

CU-188 - Associated Material &  
Supply Co., Inc. - To permit an  
Earth Borrow Operation on the  
north side of 47th St. South in  
an area between K-15 Highway &

*Closed resolution not  
published*

*Durby P.C. Appraisal submitted 7-22-76  
recommends withdrawal*

*Approved by 8-25-76  
recommends*

POSTED  
7-9-76  
JA

# ACTION

COMMITTEE \_\_\_\_\_ DATE \_\_\_\_\_

- M.A.P.C. *approved as recommended 8-5-76*  
*etc. 2000 guarantee reduced to 1,000*
- ~~B.C.C./B. CO. C.~~ *Approved as recommended 8-25-76*
- Darby P.C. *Approved subject to 7-22-76*  
*recommended condition*

*Closed resolution not published*

CU-188 - Associated Material & Supply Co., Inc. - To permit an Earth Borrow Operation on the north side of 47th St. South in an area between K-15 Highway &

5742

(Book 3)

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

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 188  
Filed 6-23-76

- 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; Roger Sherwood, 516 Century Plaza Bldg, 67202  
Address 310 Century Plaza Bldg, 67202-(263-0141) Phone 267-2819
  3. General Location: north side of 47th St. South in an area between K-15  
Highway & Oliver Address \_\_\_\_\_
  4. Proposed Use: To permit an Earth Borrow Operation

- AREA DATA:
1. Acres: 13.1 ( 550 (IRREGULAR) ft. by 1270 ft.)
  2. Adjoining Zoning: E "E" S "E" W "E" N "E"
  3. Land Use: East UNDEVELOPED South UNDEVELOPED  
West SUBC E FARM UNDEVELOPED North UNDEVELOPED
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: UNDEVELOPED
  6. Area (is) (is not) platted. \_\_\_\_\_

PROCEDURE DATA:

1. Zoning Committee \_\_\_\_\_ by \_\_\_\_\_
2. MAPC Meeting: \_\_\_\_\_

DERBY P.C. 7-22-76 Approved sub. to Resonoid condit-  
Date 7/25/76 Action \_\_\_\_\_

MAPC 8-5-76 approved as recommended except 2,000 guarantee  
reduced to 1,000

3. Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution
<u>7/25/76</u>	<u>Approved as Resonoid</u>	

NOTES:

HASTING, INC. - LOS ANGELES  
LOAN ON - MADISON, TX U. S. A.

No. 2-153C  
S<sup>III</sup> Smith

Do publish until new  
site grading plan is  
submitted. JSE

R# 185-1976

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1976

RESOLUTION

CASE NO. CU-188

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 east 10 acres of the southwest quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, Sedgwick County, Kansas, and the west 125 feet of a tract described as beginning at the southwest corner of the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, thence east 375 feet, thence north 626 feet, thence west 375 feet, thence south 626 feet to the point of beginning, AND a tract in the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, described as beginning at a point 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence north 690 feet, more or less, to a second point, said point being 100 feet south of the northwest corner of said southeast quarter of the southeast quarter, thence east parallel to the north line of said southeast quarter of the southeast quarter a distance of 220 feet to a third point, thence southwesterly a distance of 545 feet, more or less, to a fourth point, thence south a distance of 50 feet to a fifth point, said point being 125 feet east of and 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence west a distance of 125 feet to the point of beginning. All 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. 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.
- b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street South.

not published

- c. 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.
- d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- e. 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.
- f. The applicant shall submit an appropriate guarantee in the amount of \$1,000 either in the form of a performance bond or irrevocable letter of credit, guaranteeing the planting of vegetative cover in compliance with condition "c".
- g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this 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 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 25 day of August, 1976.

John Hill  
John Hill, 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

June 25, 1982

Ron Worley, County Director, Dep't. of Building, Planning & Codes.  
Jack H. Galbraith, Chief Planner

CU-188 - Earth Borrow Operation. Generally located on the north side of 47th Street South, in an area between K-15 Highway and Oliver.

In April of this year I was contacted by Jeff Prince, Zoning Officer for the City of Derby, regarding complaints of concrete piled around the lake at the above location. During a field check of the property I noticed several stacks of used bricks and other construction materials on a portion of the site, as well as piles of concrete. Although, contractors storage yards are permitted in the existing light industrial zoning, I am not sure what activity has been occurring on the site.

An application for an earth borrow operation for this site was approved by the County Commission on July 22, 1976, subject to the conditions listed on the attached resolution. Earlier in 1976 an earth borrow operation (CU-187) was approved for the 30 acres immediately west of the CU-188 site. The resolution for CU-188 was never published because we never received revised site grading plans. Subsequent to the approval of both CU-187 and CU-188, the earth borrow operations was completed and a lake formed, even though the resolution for CU-188 was not published.

