

POSTED
8-2-68

ACTION

DATE

COMMITTEE

M.A.P.C.

Approved 9-12-68

~~W.B. CO. C.~~ Approved 9-25-68
sub. to conditions

Closed 11-4-68

CU-114 - Charles Judson Petrie re-
quests permit for sand extraction
operation on property zoned "R-1"
on the NE corner of 29th & West St.

B-2 Sk-2

Map No. 5257
Sec. 36
Twp. 26S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 114
Filed 7-31-68

APPLICATION DATA: From n/a to _____
1. Applicant: Charles Judson Petrie
Address Brown Bldg. Phone AM 24403
2. Agent: John J. Darrah
Address Brown Bldg. Phone AM 24403
3. General Location: On the NE corner of 29th and West Street.
Address _____
4. Proposed Use: Sand Extraction Operation

AREA DATA:
1. Acres: 108 (2640 ft. by 2070 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East ARRANGAS RIVER & INC South FARM HOME
West Farm Home North AGRICULTURE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: AGRICULTURE
6. Area (is) (is not) platted.

PROCEDURE DATA:
1. Zoning Committee _____ by _____
2. MAPC Meeting:

Date	Action
9-12-68	approved

3. Governing Body (~~Bd. / City / County / State~~) - Bd. County Commissioners)

Date	Action	Resolution
9-23-68	approved, subject to conditions	✓

NOTES:

9-12-68

Map No. 5257
Sec. 36
Twp. 26S
Range 1W

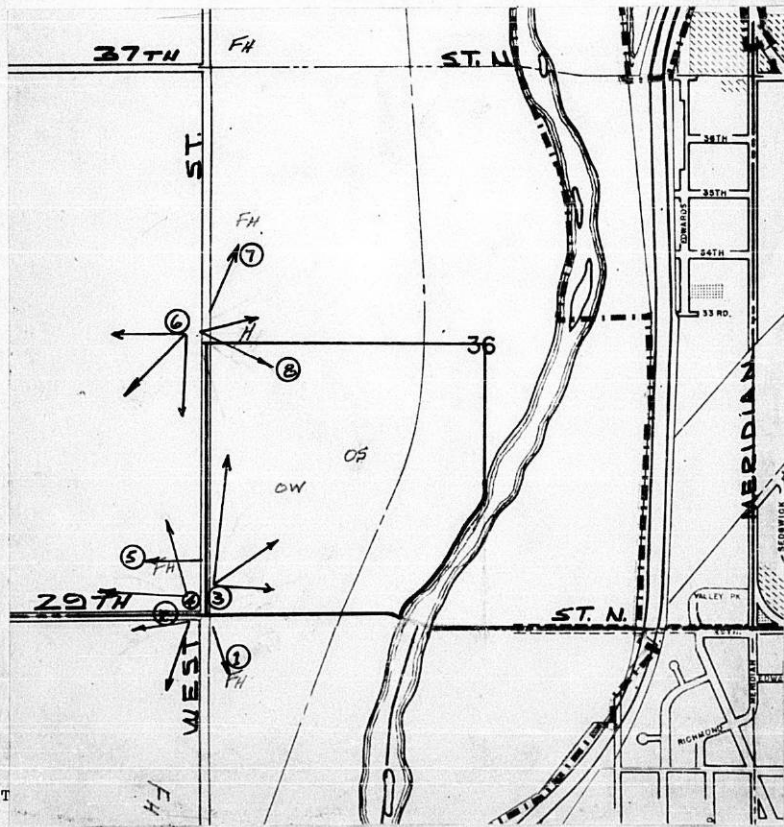
DATA SHEET
(ZONING & CONDITIONAL USE)

Z-
SCZ-
CU- 114
Filed 7-31-68

APPLICATION DATA: From n/a to _____
1. Applicant: Charles Judson Petrie
Address Brown Bldg. Phone AM 24403
2. Agent: John J. Darrah
Address Brown Bldg. Phone AM 24403
3. General Location: On the NE corner of 29th and West Street. Address _____
4. Proposed Use: Sand Extraction Operation

AREA DATA:
1. Acres: 143 (2640 ft. by 2640 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East ARCAUSAS RIVER & VAC South FARM HOUSE
West FARM HOUSE & AGRICULTURE North AGRICULTURE
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: AGRICULTURE
6. Area (is) (is not) platted.

PHOTO DATA:
Taken by TG Date 9-4-68 Time 4:30



(✓) (Published in The Wichita Beacon on 11-4, 1968)

R E S O L U T I O N

A RESOLUTION PERMITTING Establishment of a
Sand Extraction Operation

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED
TERRITORY LYING WITHIN THREE MILES OF EITHER THE
CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF
DERBY, OR THE CITY OF MULVANE, ALL IN SEDGWICK COUNTY,
KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION
4.10f AND SECTION 11.E OF THE ZONING RESOLUTION
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDG-
WICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSE-
QUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from
Wichita-Sedgwick County Metropolitan Area Planning Commission and
after said Planning Commission has given proper notice and held a
public hearing as provided by law, and under authority granted
by Section 4.10f and Section 11.E of the Zoning Resolu-
tion, as amended, a Conditional Use Permit to allow a
Sand Extraction Operation
is hereby approved on the lands legally described, subject to
the following conditions:

CASE NO. CU-114
Conditional Use Request
for Sand Extraction Operation

All that part of the southwest Quarter of Section 36, Township 26 South, Range 1 West lying west of the Arkansas River, Generally located on the northeast corner of 29th Street and West Street.

CONDITIONS OF APPROVAL

1. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way required for West Street.
2. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction of a loop levee around the entire sand pit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Section 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
3. The applicant shall dedicate by separate instrument the south 100 feet of subject property for drainage purposes.
4. Drainage on the tract shall be diverted into the sandpit and impounded there.
5. Drainage entering the tract from the north shall be intercepted and diverted easterly in a ditch along the north side of the subject property to the right-of-way line of the right bank of the Arkansas River Training levee. At this point, a drainage structure shall be constructed thru the training levee and an outfall ditch from it to the right bank of the Arkansas River or, the ditch turned south along the east line of subject property to the southeast corner of same.
6. Drainage entering the tract from the west at a point approximately $\frac{1}{4}$ mile north of the southwest corner shall be intercepted and diverted southerly in a ditch along the west side of the tract to the southwest corner of same.
7. Responsibility for construction and maintenance of the ditches described in Nos. 4, 5 and 6 shall be that of the sand plant operator.
8. The interception and diversion of drainage as described in Conditions No. 4, 5, and 6, shall begin at the time the initial sand excavation is opened and shall be the responsibility of the sand plant operator.
9. The applicant shall proceed in accordance with the operational Sketch Plan, approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved development Plan.

10. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.

- a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
- b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
- c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

11. The earth shall be excavated to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
12. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
13. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.
14. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any construction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control office and the County Engineer, and shall be according to the specifications and standards of these authorities.
15. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

16. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
17. The applicant shall comply with Conditions 1, 2, 3, and 13 prior to the publication of the Resolution effectuating the conditional use.
18. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
19. Any violation of conditions attached shall declare the conditional use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered and shown on the particular sectional zoning map contained in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED at Sedgwick County, Kansas, this 25th
day of SEPTEMBER, 1968.



Elmer Peters Chairman

Carl E. Rush Commissioner

Tom Scott Commissioner

Marie Wardlaw
By Shelby Mosley County Clerk Deputy
(SEAL)

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8.00 A.M.

