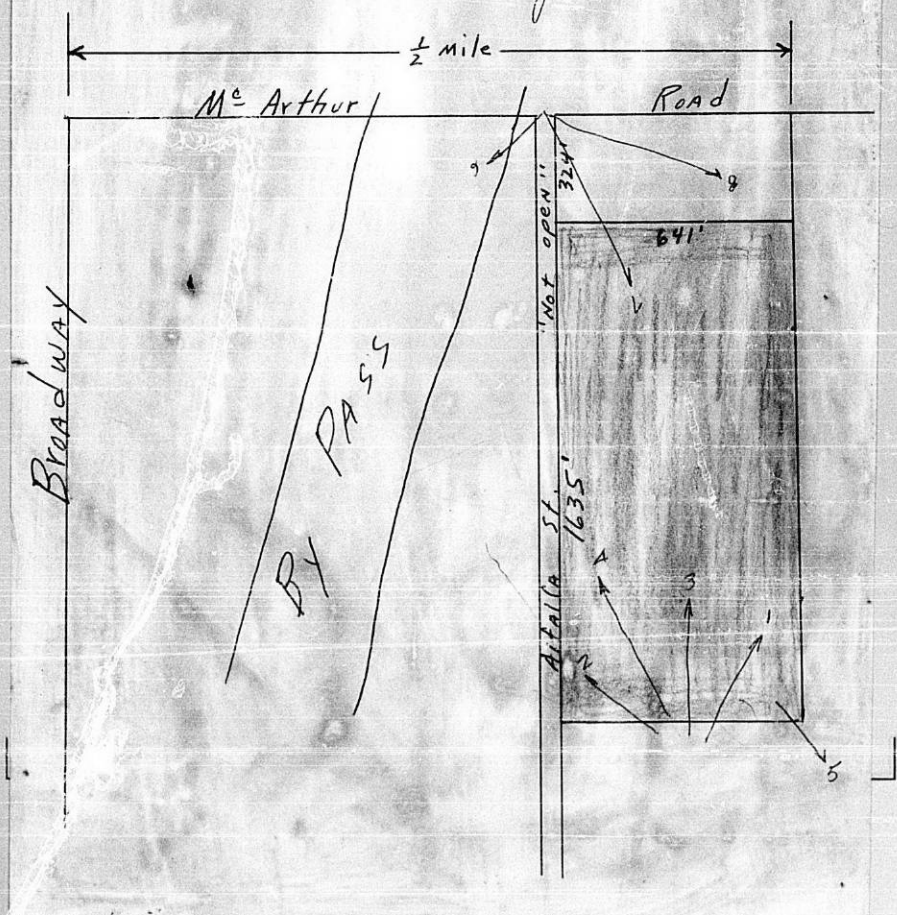
DATA SHEET

(CU) 18817 35
FILED 4-14-60

APPLICATION DATA: FROM NA TO NA
1. APPLICANT JOHN AND KATHERINE LOHKAMP
1001 EAST MCARTHUR, WICHITA, KANSAS
2. AGENT PAUL W. SCHMIDT & CHARLES E. COTTON
3. LOCATION SEE BELOW SIDE OF _____ BETWEEN _____
AND _____ (ADDRESS) 324' S. OF 1001 E.
4. PROPOSED USE BORROW PIT MCARTHUR RD.

AREA DATA
1. ACRES 24.1 FT. BY 1635 FT. BY 641 FT.
2. ADJOINING ZONING: E R-1 S R-1 W R-1 N R-1
3. LAND USE: EAST VACANT WEST VACANT SOUTH FARM HOUSE NORTH RESIDENTIAL
4. SKETCH PLAN LAND USE IS FOR RESIDENTIAL
5. PRESENT LAND USE IS FOR VACANT
6. AREA IS/IS NOT PLATTED.
7. _____ ACRES OF PROPOSED ZONING WITHIN NEIGHBORHOOD UNIT.