We recently contacted Associated Material & Supply Co., Inc., the original applicant, requesting that they provide us with site grading plans. They did not respond to our letter and we believe the property may have been sold and that they have no further interest. Therefore, we are closing the case file for CU-188 without publishing the resolution, since the earth borrow operation is complete and we have been unable to obtain a copy of the site grading plan. This information is provided to you as you may receive further complaints as to the use of the property and have to investigate the activity of the area. Any further borrowing from the area, or any attempt to fill in the lake, would be a violation.

If you have any questions, please call.

Jack H. Galbraith  
Chief Planner

JHG:ADC:el

Attachment

April 13, 1982

Dave Stannard  
Associated Material & Supply Co., Inc.  
6015 North Broadway  
Wichita, Kansas 67219

Re: CU-187 and CU-188 - Earth Borrow  
Operation on the north side of 49th  
Street South, in an area between  
K-15 and Oliver.

Dear Dave:

We have had a recent inquiry regarding the earth borrow operation at the above referenced location. There have been complaints about the concrete piled around the lake. The inquiry prompted us to pull the file to review the conditions of approval.

During our review of the file for CU-188, we noticed that the resolution authorizing the earth borrow operation was never published because revised site grading plans were not submitted. We would like to know if you have a copy of a revised grading plan (dated after May 14, 1976) that has been approved by the Wichita-Sedgwick County Flood Control Office. If you have a copy of the revised plan we would appreciate receiving a copy so that we can publish the resolution and close our file. We would also like to know about the current ownership of this property.

We would appreciate your assistance in clearing up this matter.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ADC:e1

#185-1976

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1976

RESOLUTION

CASE NO. CU-188

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 east 10 acres of the southwest quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, Sedgwick County, Kansas, and the west 125 feet of a tract described as beginning at the southwest corner of the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, thence east 375 feet, thence north 626 feet, thence west 375 feet, thence south 626 feet to the point of beginning, AND a tract in the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, described as beginning at a point 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence north 690 feet, more or less, to a second point, said point being 100 feet south of the northwest corner of said southeast quarter of the southeast quarter, thence east parallel to the north line of said southeast quarter of the southeast quarter a distance of 220 feet to a third point, thence southwesterly a distance of 545 feet, more or less, to a fourth point, thence south a distance of 50 feet to a fifth point, said point being 125 feet east of and 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence west a distance of 125 feet to the point of beginning. All 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. 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.
- b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street South.

- c. 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.
- d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- e. 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.
- f. The applicant shall submit an appropriate guarantee in the amount of \$1,000 either in the form of a performance bond or irrevocable letter of credit, guaranteeing the planting of vegetative cover in compliance with condition "c".
- g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this 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 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 25 day of August, 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

August 27, 1976

Theodore H. Hill, County Counselor

Jack H. Galbraith, Chief Planner

CU-188 - Earth Borrow Operation Request on the north side of 47th Street South in an area between K-15 Highway and Oliver.

Attached for review and approval is an irrevocable letter of credit which was a condition of approval on the above captioned case by the Board of County Commissioners at their meeting of August 25, 1976.

Should this letter of credit meet with your approval, it should be forwarded to the County Treasurer's Office to file with instructions that it not be released until written notice has been received from the County Director of Public Works and the Director of Planning.

If you have any questions concerning this matter or the letter of credit is not acceptable, please call.

Jack H. Galbraith  
Chief Planner

JHG:GLS:el

Attachments

# TheFourth

# IV

## IRREVOCABLE LETTER OF CREDIT

To:  
COUNTY OF SEDGWICK  
WICHITA, KANSAS

Date: August 16, 1976

Dear Sirs:

We hereby open our Irrevocable Letter of Credit No. 440, in your favor available by your drafts at sight on us for a sum not exceeding \$1,000.00 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 August 16, 1979:

1. Re: Case No. CU-188

- (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 real estate described in Exhibit I (attached).

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. 440, dated August 16, 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.



Fourth National Bank & Trust Co.  
Wichita, Kansas 67201

P.O. Box 1090  
telephone 316-261-4444

**TheFourth IV**

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 August 16, 1979.

Very truly yours,

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

(Corporate Seal)

By: James D. Stephens  
Authorized signature

EXHIBIT I

IN: The East ten (10) acres of the South-West Quarter of the South-East Quarter of Section Fourteen, Township 28 South of Range One East, Sedgwick County, Kansas; and

West 125 feet of a tract described as beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, thence East 375 feet, thence North 626 feet, thence West 375 feet, thence South 626 feet to the point of beginning; and

A tract in the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, described as beginning at a point 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence North 690 feet, more or less, to a second point, said point being 100 feet South of the Northwest corner of said Southwest Quarter of the Southwest Quarter, thence East parallel to the North line of said Southeast Quarter of the Southeast Quarter a distance of 220 feet to a third point, thence Southwesterly a distance of 545 feet, more or less, to a fourth point, thence South a distance of 50 feet to a fifth point, said point being 125 feet East of and 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence West a distance of 125 feet to the point of beginning.