NOV 8 1968

NO. 23442
RUFUS E. DEERING
REGISTERED

RESTRICTIVE COVENANT
AND AGREEMENT

NOV 5 1968

Bill April
64-114

Paul B. Balliet
Deputy

PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, fee owners of the following described realty, to-wit:

Original Compared
With Record

Lots 7 and 8 and the Northwest Quarter (NW/4) of Southwest Quarter (SW/4) of Section Thirty-six (36), Township Twenty-six (26) South, Range One (1) West of the Sixth (6th) P.M., Sedgwick County, Kansas, except 49.24 acres taken for a Flood Control Dike by the Wichita-Valley Center Flood Control Project,

hereby make the following declaration as to restrictions, limitations, and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

1. "No rubbish, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."
2. "If the construction of a loop levee is deemed necessary by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas in connection with conducting operations for the removal of sand and gravel from the premises, the fee owners agree to construct and maintain a loop levee on the premises at such location as the Maintenance Division of the Department of Public Works may direct, in accordance with the construction specifications, Sections 1 through 4, inclusive, and maintenance specification, Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas."

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed, without the written consent of the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas.

402
City Clerk
Room 104 - City Bldg

IN WITNESS WHEREOF, PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, have executed this covenant on the 23 day of October, 1968.

Paula Vickers Petrie
Paula Vickers Petrie
John Jay Darrah
John Jay Darrah

TRUSTEES under the terms and provisions of the Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie a/k/a C. Judson Petrie and Jud Petrie.

STATE OF CALIFORNIA, Riverside COUNTY, ss.

BE IT REMEMBERED, That on this 23RD day of October, 1968, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came PAULA VICKERS PETRIE, one of the Trustees under the terms and provisions of a Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, who is personally known to me to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

C. B. Foster
Notary Public C. B. Foster

My Commission Expires:
C. B. FOSTER - Notary Public - Cal.
ADM. EXP. NOV. 30, 1970 - RIVERSIDE CO.
72-631-06871001, Palm Desert, Calif. 92260

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 23rd day of October, 1968, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came JOHN JAY DARRAH, one of the Trustees under the terms and provisions of a Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Virginia V. Schiermeyer
Notary Public Virginia V. Schiermeyer

My Commission Expires:
Virginia V. Schiermeyer, Notary Public
CO. My Commission Expires April 25, 1972

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD
8, 00

NOV 8 1968

23439
RUFUS E. DEERING
REGISTER OF DEEDS

DRAINAGE EASEMENT

NOV 8 1968

MISC BOOK 632 PAGE 124

*Bill Appl
CV-114*

*Paula V. Petrie
City Clerk*

THIS EASEMENT made this 15th day of October, 1968, by and between PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the undersigned PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, being the owners of the following described real estate in Sedgwick County, Kansas, to-wit:

The South One Hundred (100) feet of the following described tract of land: Lots 7 and 8 and the Northwest Quarter (NW/4) of Southwest Quarter (SW/4) of Section Thirty-six (36), Township Twenty-six (26) South, Range One (1) West of the Sixth (6th) P.M., Sedgwick County, Kansas, except 49.24 acres taken for a Flood Control Dike by the Wichita-Valley Center Flood Control Project,

*Final Copy to be
with Record*

do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing drainage system according to the plans and specifications now on file in the City-County Flood Control Office of the City of Wichita.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first written.

Paula Vickers Petrie
Paula Vickers Petrie

*City Clerk
402 Room 104 - City Bldg*

October 30, 1968

Ralph Eberly, City Clerk

Jack H. Galbraith, Senior Planner

CU-114 - Conditional Use Permit for Sand Extraction Operation.

The Board of County Commissioners at their regular meeting on September 25, 1968, approved the above captioned conditional use request. One of the conditions of approval required the filing of a restrictive covenant providing for the construction of a loop levee; and one other condition of approval required the filing of a restrictive covenant providing that no rubbish or car bodies or other foreign matter shall be deposited in the excavation area; also the filing of a drainage easement.

Please record the two attached documents with the Register of Deeds and bill any recording costs to our department.

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

JHG:js

RESTRICTIVE COVENANT
AND AGREEMENT

PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, fee owners of the following described realty, to-wit:

Lots 7 and 8 and the Northwest Quarter (NW/4) of Southwest Quarter (SW/4) of Section Thirty-six (36), Township Twenty-six (26) South, Range One (1) West of the Sixth (6th) P.M., Sedgwick County, Kansas, except 49.24 acres taken for a Flood Control Dike by the Wichita-Valley Center Flood Control Project,

hereby make the following declaration as to restrictions, limitations, and use of said realty, and that said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

1. "No rubbish, car bodies or any other foreign matter shall be deposited within the excavation made in the removal of sand or gravel on said premises at any time."

2. "If the construction of a loop levee is deemed necessary by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas in connection with conducting operations for the removal of sand and gravel from the premises, the fee owners agree to construct and maintain a loop levee on the premises at such location as the Maintenance Division of the Department of Public Works may direct, in accordance with the construction specifications, Sections 1 through 4, inclusive, and maintenance specification, Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas."

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed, without the written consent of the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas.

IN WITNESS WHEREOF, PAULA VICKERS PETRIE and JOHN JAY DARRAH,
TRUSTEES under the terms and provisions of the TRUST INDENTURE dated
July 1, 1962, created for the use and benefit of Charles Judson
Petrie also known as C. Judson Petrie and Jud Petrie, have executed
this covenant on the 23 day of October, 1968.

Paula Vickers Petrie
Paula Vickers Petrie

John Jay Darrah
John Jay Darrah

TRUSTEES under the terms and provisions of the Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie a/k/a C. Judson Petrie and Jud Petrie.

STATE OF CALIFORNIA, Riverside COUNTY, ss.

BE IT REMEMBERED, That on this 23rd day of October, 1968, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came PAULA VICKERS PETRIE, one of the Trustees under the terms and provisions of a Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, who is personally known to me to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

[Signature]
Notary Public

My Commission Expires:

C. O. FOSTER - Notary Public - Cal.
COM. EXP. NOV. 30, 1970 - RIVERSIDE CO.
17-831 BUREAU ST., Palm Desert, Calif. 92260

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 31st day of October, 1968, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came JOHN JAY DARRAH, one of the Trustees under the terms and provisions of a Trust Indenture dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, who is personally known to me to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

[Signature]
My Commission Expires:

Virginia V. Schlermeyer, Notary Public
My Commission Expires April 25, 1972

[Signature]
Notary Public

Virginia V. Schlermeyer, Notary Public
My Commission Expires April 25, 1972

DRAINAGE EASEMENT

THIS EASEMENT made this 15th day of October, 1968, by and between PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the undersigned PAULA VICKERS PETRIE and JOHN JAY DARRAH, TRUSTEES under the terms and provisions of the TRUST INDENTURE dated July 1, 1962, created for the use and benefit of Charles Judson Petrie also known as C. Judson Petrie and Jud Petrie, being the owners of the following described real estate in Sedgwick County, Kansas, to-wit:

The South One Hundred (100) feet of the following described tract of land: Lots 7 and 8 and the Northwest Quarter (NW/4) of Southwest Quarter (SW/4) of Section Thirty-six (36), Township Twenty-six (26) South, Range One (1) West of the Sixth (6th) P.M., Sedgwick County, Kansas, except 49.24 acres taken for a Flood Control Dike by the Wichita-Valley Center Flood Control Project,

do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing drainage system according to the plans and specifications now on file in the City-County Flood Control Office of the City of Wichita.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system.

IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first written.

