

5051
 Map No. B-0-A
 Sec. 34
 Twp. 26
 Range 1W

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z-
 SCZ-
 CU- 180
 Filed 6-18-75

APPLICATION DATA:

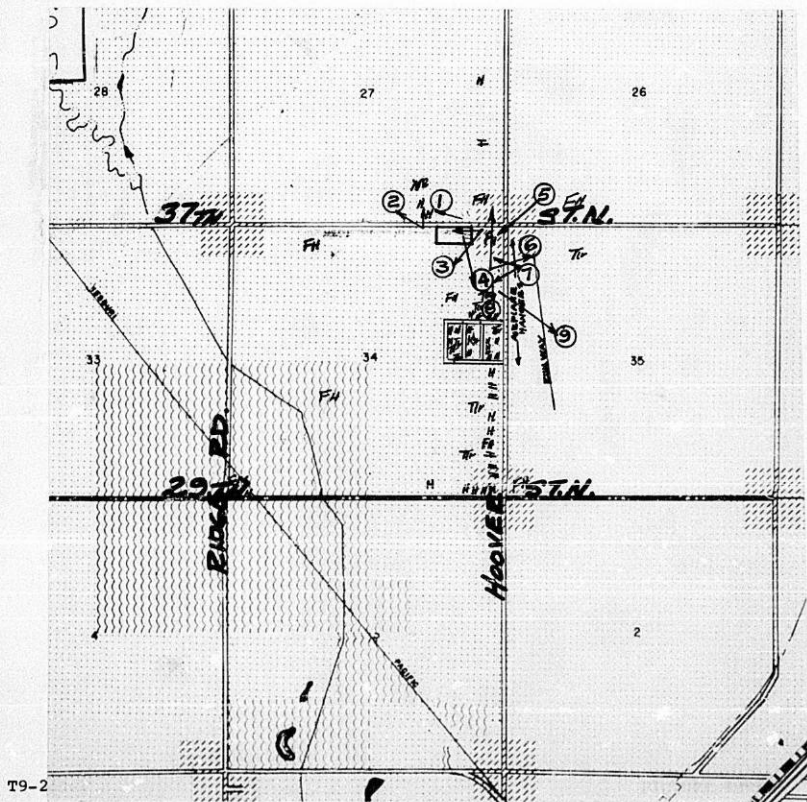
- earth borrow operation
- Applicant: Harvey L. Mills
 Address: 3751 N. Hoover, 67205 Phone 943-3933
 - Agent:
 - General Location: South side of 37th St. No. in an area west of Hoover
 Address Phone
 - Proposed Use:

AREA DATA:

- Acres: 5 (330 ft. by 660 ft.)
- Adjoining Zoning: E R-1 S R-1 W R-1 N R-1
- Land Use: East FARM HOUSE South AGRICULTURE
 West UNDEVELOPED North SINGLE FARM
- Sketch Plan Land Use is for:
- Present Land Use is for: UNDEVELOPED
- Area (ac) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



() Published in The Wichita Beacon on 8-4-75, 1975

R E S O L U T I O N

CASE NO. CU-180

A RESOLUTION PERMITTING AN EARTH BORROW OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DWELLING DISTRICT

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, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.f) AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT 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.A.10.f) and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow an earth borrow operation in the "R-1" Suburban Residential Dwelling District

is hereby approved on the lands legally described as follows:

West half of north 10 acres of the northeast quarter of the northeast quarter of Section 34, Twp. 26, RLW of the 6th P.M., Sedgwick County, Kansas. Generally located on the south side of 37th Street North in an area west of Hoover,

SUBJECT TO THE FOLLOWING:

1. Two copies of a site grading plan showing the final grade on subject property, once the extraction operation is completed, shall be submitted to the Wichita-Sedgwick County Flood Control Office for their review and approval. The applicant shall submit a satisfactory guarantee either in the form of a performance bond or an irrevocable letter of credit, in the amount set by the County Engineer, to guarantee final grading in compliance with the site grading plan.
2. Once the extraction operation has ceased, final grading shall be completed and no foreign matter, such as rubbish, construction equipment, etc., shall remain on the property.
3. The depth of the excavation shall not exceed four feet below the existing grade and in no event shall excavation be to the water level.

4. That the conditional use permit is authorized only until February 1, 1976, and that subject property must be completed by that date; and any violation of the conditions of approval shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered 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 30th day of July, 1975.



Earl E. Rush
Earl E. Rush, Chairman

John Hale
John Hale

Tom Scott
Tom Scott

ATTEST

George Pierce
George Pierce, County Clerk

(SEAL)

Approved as to form:

Jack Turner
Jack Turner, County Counselor

PLANT SITE RELEASE

Job No. 89

Job Name Maize

This release made this 10th day of Feb. 1976,
by H. L. Mills Trucking, Inc. 3751 N. Hoover Wichita, Mo.
(Name & Address)

The Owner of the following described property West 5 acres of
N 1/2 of N 1/2 of NE 1/4 of NE 1/4 of Sec. 34, T 26 S, R 1 W
(Legal description)

hereinafter called the Owner.

WITNESSETH: That the Owner has carefully inspected the property
described above, used as a Plant Site by Prairie States Construction Co.

and does hereby release them from any and all damages caused by the use
of this Plant Site.

R. E. Brewster Sec'y Harry L. Mills
(Witness) Co. (Owner)
Desam Hawley
(Witness)

cc - Property Owner
Job file
D.O. file

Approved Hedgewick County
Department of Public Works
by Donald L. Zylton P.E.
Ass't County Engr.

IRREVOCABLE LETTER OF CREDIT

The Farmers and Merchants State Bank of Derby, Kansas
Derby, Kansas 67037
(Name of bank)

Date: July 31, 1975

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 9,000.00 for the account of Harvey L. Mills

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before August 1, 1976

(Insert date two years from MAPC approval of plat)

1. Final grading in compliance with the approved site grading plan.
- 2.
- 3.

in North ½ of the North ½ of the Northeast ¼ of Northeast ¼ of Section 34, Twp 26 S, City of Wichita, Kansas. a subdivision of the Range 1 West of the 6th PM, Sedgwick County Kansas

County
Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____
The Farmers and Merchants State Bank of
Derby, Kansas, Credit No. 68, dated July 31, 1975
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before October 1, 1976.

Very truly yours,
The Farmers and Merchants State Bank of Derby, Ks.

(Name of bank)

By: Elwood Jones
(Authorized signature)
Elwood Jones, President

(CORPORATE SEAL)

WICHITA-SEDGWICK COUNTY

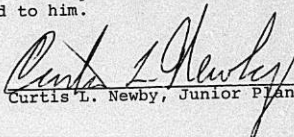
DATE

February 26, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File
FROM Curtis L. Newby, Junior Planner
SUBJECT CU-180

On this day, Harvey L. Mills came into the office with a grading plan release signed by the County Engineer. Mr. Mills requested release of his \$9,000 letter of credit guaranteeing site grading and said instrument was returned to him.


Curtis L. Newby, Junior Planner

CLN:rme

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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