( ) Published in The Wichita Beacon on \_\_\_\_\_, 1976

RESOLUTION

CASE NO. CU-188

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

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SUBJECT TO THE FOLLOWING CONDITIONS:

- a. 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.
- b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street South.

- c. 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.
- d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- e. 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.
- f. The applicant shall submit an appropriate guarantee in the amount of \$1,000 either in the form of a performance bond or irrevocable letter of credit, guaranteeing the planting of vegetative cover in compliance with condition "c".
- g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 1976.

\_\_\_\_\_  
John Hale, Chairman

\_\_\_\_\_  
Earl Rush, County Commissioner

\_\_\_\_\_  
Tom Scott, County Commissioner

ATTEST:

\_\_\_\_\_  
George Pierce, County Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Theodore H. Hill  
County Counselor

(Book 3)  
 5742  
 Map No. K-7-B  
 Sec. 14  
 Twp. 28S  
 Range 1E

DATA SHEET  
 (ZONING & CONDITIONAL USE)

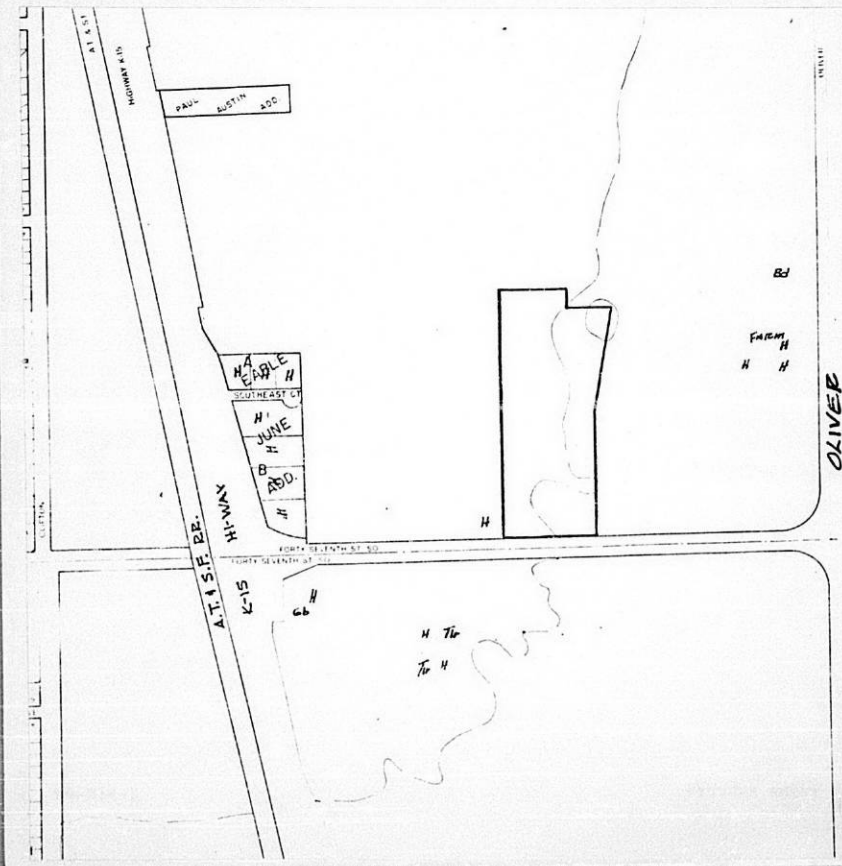
Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- 188  
 Filed 6-23-76

- 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; Roger Sherwood - 516 Century Plaza Bldg.  
 Address 310 Century Plaza Bldg: 67202 - (263-0141); Phone 267-2819
  3. General location: north side of 47th St. South in an area between K-15  
Highway & Oliver Address \_\_\_\_\_
  4. Proposed Use: To permit an Earth Borrow Operation

- AREA DATA: (10 DEEG 41 AD)
1. Acres: 13.1 ( 550 ft. by 1270 ft.)
  2. Adjoining zoning: E "E" W "E" N "E"
  3. Land Use: East UNDEVELOPED South UNDEVELOPED  
 West SINGLE FARM UNDEVELOPED North UNDEVELOPED
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: UNDEVELOPED
  6. Area (a) (is not) platted. \_\_\_\_\_

CU-188

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR APPROVAL OF CONDITIONAL USE

CASE NO. CU-188

CONSIDERED BY MAPC: 8-5-76

REQUEST FOR: Approval of Conditional Use

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To use as a borrow area for fill dirt to be used for highway construction."

GENERAL LOCATION: North side of 47th Street South in an area between K-15 and Oliver

LEGAL DESCRIPTION:

See excerpt from Planning Commission Minutes of August 5, 1976.

APPLICANT: Associated Material & Supply Co., Inc., 6015 N. Broadway 67219, et al.