Paula Vickers Petrie
Paula Vickers Petrie

Report from the MAPC to the Board of County Commissioners

Case No. CU-114

Considered by M. A. P. C. 9-12-68

Request for: Approval of Conditional Use Permit

Reason for request (as provided by petitioner):

"For temporary sand extraction to build lake and in the future to rehabilitate for private recreation and a type of construction that would lend to the heighest and best use of the land."

Location of property: Generally located on the northeast corner of 29th Street and West Street

Legal description of property:

All that part of the Southwest Quarter of Section 36, Township 26 South, Range 1 West lying west of the Arkansas River, in Sedgwick County, Kansas

Petitioner: Charles Judson Petrie, Trust

Address: Brown Building

Counsel for petitioner: John J. Darrah, Attorney

Protesters (list counsel, if any): None

Surrounding zoning: To the north, east, south and west is "R-1"

Land use: Subject property and that to the north is agricultural; east is flood control drainageway; south and west is farm house

Planning Commission recommendation:

KRATZER moved and BIEDSOE seconded that the Planning Commission recommend to the Board of County Commissioners that this application be approved, subject to the following: (See Excerpt from Planning Commission minutes of September 12, 1968, for conditions of approval.)

Vote of Planning Commission: Unanimous

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission, adopt the Resolution effectuating the Conditional Use and instruct the Planning Department to withhold publication until such time as the conditions of approval have been complied with; or
2. Deny the application.

mailed 9-18-68

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 12, 1968:

- "16. Case No. CU-114 - Charles Judson Petrie, Trustee, requests approval of a Conditional Use Permit to establish a temporary sand extraction operation on property zoned "R-1" and legally described as all that part of the Southwest Quarter of Section 36, Township 26 South, Range 1 West lying west of the Arkansas River. Generally located on the northeast corner of 29th Street and West Street.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments:

1. The applicant is requesting a Conditional Use to establish a sand pumping operation on approximately 108 acres of land located on the east side of West Street and the north side of 29th Street as extended from the west, in an area west of the Wichita-Valley Center Flood Control drainageway, commonly known as the Big Ditch.
2. The applicant has met with representatives of the Flood Control Division and the Planning Department and a sketch plan for redevelopment, in addition to an operational sketch plan, has been submitted and reviewed by the staff. The plans as submitted, for the most part, appear to resolve the drainage problems and provide for an adequate future street system to serve the area when redevelopment occurs.
3. It should be recognized that the sketch plan for redevelopment does not pre-judge the use of land or future zoning changes, and it is the opinion of the Planning Department, at this time, that future residential development of this area may be questionable due to the close proximity of the floodway to the east.
4. It should be pointed out that the 48" high fence along the south line of the subject property as indicated on the operational sketch plan should be moved to the north line of the indicated 100-foot wide drainage easement in order for the easement to be used.

Recommendation

Based on the foregoing review and comments, it is the recommendation of the Planning Department that this Conditional Use request to permit a sand pumping operation be approved, subject to the following conditions:

1. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way required for West Street.
2. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction of a loop levee around the entire sand pit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2 of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
3. The applicant shall dedicate by separate instrument the south 100 feet of subject property for drainage purposes.

4. Drainage on the tract shall be diverted into the sandpit and impounded there.
5. Drainage entering the tract from the north shall be intercepted and diverted easterly in a ditch along the north side of the subject property to the right-of-way line of the right bank of the Arkansas River Training levee. At this point, a drainage structure shall be constructed thru the training levee and an outfall ditch from it to the right bank of the Arkansas River or the ditch turned south along the east line of subject property to the southeast corner of same.
6. Drainage entering the tract from the west at a point approximately 1/4 mile north of the southwest corner shall be intercepted and diverted southerly in a ditch along the west side of the tract to the southwest corner of same.
7. Responsibility for construction and maintenance of the ditches described in Nos. 4, 5 and 6 shall be that of the sand plant operator.
8. The interception and diversion of drainage as described in Conditions 4, 5 and 6, shall begin at the time the initial sand excavation is opened and shall be the responsibility of the sand plant operator.
9. The applicant shall proceed in accordance with the operational Sketch Plan, approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved development plan.
10. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
11. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
12. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.

13. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.
14. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any construction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control office and the County Engineer, and shall be according to the specifications and standards of these authorities.
15. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
16. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
17. The applicant shall comply with conditions 1, 2, 3 and 13 prior to the publication of the Resolution effectuating the conditional use.
18. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
19. Any violation of conditions attached shall declare the conditional use permit null and void.

No one spoke either in support of or in opposition to this application.

MOTION: KRATZER moved, BIEDSOE seconded and it carried unanimously that the Planning Commission recommend to the Board of County Commissioners that this application be approved, subject to:

1. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way required for West Street.
2. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction of a loop levee around the entire sand pit, and shall be constructed in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
3. The applicant shall dedicate by separate instrument the south 100 feet of subject property for drainage purposes.
4. Drainage on the tract shall be diverted into the sand pit and impounded there.

5. Drainage entering the tract from the north shall be intercepted and diverted easterly in a ditch along the north side of the subject property to the right-of-way line of the right bank of the Arkansas River Training levee. At this point, a drainage structure shall be constructed thru the training levee and an outfall ditch from it to the right bank of the Arkansas River or, the ditch turned south along the east line of subject property to the southeast corner of same.
6. Drainage entering the tract from the west at a point approximately 1/4 mile north of the southwest corner shall be intercepted and diverted southerly in a ditch along the west side of the tract to the southwest corner of same.
7. Responsibility for construction and maintenance of the ditches described in Nos. 4, 5 and 6 shall be that of the sand plant operator.
8. The interception and diversion of drainage as described in Conditions 4, 5, and 6, shall begin at the time the initial sand excavation is opened and shall be the responsibility of the sand plant operator.
9. The applicant shall proceed in accordance with the operational Sketch Plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved development plan.
10. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

11. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
12. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.

13. The applicant shall submit a restrictive covenant to the planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.
14. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any construction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control office and the County Engineer, and shall be according to the specifications and standards of these authorities.
15. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
16. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
17. The applicant shall comply with conditions 1, 2, 3, and 13 prior to the publication of the Resolution effectuating the conditional use.
18. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
19. Any violation of conditions attached shall declare the conditional use permit null and void."

September 13, 1968

Mr. John Darrah
Brown Building
Wichita, Kansas 67202

Subject: CU-114 - Conditional Use
Permit for sand pumping operations

Dear Mr. Darrah:

At its regular meeting on September 12, 1968, the Metropolitan Area Planning Commission considered the above captioned case. The action of the Planning Commission was to recommend that this conditional use be approved subject to the 19 conditions recommended in the attached Planning Department report.

This matter will be forwarded to the Board of County Commissioners for its consideration at its regular meeting at 9:00 a.m., Wednesday, September 25, 1968, in Room 320, Sedgwick County Courthouse.

Since there was little discussion at the Planning Commission meeting regarding the problems associated with drainage, I would suggest that you make arrangements for a meeting with M. S. Mitchell at your convenience so that any questions regarding these conditions can be resolved prior to the County Commission meeting. It is also necessary that we receive five copies of both the operational and development plans for both these cases (CU-113 and CU-114) by September 18, 1968 so that these plans can be forwarded to the Board of County Commissioners prior to their meeting.