PHOTO DATA:
TAKEN BY Evaker DATE May 10 1960 TIME 10:15 am



WICHITA EAGLE PUBLISHING CO., INC.

Affidavit of Publication

STATE OF KANSAS, }
 } ss.
County of Sedgwick, }

W. W. Watson, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general circulation in said County and which said newspaper has been continuously and uninterruptedly published in said county during the period of one year immediately prior to the first publication of the notice hereinafter mentioned and that a notice of which a true copy is hereto attached was published in the regular and entire daily Evening issue of said The Wichita Eagle for _____ consecutive issues - weeks; that the first publication of said notice was made as aforesaid on the 13 day July, A.D., 1960

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

W. W. Watson

Subscribed and sworn to before me this 14 day of July, 1960

James Watson
Notary Public Sedgwick County, Kansas

My Commission expires MAR 21 1963

(24) (published in The Wichita Eagle Evening on July 12, 1960.)

RESOLUTION COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS A RESOLUTION PERMITTING A BORROWING AND A CONDITIONAL USE ON THE SOUTH HALF (80) OF LOT 3 AND LOTS 4 AND 5, RIVERSIDE GRASSLANDS ADDITION TO SEDGWICK COUNTY, KANSAS, SAID LOTS LOCATED WITHIN THE UNINCORPORATED TERRITORY Lying Within THREE MILES OF THE CITY OF WICHITA, IN SEDGWICK COUNTY, KANSAS, UNITS THEREAFTER DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS MARCH 2, 1958.

BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas:

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission, also, upon a public hearing as provided by law, and upon authority granted by Section 11-8 of the Sedgwick County Zoning Ordinance, as amended March 1, 1958, a conditional use of the lands hereinafter briefly described is hereby allowed as follows:

C. Purpose of Lot 3 and Lots 4 and 5, Riverside Grassland Addition to Sedgwick County, Kansas.

1. The borrow pit shall be a borrow pit subject to the conditions as follows:

- The earth that is extracted to a minimum depth of two (2) feet below the normal water table, however, excavation shall not exceed the depth of sixteen (16) feet below the normal ground level.
- A fifty-eight (58) inch V-mesh fence on 30 feet high seven (7) foot steel posts, with the posts at no more than sixteen (16) foot spacing shall be constructed on the property lines and may provide for reasonable access gates installed at the benefit of the owner, which gates shall be kept locked except when in use.
- Excavation shall not approach nearer than two-foot-one (2'-1") feet to the nearest line of lot front in the application, except that no excavating shall approach nearer than six (6) feet to the center line of any other street.
- Along any other street and along the north boundary of the property line as set forth in the application, there shall be installed a shelter belt consisting of two rows of plantings, and the installation and composition of said shelter belt shall be in accordance with specifications of the Soil Conservation Service.

2. All contours taken from the borrow pit shall be used exclusively for the construction of interstate highway route.

3. The side slope of the excavation shall be no more steep than five horizontal to one vertical.

4. Vegetative cover for slopes should consist of a short perennial ground resistant grass or combination of grasses which will permit the establishment of a good sod cover.

5. Conditions 1 through 7 above shall be made subject of the performance bond presented by the contractor to the State Highway Commission and a performance bond shall be filed with the County Clerk's office to insure proper conformance to conditions as established in items 1 through 7 above.

6. A further separate bond shall be presented to cover separately and assure the maintenance of the shelter belt for three years and until the expiration of 2,000 hours of the County Clerk and to run in favor of the County.

7. A restrictive covenant running with the land shall be made a part of the deed from the present owner to Charlow Construction Company, the purchaser, which covenant shall restrict the future use of the borrow pit area from use in the future as a sand-pit, land fill, trash dumping, or additional borrow pit. After the present borrow operation has ceased, it shall be not made a part of the deed. When a contract should be prepared between the present owner and the purchaser, setting forth the above restrictions, which restrictions are made for the benefit of the public, generally, and filed of record, at the time the deed is recorded, and before the present use of the conditional use is terminated.