COUNSEL FOR APPLICANT: Roger Sherwood, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north, east, south, and west is "E" zoning

LAND USE: Subject property and that to the north and south is undeveloped; east and west is single-family and undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to: (See attached excerpt from Planning Commission minutes of August 5, 1976 for conditions.) Gragg moved, Savina seconded and it carried unanimously. Goebel, Kamen and Porter were absent.

ACTION: 1. Approve the application as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions of approval, adopt a resolution effectuating the Conditional Use; or  
2. Deny the application.

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 5, 1976:

13. Case No. CU-188 - Associated Material & Supply Co., Inc., et al. request approval of a Conditional Use to permit an earth borrow operation on the following described property:

The east 10 acres of the southwest quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, Sedgwick County, Kansas, and the west 125 feet of a tract described as beginning at the southwest corner of the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, thence east 375 feet, thence north 626 feet, thence west 375 feet, thence south 626 feet to the point of beginning, AND a tract in the southeast quarter of the southeast quarter of Section 14, Township 28 South, Range 1 East, described as beginning at a point 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence north 690 feet, more or less, to a second point, said point being 100 feet south of the northwest corner of said southeast quarter of the southeast quarter, thence east parallel to the north line of said southeast quarter of the southeast quarter a distance of 220 feet to a third point, thence southwesterly a distance of 545 feet, more or less, to a fourth point, thence south a distance of 50 feet to a fifth point, said point being 125 feet east of and 626 feet north of the southwest corner of said southeast quarter of the southeast quarter, thence west a distance of 125 feet to the point of beginning. All generally located on the north side of 47th Street South in an area between K-15 Highway and Oliver.

GALBRAITH showed slides of subject site and the surrounding area and reviewed the following staff report:

Comments

1. The applicant is requesting a conditional use permit under Section 9.A.5.a. of the Sedgwick County Zoning Resolution in order to establish a borrow area for obtaining fill dirt to be used on highway construction.
2. The applicant has submitted a site plan indicating the excavation area, however, the plan does not indicate how the land will be graded after the operation ceases. The Flood Control Office advises that a water retention area will be created by the earth borrowing operation and it is proposed that a draw-down pipe will be constructed under 47th Street South in the future to provide for a slow outlet of water to the south, thereby reducing a drainage problem that exists in the general area.
3. On June 16, 1976, the Board of County Commissioners considered a request for an earth borrow operation (CU-187) on a 30-acre tract adjacent on the west of this application. Action of the Commission was to approve the request subject to the applicant submitting an appropriate guarantee in the amount of \$2,000 to insure that vegetative cover would be provided to help prevent erosion as the earth borrowing operation progressed. The Commission also required that the operation cease within three years from the date of their approval.
4. Should the Planning Commission recommend approval of this request, the following conditions are recommended for consideration:
  - a. 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.
  - b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street south.
  - c. 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.

- d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- e. 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.
- f. 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 "C".
- g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this conditional use null and void.

GALBRAITH reported that the Derby Planning Commission had recommended approval of this request, subject to the conditions suggested in the staff report. Just today, GALBRAITH said, he had learned of the applicant's desire that the guarantee for planting of vegetative covering not be required as they thought the guarantee submitted with the adjacent case would be sufficient. The guarantee for such planting on the site to the west was \$2,000, but inasmuch as so much of subject site will be lake area, GALBRAITH suggested that the amount be reduced to \$1,000.

ROGER SHERWOOD, attorney for the applicant, was present to speak in support of this request. No one appeared in opposition.

**MOTION:** That the Planning Commission recommend to the County Commission that this application be approved subject to:

- a. 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.
- b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street South.
- c. 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.
- d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
- e. 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.

- f. The applicant shall submit an appropriate guarantee in the amount of \$1,000 either in the form of a performance bond or irrevocable letter of credit, guaranteeing the planting of vegetative cover in compliance with condition "c".
- g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this conditional use null and void.

Gragg moved, Savina seconded and it carried unanimously. Goebel, Kamen and Porter were absent.

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 381st COMBAT SUPPORT GROUP (SAC)  
MC CONNELL AIR FORCE BASE, KANSAS 67221



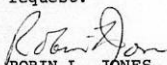
4 AUG 1976

REPLY TO  
ATTN OF: DEPR

SUBJECT: Metropolitan Area Planning Commission Notice to Adjoining  
Property Owners, Case No CU-188

TO: Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
City Hall, Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

The request to permit an earth borrow operation in the Southeast Quarter of Section Fourteen Township 28 South, Range One East will result in no detrimental effects to the Base. We therefore recommend approval of the above request.