Please advise us at such time as the meeting is scheduled, or contact us if you have any questions concerning these matters.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

Mr. John Darrah
September 13, 1968
Page 2

cc: M. S. Mitchell, Asst. Supt. of Public Works Maint.
Lowell Richardson, Oblinger-Smith, 1st Nat'l Bank Bldg.
Tom Craig, County Zoning Administrator

Attachment

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: September 12, 1968

Case No. CU-114	Request: Conditional Use for sand pumping operation
-----------------	---

Location: East of West Street and north of 29th Street

Acres: 108	Size: 2640 ft. by 2030 ft.
------------	----------------------------

	Land Use	Zoning
Existing	Agriculture	"R-1" & "L-1"
North	Agriculture	"R-1"
East	Flood Control Drainageway	"R-1"
South	Farm house	"R-1"
West	Farm house	"R-1"

Unplatted X

Existing R/W - West Street (half) 30 ft.

Proposed R/W - West Street (half) 50 ft.

History: N/A

Comments

1. The applicant is requesting a Conditional Use to establish a sand pumping operation on approximately 108 acres of land located on the east side of West Street and the north side of 29th Street as extended from the west, in an area west of the Wichita-Valley Center Flood Control drainageway, commonly known as the Big Ditch.
2. The applicant has met with representatives of the Flood Control Division and the Planning Department and a sketch plan for redevelopment, in addition to an operational sketch plan, has been submitted and reviewed by the staff. The plans as submitted, for the most part, appear to resolve the drainage problems and provide for an adequate future street system to serve the area when redevelopment occurs.
3. It should be recognized that the sketch plan for redevelopment does not pre-judge the use of land or future zoning changes, and it is the opinion of the Planning Department, at this time, that future residential development of this area may be questionable due to the close proximity of the floodway to the east.
5. It should be pointed out that the 48" high fence along the south line of the subject property as indicated on the operational

sketch plan should be moved to the north line of the indicated 100-foot wide drainage easement in order for the easement to be used.

Recommendation

Based on the foregoing review and comments, it is the recommendation of the Planning Department that this Conditional Use request to permit a sand pumping operation be approved, subject to the following conditions:

1. The applicant dedicating by separate instrument the necessary 50 feet of half-street right-of-way required for West Street.
2. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the Flood Control Division and to form by County Counselor, providing for the construction of a loop levee around the entire sand pit, and shall be constructed in accordance with construction specifications, Section 1 through 4 inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the Maintenance Division of the Department of Public Works of the City of Wichita, Kansas; said covenant shall run with the land and be binding on all owners, successors or assigns.
3. The applicant shall dedicate by separate instrument the south 100 feet of subject property for drainage purposes.
4. Drainage on the tract shall be diverted into the sandpit and impounded there.
5. Drainage entering the tract from the north shall be intercepted and diverted easterly in a ditch along the north side of the subject property to the right-of-way line of the right bank of the Arkansas River Training levee. At this point, a drainage structure shall be constructed thru the training levee and an outfall ditch from it to the right bank of the Arkansas River or, the ditch turned south along the east line of subject property to the southeast corner of same.
6. Drainage entering the tract from the west at a point approximately 1/4 mile north of the southwest corner shall be intercepted and diverted southerly in a ditch along the west side of the tract to the southwest corner of same.
7. Responsibility for construction and maintenance of the ditches described in Nos. 4, 5 and 6 shall be that of the sand plant operator.

8. The interception and diversion of drainage as described in Conditions 4, 5, and 6, shall begin at the time the initial sand excavation is opened and shall be the responsibility of the sand plant operator.
9. The applicant shall proceed in accordance with the operational Sketch Plan, approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved development plan.
10. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.
11. The earth shall be extracted to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
12. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
13. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation after approval of the Conditional Use by the Board of County Commissioners.

14. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any construction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control office and the County Engineer, and shall be according to the specifications and standards of these authorities.
15. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
16. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial growth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
17. The applicant shall comply with conditions 1, 2, 3 and 13 prior to the publication of the Resolution effectuating the conditional use.
18. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
19. Any violation of conditions attached shall declare the conditional use permit null and void.

THE CITY OF WICHITA

OFFICE OF Asst. Supt. of
Public Works Maint.

DATE September 6, 1968



TO Jack Galbraith, Senior Planner

FROM M. S. Mitchell, Asst. Supt. of Public Works Maint.

SUBJECT CU-114
(Sand Pit-S.W. 1/4
Sec. 36, T-26-S,
R-1-W)

Your request for comments regarding subject matter has been reviewed and the following recommendations are made:

1. A covenant running with the land should be executed guaranteeing the construction and maintenance of a loop levee completely encircling the sand pit. Construction of the levee may be deferred until, in the opinion of the Superintendent of Public Works Maintenance, it is required for the public safety.
2. Drainage entering the tract from the north must be intercepted and diverted easterly in a ditch along the north side of the tract to the right-of-way line of the right bank Arkansas River Training Levee. At this point two methods of handling the drainage are possible:
 - A. Construct a drainage structure thru the Training Levee and an outfall ditch from it to the right bank of the Arkansas River.
 - B. The ditch can be turned south along the east line of the tract to the southeast corner of it where it would discharge into an existing ditch from the west.
3. Drainage entering the tract from the west at a point approximately 1/4 mile north of the southwest corner must be intercepted and diverted southerly in a ditch along the west side of the tract to the southwest corner where it would discharge into an existing ditch from the west.
4. Drainage on the tract should be diverted into the sand pit and impounded there.
5. Responsibility for construction and maintenance of the ditches described in 1, 2, and 3 above should be that of the sand plant operator.



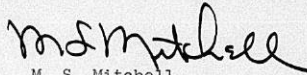
Jack Galbraith

-2-

September 6, 1968

6. Responsibility for interception and diversion of drainage as described above should begin at the time the initial sand excavation is opened and not await a percent of complete use of the land before acceptance.
7. The south 100 feet of the tract should be dedicated for drainage now. Upon completion of all terms of the permit the Flood Control Office would construct and improve the existing ditch along the south line of the tract. This ditch would then be maintained by the Flood Control Office (possibly with Township assistance).

I trust this information is sufficient for you to formulate conditions for subject permit. If further information is desired, please advise.



M. S. Mitchell
Asst. Supt. of Public Works Maint.

MSM:mpsm

CC: G. H. Wilton, Supt. of Public Works Maint.
CU-114 File
Arkansas River Training Levee. Streams File.

CU-114 - 9 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 8-29-68 for MAPC 9-12-68

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

AUG 29 1968

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:45 p.m. on SEP 12 1968 at which time you may appear either in person or by agent or attorney, if you so desire.

CASE NO. CU-114
Conditional Use Request
for Sand Extraction Operation

All that part of the southwest Quarter of Section 36, Township 26 South, Range 1 West lying west of the Arkansas River. Generally located on the northeast corner of 29th Street and West Street.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, C. Bickley Foster, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

T9-216

C. Bickley Foster, Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of 2 acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by permit rather than as a use by right.

CU-114

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT. THE FORM MUST BE COMPLETED AND FILED AT THE PLANNING DEPARTMENT, ROOM 402, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, IN ACCORDANCE WITH DIRECTIONS ON THE ACCOMPANYING INSTRUCTION SHEET. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. NAME OF APPLICANT OR APPLICANTS AND/OR THEIR AGENT OR AGENTS. ALL OWNERS OF ALL PROPERTY REQUESTED TO BE CONSIDERED IN THIS APPLICATION MUST BE LISTED IN THIS ITEM.

A. APPLICANT Charles Judson Petrie, Trust

ADDRESS Brown Bldg., Wichita, Kansas PHONE AM 24403

AGENT Co-Trustee; John J. Darrah, Attorney

ADDRESS Brown Bldg., Wichita, Kansas PHONE AM 24403

B. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

C. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

(USE SEPARATE SHEET IF NECESSARY FOR NAMES OF ADDITIONAL APPLICANTS).