SECTION II. That upon the taking effect of this resolution the above conditional use shall be permitted.

SECTION III. This resolution shall take effect and be in force from and after its adoption.

Passed and adopted this 26th day of May, 1960.

S/ H. B. SCOTT
S/ FRANK FRIER
S/ VERNON E. REED

Attest:
S/ W. O. WILLIAMS,
County Clerk (14)



STATE OF KANSAS
COUNTY OF SEDGWICK
CHIEF CLERK
RECORDS & CLERK
WICHITA, KANSAS

(243) PUBLISHED IN THE WICHITA EAGLE, EVENING ON JULY 13, 1960.

File Co CU approved

R E S O L U T I O N

COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

150.10

A RESOLUTION PERMITTING A BORROW PIT AS A CONDITIONAL USE ON THE SOUTH HALF (S $\frac{1}{2}$) OF LOT 5, AND LOTS 6 AND 7, RIVERSIDE GARDENS ADDITION TO SEDGWICK COUNTY, KANSAS, SAID LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 11 E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS MARCH 3, 1958, OF SEDGWICK COUNTY, KANSAS.

BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas:

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission, after notice and a public hearing as provided by law, and under authority granted by Section 11 E of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, a conditional use of the lands hereinafter legally described is hereby allowed, as follows:

CU-35. S $\frac{1}{2}$ of Lot 5 and Lots 6 and 7, Riverside Gardens Addition to Sedgwick County, Kansas,

is hereby approved for use as a borrow pit subject to the conditions as follows:

1. The earth shall be extracted to a minimum depth of two (2) feet below the normal water table, however, excavation shall not exceed the depth of sixteen (16) feet below the normal ground level.
2. A fifty-eight (58) inch V-mesh fence on no less than seven (7) foot steel posts, with the posts at no more than sixteen (16) foot spacing shall be constructed on the property line and may provide for reasonable access gates installed at the height of the fence, which gate shall be kept locked except when in use.
3. Excavation shall not approach nearer than twenty-one (21) feet to the property line as set forth in the application, except that no excavation shall approach nearer than sixty (60) feet to the center line of any platted street.
4. Along any platted street and along the north boundary of the property line as set forth in the application, there shall be installed a shelter belt consisting of two rows of plantings; and the installation and composition of said shelter belt shall be in accordance with specifications of the Soil Conservation Service.



5. All borrows taken from the borrow pit shall be used exclusively for the construction of interstate highway route.
6. The side slope of the excavation shall be no more steep than five horizontal to one vertical.
7. Vegetative cover for slopes should consist of a short perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover.
8. Conditions 1 through 7 above shall be made subject of the performance bond presented by the contractor to the State Highway Commission and a copy of said performance bond shall be filed with the County Clerk's office to insure proper conformance to conditions as established in items 1 through 7 above.
9. A further separate bond shall be presented to cover separately and apart, the maintenance of the shelter belt or three years and in the amount of \$2,500 bond, such bond to be filed in the office of the County Clerk and to run in favor of the County.
10. A restrictive covenant running with the land should be made a part of the deed from the present owner to Clarkson Construction Company, the purchaser, which covenant shall restrict the future use of the borrow pit area from use in the future as a sand-pit, land fill, trash dumping, or additional borrow pit, after the present borrow operation has ceased. If this is not made a part of the deed, then a contract should be prepared between the present owner and the purchaser, setting forth the above restrictions, which restrictions are made for the benefit of the public, generally, and adjoining property owners, and filed of record at the time the deed is recorded, and before the permit for the conditional use is issued.

SECTION II. That upon the taking effect of this resolution the above conditional use shall be permitted.

SECTION III. This resolution shall take effect and be in force from and after its adoption.

Passed and adopted this 26th day of May, 1960.

S/ H. B. Scott
H. B. Scott

ATTEST:

S/ Frank Fisher
Frank Fisher

S/ W. O. Williams
County Clerk

S/ Vernon E. Reed
Vernon E. Reed

(SEAL)

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