  
ROBIN L. JONES, Colonel, USAF  
Base Commander



Peace . . . . is our Profession

ROGER SHERWOOD  
ATTORNEY  
510 CENTURY PLAZA BUILDING  
WICHITA, KANSAS 67202  
AREA 310 207-2810

August 9, 1976

Mr. Jack H. Galbraith  
Chief Planner  
Metropolitan Area Planning Commission  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Re: CU-188 - Conditional Use for earth borrow operation -  
North side of 47th Street South in an area between K-15  
Highway and Oliver

Dear Jack:

I confirmed with M. S. Mitchell that the copies of the  
revised site grading plan have already been filed in that office.

Respectfully yours,

*Roger Sherwood*  
ROGER SHERWOOD

RS:ef

cc: Mr. Justus Fugate  
Mr. M. S. Mitchell

*Checked with Mitchell  
8/25/76. He advised copies  
had not been submitted  
JJS*



August 6, 1976

Mr. Roger Sherwood, Attorney  
516 Century Plaza Building  
Wichita, Kansas 67202

Re: CU-188 - Conditional Use  
for earth borrow opera-  
tion - North side of 47th  
Street South in an area  
between K-15 Highway and  
Oliver

Dear Mr. Sherwood:

At the regular meeting of the Metropolitan Area Planning Commission on August 5, 1976, the above-captioned application was considered. It was the action of the Commission to recommend the approval, subject to Conditions a. through g. as listed in the staff report, with the exception that the amount of the guarantee for item f. was changed from \$2,000 to \$1,000.

Please provide us with an appropriate guarantee for item f. and two copies of the revised site grading plan as required under condition a. These should be submitted to our office by August 16, so that this matter may be forwarded on to the Board of County Commissioners for consideration at their regular meeting on August 25, 1976, which will be held in Room 320 Sedgwick County Courthouse, starting at 9:00 a.m.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Associated Material & Supply Co., Inc., 6015 N. Broadway 67219  
Justus H. Fugate, 310 Century Plaza Building 67202  
Donlie R. and Norma Tanner, 1933 S. Edgemoor 67218  
George E. LeKron, 4615 S. Oliver 67210  
Jerry Oatsdean, Secretary, Derby Planning Commission,  
615 Riverview, Derby 67037  
Syd Werbin, County Zoning Office, 1015 Stillwell 67213

CU-188 - Notices to adjoining property owners, Staff Reports, and Referral Sheets mailed 7-16-76 to:

10 Derby Commissioners  
1 Jerry Oatsdean  
1 Syd Werbin  
1 C. Bickley Foster

—  
13 sub total

20 Notices to adjoining property owners mailed 7-16-76 to Applicants, agents, and adjoining property owners, for the DERBY CITY PLANNING COMMISSION meeting of July 22, 1976 and the MAPC meeting of August 5, 1976.

—  
33 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 North Main Street  
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

July 16, 1976

NOTICE IS HEREBY GIVEN that on Thursday, July 22, 1976, at 7:30 p.m., the DERBY CITY PLANNING COMMISSION, City Hall, Derby, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. CU-138

Conditional Use Request to Permit an Earth Borrow Operation

See Legal Description Attached Hereto

If this matter is not deferred for further hearings before the DERBY CITY PLANNING COMMISSION, then as provided in the County Zoning Resolution, Section 14 - Administration sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting not before 3:00pm, Thursday August 5, 1976, in the City Commission Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against the proposed change to the Zoning Resolution will be considered as by law provided.

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, Robert A. Lakin, City Hall, Tenth Floor, 455 North Main Street, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin  
Secretary

CASE NO. CU-188

Conditional Use Request to Permit an Earth Borrow Operation

The East ten (10) acres of the South-West Quarter of the South-East Quarter of Section Fourteen, Township 28 South of Range One East, Sedgwick County, Kansas.

And the West 125 feet of a tract described as beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, thence East 375 feet, thence North 626 feet, thence West 375 feet, thence South 626 feet to the point of beginning.

And a tract in the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, described as beginning at a point 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence North 690 feet, more or less, to a second point, said point being 100 feet South of the Northwest corner of said Southeast Quarter of the Southeast Quarter, thence East parallel to the North line of said Southeast Quarter of the Southeast Quarter a distance of 220 feet to a third point, thence Southwesterly a distance of 545 feet, more or less, to a fourth point, thence South a distance of 50 feet to a fifth point, said point being 125 feet East of and 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence West a distance of 125 feet to the point of beginning.  
All generally located on the north side of 47th Street South in an area between K-15 Highway and Oliver.

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DCPC HEARING DATE: 7-22-76  
MAPC HEARING DATE: 3-5-76

Case No. CU-188	Request: Establishment of borrow area for fill dirt.
-----------------	--

Location: North side of 47th Street South in an area between K-15 and Oliver.

Reason: "To use as a borrow area for fill dirt to be used for highway construction."