II. THE APPLICANT PROPOSES TO ESTABLISH A Temporary Sand extraction

(USE)

ON PROPERTY LEGALLY DESCRIBED AS LOT(S) _____

_____, Block(s) _____ OF THE

_____ ADDITION.

(IF APPROPRIATE, METES AND BOUNDS DESCRIPTION MAY BE PROVIDED IN THE SPACE BELOW OR ON AN ATTACHED SHEET).

^{all that part of the}
1 Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 26 South, Range 1 West lying West of the Arkansas River, ~~containing 1/2 acre more or less.~~

OK for legal

III. THIS PROPERTY IS LOCATED AT (ADDRESS) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE Northeast CORNER OF 29th Street North AND
West Street, OR

B. ON THE _____ SIDE OF _____ (AVENUE)
STREET BETWEEN _____ (AVENUE) STREET AND
_____ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1
(ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

For temporary sand extraction to build lake and in the future to rehabilitate
for private recreation and a type of construction that would lend to the
highest and best use of the land.

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRU-
TION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION.

I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS
IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT
ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET;
AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER
CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND
CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE
THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO
IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE
THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER
OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Charles Judson Petrie, Trust

By John Jay Derrah, Trustee By _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

By _____ By _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

By _____ By _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)



A WORLD OF TITLE INSURANCE IN OUR DOWNTOWN OFFICE • BONDED AND LICENSED ABSTRACTOR FOR SEDGWICK COUNTY

Fidelity Title Company, inc. No. 89749

221 NORTH MARKET • WICHITA, KANSAS 67202 DATE: July 26, 1968
PHONE AM-2-8261 AREA CODE 316

CHARGE TO
**Ritchie Bros.
P.O. Box 4026-
Wichita, Kansas**

ORDERED BY: **Bottenberg** DELIVERED TO: **picked up by Don Bottenberg**

ACCOUNTS DUE FIRST OF MONTH FOLLOWING INVOICE
DESCRIPTION

TITLE INSURANCE #:
OWNER:

Prop.: within 1000' radius of part SW $\frac{1}{4}$ Sec. 36-26-1 W

Received of *Fidelity Title Company, Inc.*, as described above:

Date _____

DELIVERY INVOICE


STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 1,000 ft of:
 All that part of the SW $\frac{1}{4}$ Sec 36, Twp 26, R 1 West
 lying West of the Arkansas River.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

NW $\frac{1}{4}$ & Lots 7 & 8, in SW $\frac{1}{4}$ Sec 36, Twp 26, R. 1 West,
 exc part taken for Flood Control Dyke.

✓ Paula Vickers Petrie } Trustees
 John Jay Darrah } 67202
 Brown Bldg.

SE $\frac{1}{4}$ Sec 35, Twp 26, 1 West.

✓ Paula Vickers Petrie } Trustees
 John Jay Darrah } 67202

NE $\frac{1}{4}$ Sec 35, Twp 26, R 1 West.

✓ Dolese Eros. Co., a Corporation
 218 W. 2nd St. 67202

A tract in the W $\frac{1}{2}$ of NW $\frac{1}{4}$ 35-26-1W
 desc as fol: Beg at SW cor sd NW $\frac{1}{4}$
 th N 120'; E 360'; S 120'; W to beg.

✓ James E. & Mary M. Williams, ux
 No Address Available

NW $\frac{1}{4}$ Sec 36-26-1W, exc above tract.

✓ James O. & Ruby J. Smith, ux
 362 $\frac{1}{2}$ N. West St. 67204

N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 2-27-1W.

✓ Wichita Hog Co., Inc. 7/10 int
 Kansas Cold Storage, Inc. 2/10 "
 W. A. Kahrs 1/10 "
 Union Center Bldg.



21007

S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec 2, Twp 27, R 1 West.

Kenneth W. Ott,
Maize, Ks.

N 26 7/8 Acres of Gov. Lot 5, Sec 1-27-1W.

Walter N. & Delphine Ann Henning,
2437 N. Hoover 67205 ux

Beg 742' S of NW cor Sec 1-27-1W; th S
931'; th E to rt bank of Arkansas River;
th N & Ely to a pt 742' S of N line Sec 1;
th W 1532' to pl of beg.

W. N. & Delphine A. Henning, ux
2437 N. Hoover 67205

Dated at Wichita, Kansas this 25th day
of July, 1968 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elice M. Tarrell
Sec.

OEM

Tracer # 89749

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hoe, Mvr.	Hoe. Moving	Licse.	Mech.
Oil Well	Pay. Outs	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

714.00

DESCRIPTION AMOUNT

Conditional Use Permit

Name *W. H. H. H.*

Address *1820 N. Maple*

Type *R71C* Due Date

Comments:

