

(Book 3) 5742

5-27-76

Map No. K-7-B
Sec. 14
Twp. 28S
Range 1E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 187
Filed 5-5-76

APPLICATION DATA: From _____ to _____

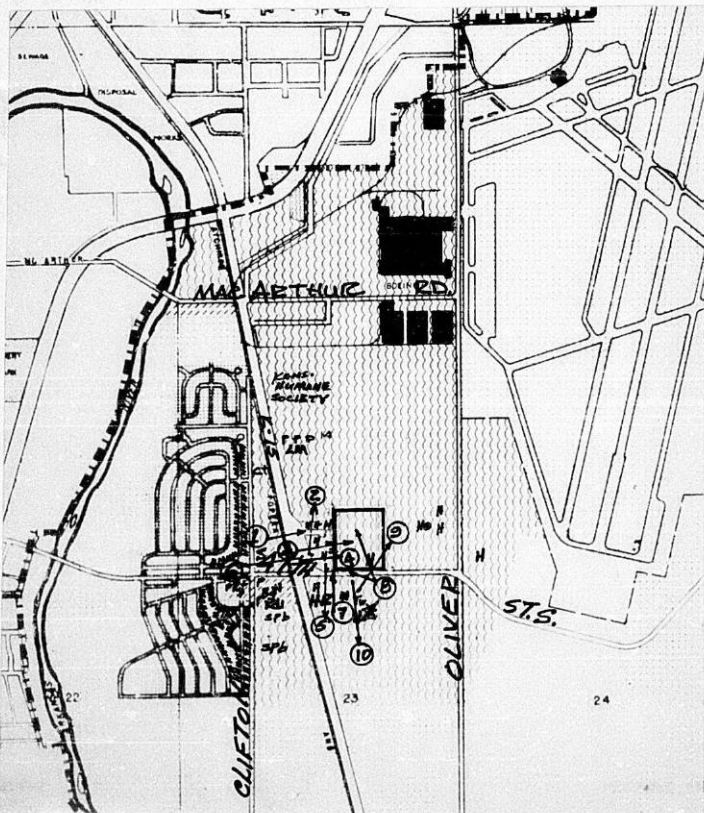
1. Applicant: Associated Material & Supply Co., Inc.
Address 6015 N. Broadway, Wichita 67219 Phone 744-0433
2. Agent: Justus H. Fugate, and Roger Sherwood-516 Century Plaza Bldg., 67202
Address 310 Century Plaza Bldg., 67202 (263-0141) Phone 267-2819
3. General Location: north side of 46th St. South in an area between K-15
Highway and Oliver Address _____
4. Proposed Use: To establish an Earth Borrow Operation

AREA DATA:

1. Acres: 30 (990 ft. by 1320 ft.)
2. Adjoining Zoning: E "E" S "E" W "R-1" "E" N "E"
3. Land Use: East UNDEVELOPED South UNDEVELOPED ^{INDUCE} INDUCE
West Single family development North UNDEVELOPED ^{INDUCE} INDUCE
4. Sketch Plan (and use) is for: _____
5. Present land use is for: SINGLE FAM
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



TheFourth



IRREVOCABLE LETTER OF CREDIT

To:
COUNTY OF SEDGWICK
WICHITA, KANSAS

Date: July 22, 1976

Dear Sirs:

We hereby open our Irrevocable Letter of Credit, No. 439, in your favor available by your drafts at sight on us for a sum not exceeding \$2,000.00 for the account of Associated Material & Supply Co., Inc. to be accompanied by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following condition on or before July 22, 1979:

1. Re: Case No. CU-187

(b) No area shall remain without cover for more than 90 days after excavation and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to help prevent erosion. The applicant shall consult with the Soil Conservation Service relative to the type of vegetation that is necessary to prevent erosion.

in the West Thirty Acres of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 14, Township 26 S of Range 1 East, in Sedgwick County, Kansas.

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

1. The condition has been timely complied with 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 Fourth National Bank and Trust Co., Credit No. 439, dated July 22, 1976."

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.

Fourth National Bank & Trust Co.
Wichita, Kansas 67201

P.O. Box 1090
telephone 316 261-4444



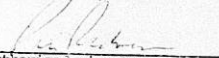
TheFourth IV

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 July 22, 1979.

Very truly yours,

FOURTH NATIONAL BANK & TRUST COMPANY,
WICHITA, WICHITA, KANSAS

(Corporate Seal)

By: 
Authorized signature

147115

(~~wherein~~) Published in The Wichita Beacon on Aug. 6, 1975-1976

R E S O L U T I O N

CASE NO. CU-187

A RESOLUTION PERMITTING AN EARTH BORROW
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, 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 9.A.5.a. 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 9.A.5.a. and Section 11.E. of the Zoning Resolution, as amended, a Conditional Use Permit to allow an earth borrow operation

is hereby approved on the lands legally described as follows:

The west thirty (30) acres of the southwest quarter of the southeast quarter of Section Fourteen, Township 28 South of Range 1 East, Sedgwick County, Kansas. Generally located on the north side of 47th Street South in an area between K-15 Highway and Oliver,

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The final grade, once the extraction operation is completed, shall be in conformance with the site grading plan submitted with the application and dated May 14, 1976.
- B. No area shall remain without cover for more than 90 days after excavation and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to help prevent erosion. The applicant shall consult with the Soil Conservation Service relative to the type of vegetation that is necessary to prevent erosion.
- C. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- D. Once the extraction operation has ceased, final grading shall be completed and no foreign matter, such as rubbish, construction debris, construction equipment, etc., shall remain on the property.
- E. The applicant shall submit an appropriate guarantee in the amount of \$2,000, either in the form of a performance bond, or irrevocable letter of credit, guaranteeing the planting of vegetative cover in compliance with condition "B".

F. The extraction operation shall cease within three years of the date of approval by the Board of County Commissioners. Any violation of the conditions of approval shall declare this 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 16th day of June, 1976.

John Hale
John Hale, Chairman

Earl E. Rush
Earl Rush, County Commissioner

Tom Scott
Tom Scott, County Commissioner

ATTEST:

George Pierce
George Pierce
County Clerk

(SEAL)

Approved as to form:

Theodore H. Hill
Theodore H. Hill
County Counselor

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

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