Acres: 14.3	Size: 450' x 1,320' (irregular shape)
-------------	---------------------------------------

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"D"
North	Undeveloped	"D"
East	Single family and undeveloped	"P"
South	Undeveloped	"D"
West	Single Family and undeveloped	"P"

Existing R/W 47th St. South - half 50 ft.	Platted: No
Proposed R/W 47th St. South - half 50 ft.	History: None

COMMENTS:

1. The applicant is requesting a conditional use permit under Section 9.A.5.a. of the Sedgwick County Zoning Resolution in order to establish a borrow area for obtaining fill dirt to be used on highway construction.
2. The applicant has submitted a site plan indicating the excavation area, however, the plan does not indicate how the land will be graded after the operation ceases. The Flood Control Office advises that a water retention area will be created by the earth borrowing operation and it is proposed that a draw-down pipe will be constructed under 47th Street South in the future to provide for a slow outlet of water to the south thereby reducing a drainage problem that exists in the general area.

3. On June 16, 1976, the Board of County Commissioners considered a request for an earth borrow operation (CU-187) on a 30 acre tract adjacent on the west of this application. Action of the Commission was to approve the request subject to the applicant submitting an appropriate guarantee in the amount of \$2,000 to insure that vegetative cover would be provided to help prevent erosion as the earth borrowing operation progressed. The Commission also required that the operation cease within three years from the date of their approval.
  4. Should the Planning Commission recommend approval of this request, the following conditions are recommended for consideration:
    - a. 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.
    - b. The south bank of the water retention area shall not occur nearer than 50 feet from the north right-of-way line of 47th Street South.
    - c. 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.
    - d. Subject property shall be platted prior to the issuance of any building permits, except those necessary for the soil extraction operation.
    - e. 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.
    - f. 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 "c".
    - g. The extraction operation shall cease within three years from the date of approval by the Board of County Commissioners. Any violation of the conditions of approval, shall declare this conditional use null and void.
-

UNITED STATES DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

4100 Maple, Wichita, Kansas 67209

July 9, 1976

G. Lynn Shirkey  
City Hall - 10th Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Shirkey:

We have only a few comments in regards to the Grading Plan for highway construction at 47th Street South in the area between K-15 Highway and Oliver. The Grading Plan for area II is in an area subject to frequent flooding and wind erosion, and could be a problem if too large an area remains unprotected.

Sincerely,

*Herman Norwood*

Herman Norwood,  
Acting District Conservationist

HN:dj



**Legal Publication**

(First Published In The Daily Reporter on July 13, 1976)

**OFFICIAL NOTICE TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:**

NOTICE IS HEREBY GIVEN that on Thursday, July 22, 1976, at 7:30 p.m., the DERBY CITY PLANNING COMMISSION, City Hall, Derby, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

CASE NO. CU-188

Conditional Use Request to Permit an Earth Borrow Operation

The East ten (10) acres of the South-West Quarter of the South-East Quarter of Section Fourteen, Township 28 South of Range One East, Sedgwick County, Kansas

And the West 125 feet of a tract described as beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, thence East 375 feet, thence North 626 feet, thence West 375 feet, thence South 626 feet to the point of beginning.

And a tract in the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, described as beginning at a point 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence North 690 feet, more or less, to a second point, said point being 100 feet South of the Northwest corner of said Southeast Quarter of the Southeast Quarter, thence East parallel to the North line of said Southeast Quarter of the Southeast Quarter a distance of 220 feet to a third point, thence Southwesterly a distance of 545 feet, more or less, to a fourth point, thence South a distance of 50 feet to a fifth point, said point being 125 feet East of and 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence West a distance of 125 feet to the point of beginning. All generally located on the north side of 47th Street South in an area between K-15 Highway and Oliver.

If this matter is not deferred for further hearings before the DERBY CITY PLANNING COMMISSION, then as provided in the County Zoning Resolution, Section 14 - Administration subparagraph C, this item will be discussed and considered by the WICHITA - SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AT THEIR REGULAR MEETING AT 1:30 p.m., Thursday, August 5, 1976, in the City Commission Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas. All persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against the proposed request will be considered as by law provided.

WITNESS my hand and seal on this 8th day of July, 1976.

Robert A. Lakin,  
Secretary  
Wichita-Sedgwick  
County

Metropolitan Area  
Planning Commission  
(SEAL)

(11)

July 9, 1976

Ms. Wanda Squib  
% The Daily Reporter  
201 South Baltimore  
Derby, Kansas 67037

Re: Case No. CU-188 - Conditional Use  
Request to Permit an Earth Borrow  
Operation

Dear Ms. Squib:

Enclosed is a notice of public hearing which I would like to  
have published Tuesday, July 13, 1976.

If you have any questions, please call.

Sincerely,

G. Lynn Shirkey  
Junior Planner

GLS;el  
Enclosure

July 2, 1976

Larry Henry  
Soil Conservation Service  
4100 Maple  
Wichita, Kansas 67209

Re: CU-188 - Establishment of a  
Borrow Area on the North side of  
47th St. South in an area between  
K-15 Highway & Oliver

Dear Mr. Henry:

Attached is a copy of a Grading Plan which has been submitted to our office for a proposed borrow area (not a borrow pit) for fill earth to be used for highway construction. Please note that this request applies only to that area designated as "borrow area II" inasmuch as area I has previously been approved by the Board of County Commissioners.