Date *7-31-68* By *J. J. Smith*

PHILIPS BAYLINE

AGRICULTURAL LAND

SINGLE FAMILY RESIDENCES

SINGLE FAMILY RESIDENCES

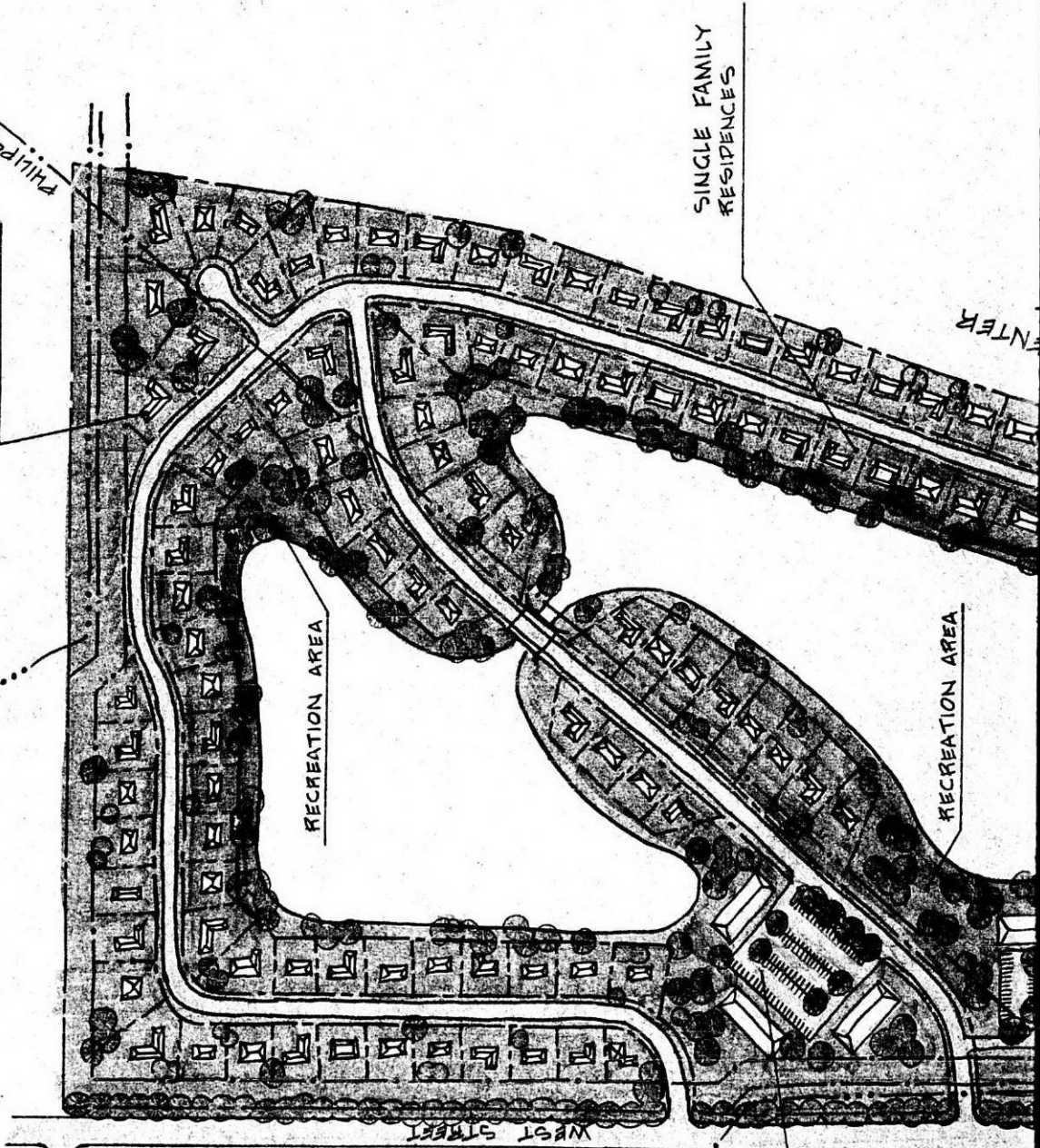
CENTER

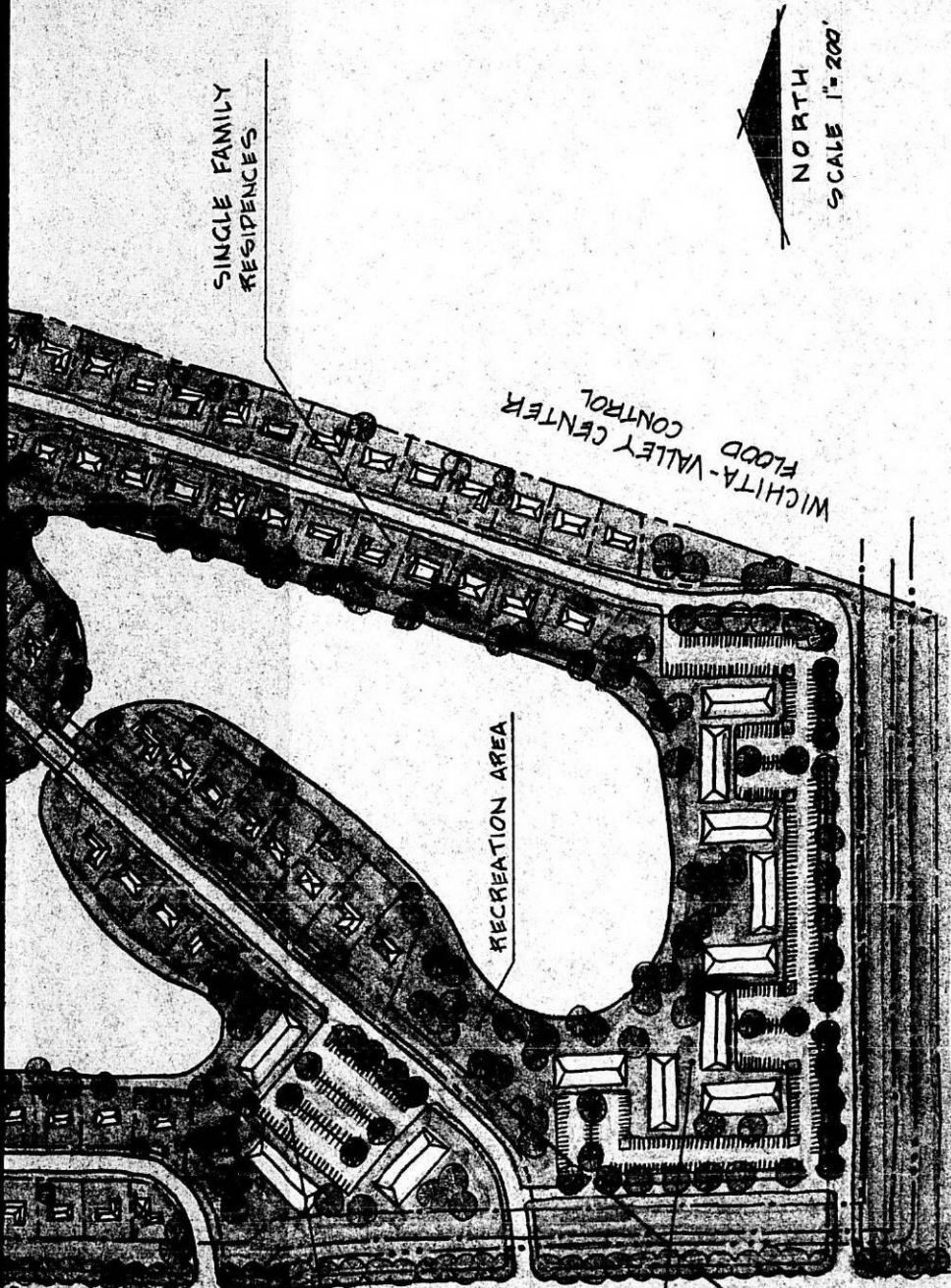
RECREATION AREA

RECREATION AREA

WEST STREET

APARTMENTS





SINGLE FAMILY RESIDENCES

WICHITA-VALEY CENTER FLOOD CONTROL

RECREATION AREA

AGRICULTURAL LAND



APARTMENTS

APARTMENTS

OFFICE COPY

DO NOT REMOVE

*Approved Com. to
Appraisal Co. 2/14/68
Bd. 1/68
9/25/68*

29th STREET

S.W. CORNER of
S.W. 1/4 of SEC. 36
TWP. 26 S. R. 1 W.

SKETCH PLAN for

CHARLES PETRIE TRUST

7/26/68

Developer - RICHIE BROTHERS CONST. CO.
Land Planner - OBLINGER & SMITH

48" HIGH CHAIN LINK FENCE

DRAINAGE EASEMENT 50'

LOOP LEVÉE 60'

LIMIT OF LAND AVAILABLE FOR EXCAVATION

200' MINIMUM

PLANT

5:1 SLOPE ON BANK

APPROXIMATE SHORE LINE FOR REDEVELOPMENT

200' MINIMUM

48" HIGH CHAIN LINK FENCE

POSSIBLE CONNECTION WITH APPROVAL OF PIPELINE OWNERS

200'