I would appreciate any comments you may have on this project by July 12, 1976, so they may be included in our staff report to the Planning Commission.

Sincerely,

G. Lynn Shirkey  
Junior Planner

GLS:el  
Att.

July 2, 1976

Grover McLure  
County Engineer  
1015 Stillwell  
Wichita, Kansas 67213

Re: CU-188 - Establishment of a  
Borrow Area on the North side of  
47th St. South in an area between  
K-15 Highway & Oliver

Dear Mr. McLure:

Attached is a copy of a Grading Plan which has been submitted to our office for a proposed borrow area (not a borrow pit) for fill earth to be used for highway construction. Please note that this request applies only to that area designated as "borrow area II" inasmuch as area I has previously been approved by the Board of County Commissioners.

I would appreciate any comments you may have on this project by July 12, 1976, so they may be included in our staff report to the Planning Commission.

Sincerely,

G. Lynn Shirkey  
Junior Planner

GLS:el  
Att.

July 1, 1976

Roger Sherwood  
516 Century Plaza Building  
Wichita, Kansas 67202

Re: CU-188 - Conditional Use to  
permit an Earth Borrow Opera-  
tion generally located on the  
north of 47th Street South in  
an area between K-15 Highway  
and Oliver

Dear Mr. Sherwood:

Enclosed is a receipt for your check in the amount of \$400 on  
the above captioned Conditional Use.

This matter has been scheduled to appear on the Derby City  
Planning Commission agenda for July 22, 1976, and the Metro-  
politan Area Planning Commission agenda for August 5, 1976.

If you have any questions, please contact our office.

Sincerely,

G. Lynn Shirkey  
Junior Planner

GLS:el  
Enclosure

Book 3  
K-7-13  
14  
285  
1E

CU-188

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  Associated Material & Supply Co., Inc.

ADDRESS 6015 N. Broadway, Wichita, Ks 67219 PHONE 744-0433

AGENT  Justus H. Fugate  Roger Sherwood

310 Century Plaza Bldg. *67002* 516 Century Plaza Bldg. *67002*

ADDRESS Phone: 263-0141 PHONE 267-2819

B. APPLICANT  Donlie R. and Norma Tanner

ADDRESS *1933 So. Edgemoor* *67218* PHONE

AGENT  Justus H. Fugate  Roger Sherwood

310 Century Plaza Bldg.  516 Century Plaza Bldg.  
ADDRESS Phone: 263-0141 PHONE 267-2819

C.  APPLICANT George E. LeKron

ADDRESS *4615 Leeward Wichita Ks 67210* PHONE *788-1412*

AGENT  Justus H. Fugate  Roger Sherwood

310 Century Plaza Bldg.  516 Century Plaza Bldg.  
ADDRESS Phone: 263-0141 PHONE 267-2819

(Use separate sheet if necessary for names of additional applicants).

II. The applicant proposes to establish a borrow area.

\_\_\_\_\_ (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).

See Attached Sheet.

~~Applicant A - description~~

The East ten (10) acres of the South-West Quarter of the South-East Quarter of Section Fourteen, Township 28 South of Range One East, Sedgwick County, Kansas. Generally located on the north side of 47th Street South in an area between K-15 Highway and Oliver.

~~Applicant B - description~~

and the

West 125 feet of a tract described as beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, thence East 375 feet, thence North 626 feet, thence West 375 feet, thence South 626 feet to the point of beginning.

~~Applicant C - description~~

and

A tract in the Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range One East, described as beginning at a point 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence North 690 feet, more or less, to a second point, said point being 100 feet South of the Northwest corner of said Southeast Quarter of the Southeast Quarter, thence East parallel to the North line of said Southeast Quarter of the Southeast Quarter a distance of 220 feet to a third point, thence Southwesterly a distance of 545 feet, more or less, to a fourth point, thence South a distance of 50 feet to a fifth point, said point being 125 feet East of and 626 feet North of the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence West a distance of 125 feet to the point of beginning.

10. East  
1/4 Sec.

I I I. THIS PROPERTY IS LOCATED AT (ADDRESS) \_\_\_\_\_

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE \_\_\_\_\_ CORNER OF \_\_\_\_\_ AND \_\_\_\_\_, OR

B. ON THE North SIDE OF 47th Street South (AVENUE) STREET BETWEEN K-15 Highway (AVENUE) STREET AND Oliver (AVENUE) STREET.

I V. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED E (ZONING DISTRICT CLASSIFICATION).

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

To use as a borrow area for fill dirt to be used on highway construction.

V I. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION 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 ABTRACTOR'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.