APPROXIMATE SHORE LINE FOR REDEVELOPMENT

MINIMUM WATER DEPTH - TWO FEET

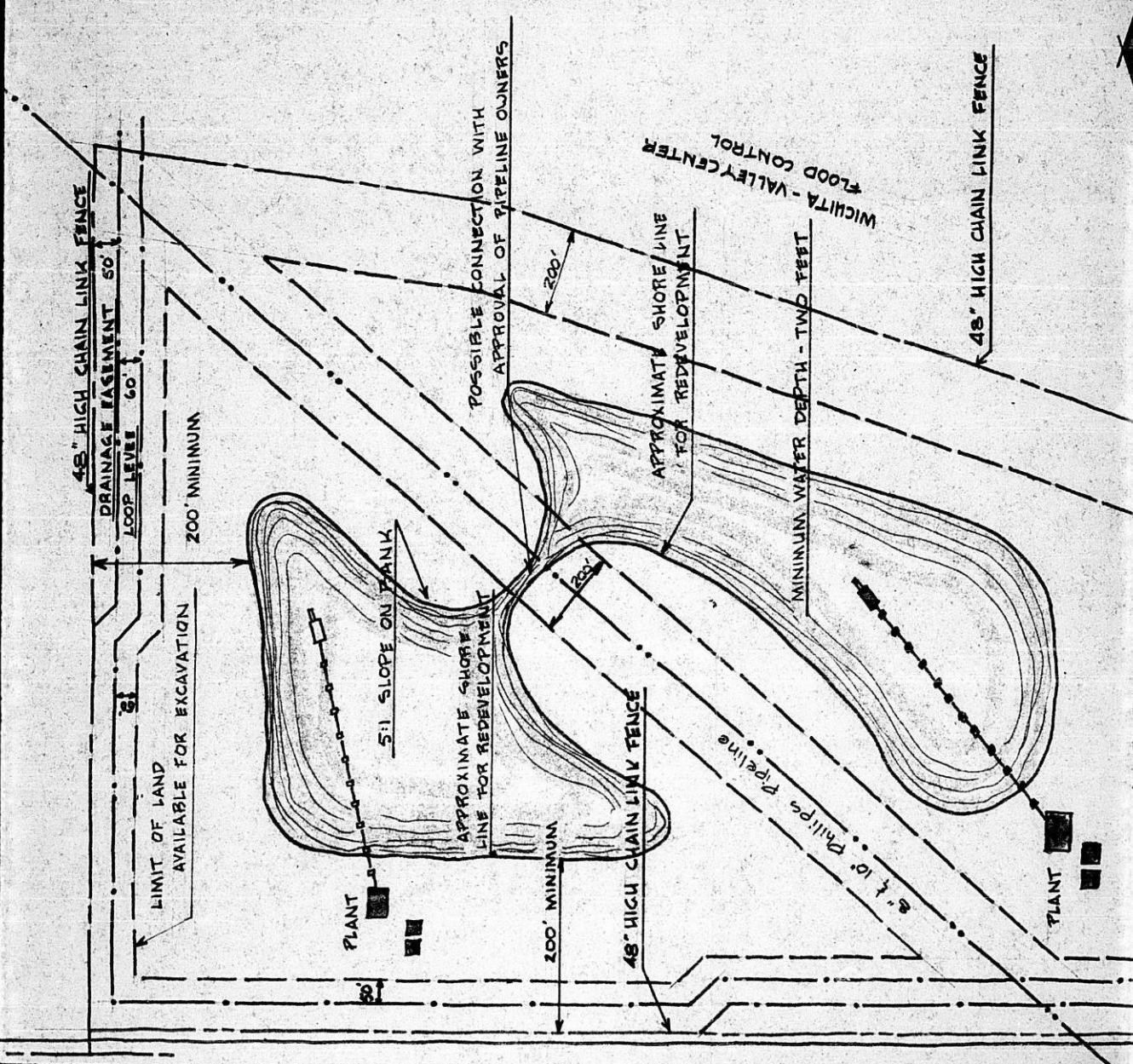
WICHITA - VALLEY CENTER FLOOD CONTROL

48" HIGH CHAIN LINK FENCE

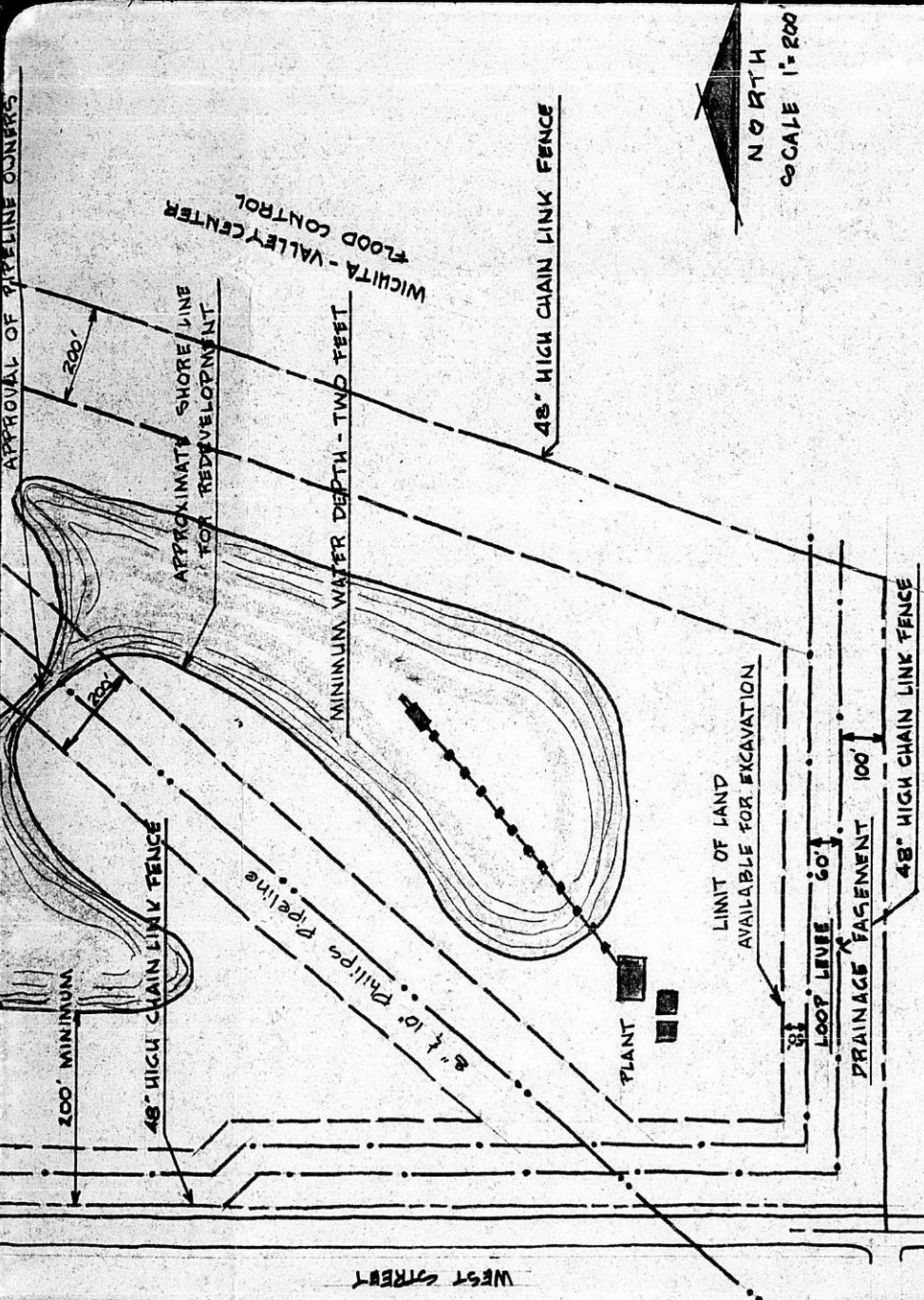
PLANT

8" to 10" Phillips Pipeline

WEST STREET



APPROVAL OF PIPELINE OWNERS



*Approved by Board of
Bd of 1/25/68
9/25/68*

OFFICE COPY
DO NOT REMOVE

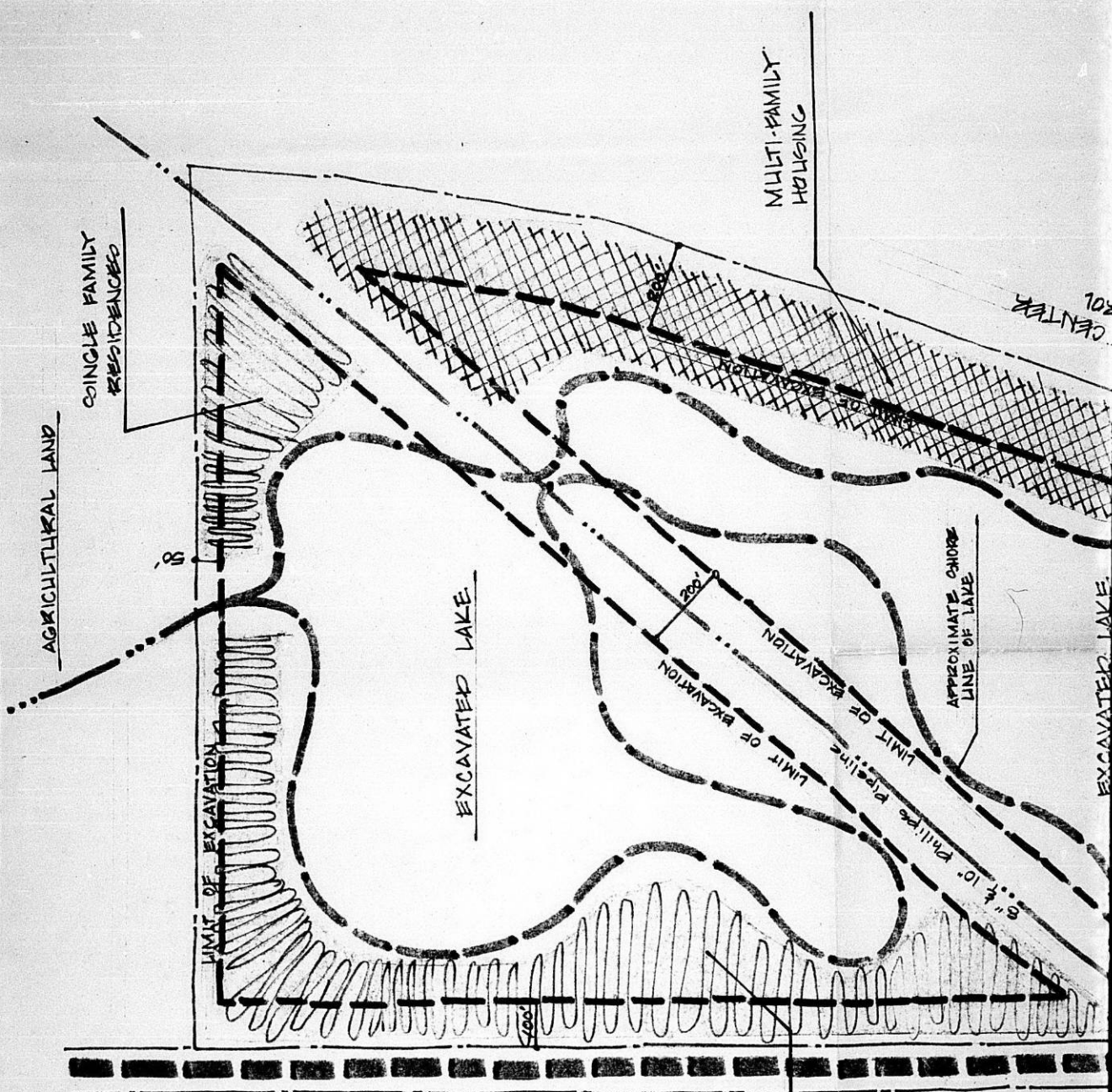
Approved plan

OPERATIONAL SKETCH PLAN for

CHARLES PETRIE TRUST

Developer - DICKIE BROTHERS CONST. CO.
Land Planner - OBINGER & SMITH

CU-114



AGRICULTURAL LAND

SINGLE FAMILY RESIDENCES

MULTI-FAMILY HOUSING

EXCAVATED LAKE

APPROXIMATE SHORE LINE OF LAKE

LIMIT OF EXCAVATION

LIMIT OF EXCAVATION

8" & 10" PIPING

WEST CORNER

SINGLE FAMILY RESIDENCES

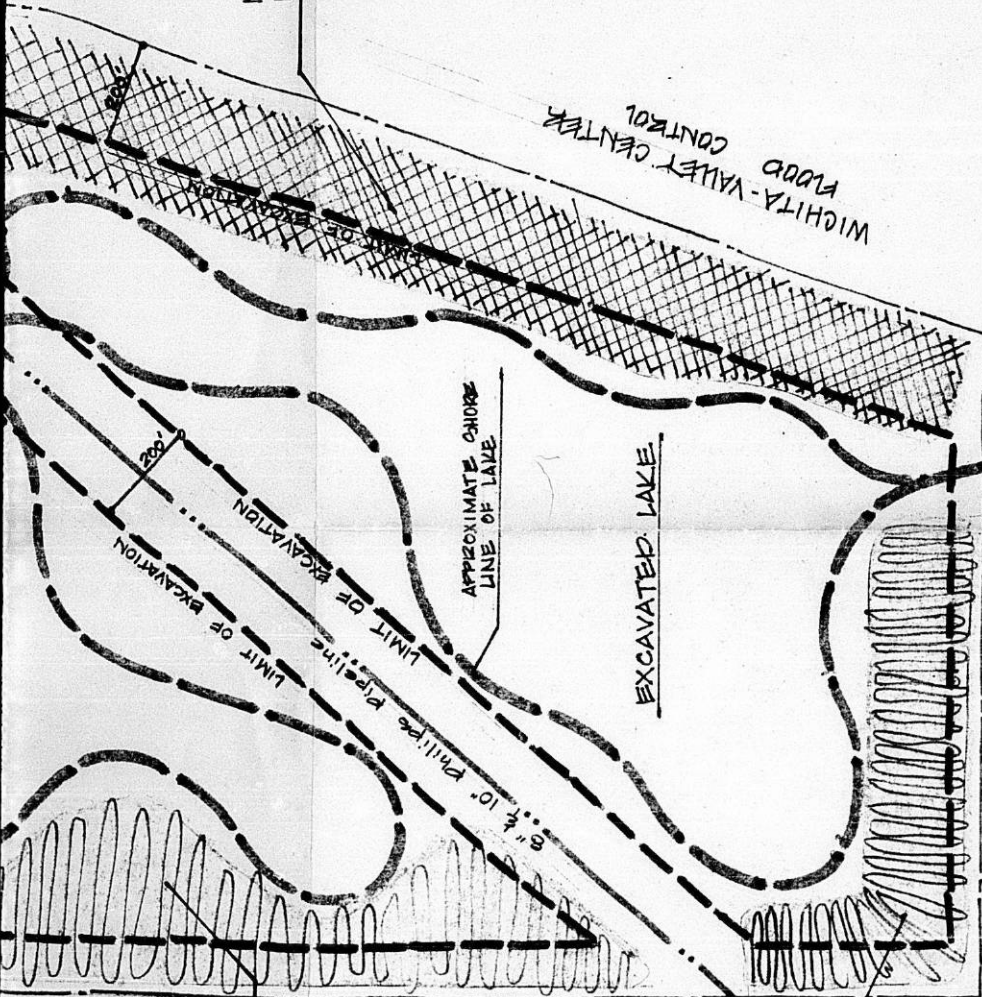
CENTER 201

OFFICE COPY

MULTI-FAMILY HOUSING



WICHITA-VALENT CENTER ROAD CONTROL



SINGLE FAMILY RESIDENCES

OFFICE COPY
DO NOT REMOVE

SINGLE FAMILY RESIDENCES

29th STREET

S.W. CORNER of
S.W. 1/4 of SEC. 36
TWP. 26 R. 1 W

CONDITIONAL USE for

CHARLES PETRIE TRUST

Developer - RITCHIE BROTHERS CONST. CO.
Land Planner - CRUICKSHANK & SMITH