Associated Material & Supply Co., Inc.

BY D. L. Stannard Pres  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

Donlie R. and Norma Tanner

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

Donlie R. Tanner  
BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

George E. LeKron

BY Geo. E. LeKron  
AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

V I I. OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_ (AM, PM) on \_\_\_\_\_ (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$\_\_\_\_\_.

\_\_\_\_\_ Name

\_\_\_\_\_ Title

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1	A	Nyberg Addition	✓ Frederik Nyberg, 439 Windsor Wichita, Kansas, 67218
2	"	"	"
1	A	Paul Austin Addition	✓ Paul G. Austin 4440 Southeast Blvd Wichita, Kansas, 67210
1	A	Earl June Addition	✓ Earle K. June & Ethel L. June 4700 Southeast Blvd Wichita, Kansas, 67210
1	B	"	"
2	"	"	"
3	"	"	"
4	"	"	"

The Northeast Quarter of the Southwest Quarter of Section 14-28-1E, lying East of Railroad right of way, except that portion Taken for K-15 Highway and except the North 468.62 feet thereof

✓ Victor Eugène Lygrisse  
2101 Hyacinth  
Wichita, Kansas, 67204

The South 100 feet of the North 468.62 feet of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 14-28-1E lying East of the right of way of K-15 Highway

D Paul G. Austin  
4440 Southeast Boulevard  
Wichita, Kansas, 67210

The East 398 feet of a tract beginning at the Northeast corner of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14-28-1E, thence South 100 feet, thence West parallel with the North line of said SE $\frac{1}{4}$  to a point on the East line of K-15 Highway, thence Northerly along said East line of Highway to the North line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , thence East along the North line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$  to point of beginning

✓ Donald K. Goodwin and Adelia  
A Goodwin, 4602 Southeast  
Blvd., Wichita, Kan. 67219

Beginning 100 feet South of the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 14-28-1E, thence South 200 feet, thence West to the East line of K-15 Highway, thence Northerly along said Highway to a point 100 feet South of the North line of said SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , thence East to beginning

✓ John M. Duprez and Wilma Ruth  
Duprez, 4622 Southeast Blvd.  
Wichita, Kansas, 67210

Continued page 2

Description	Property Owner
Beginning at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14-28-1E, thence West 265 feet, thence South 115 feet, thence East 265 feet, thence North 115 feet to beginning	Michael Allen Griffin and Patricia Ann Griffin Address unknown ✓ 1005 N. 1 ave, Mulvane 67110
Beginning at the Southwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14-28-1E, thence East on the South line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , 375 feet, thence North parallel with the West line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , 626 feet, thence West parallel to the South line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , 375 feet, thence South 626 feet to place of beginning	Donlie R. Tanner and Norma A. Tanner, 1933 S. Edgemoor Wichita, Kansas, 67218
The Southeast Quarter of the Southeast Quarter of Section 14-28-1E, except the last 2 above described tracts	George E. LeKron 4617 S. Oliver Wichita, Kansas, 67210
The Northwest Quarter of the Southeast Quarter and the South 10 acres of the Northeast Quarter of the Southeast Quarter of Section 14-28-1E	Lawrence R. Davis & Melvin L. Davis, 4141 S. Senece Wichita, Kansas, 67217
The Northeast Quarter of the Southeast Quarter of Section 14-28-1E, except the South 10 acres thereof	Isabelle M. Ohl 429 East Bridge Mulvane Kansas, 67110
The Southwest Quarter of the Southeast Quarter of Section 14-28-1E, except that portion taken for K-15 Highway	Associated Material & Supply Co., 4401 W. 53rd St. No., Wichita, Kansas, 67205
The North 10 acres of a tract in the SW $\frac{1}{4}$ of Section 13-28-1E, bounded on the North and East by McConnell Air Force Base, on the West by Oliver Street and on the South by 47th Street	William F. Farha, 8630 Shannon Way, Wichita, Kansas, 67206 ✓ Dr. George J. Farha, 300 N. Terrace Drive, Wichita, Kans. 67208 and ✓ Lewis N. Farha, 1377 Iroquois Wichita, Kansas, 67203
Beginning 387.89 feet South of the Northwest corner of the SW $\frac{1}{4}$ of Section 13-28-1E, thence East 1180.74 feet, thence S. 16°44' E. a distance of 367.3 feet, thence W. 1285.88 feet, to the West line of said Quarter Section, thence North 353.19 feet to beginning	Dr. George J. Farha, 300 N. Terrace Drive, Wichita, Kansas, 67208 and Lewis N. Farha, 1377 Iroquois, Wichita, Kansas, 67203
That part of the SW $\frac{1}{4}$ of Section 13-28-1E lying West of the McConnell Air Force Base, except the North 741.08 feet thereof	Bassett Construction, Inc. Address unknown <i>none found</i>
Beginning at a point on the South line of the SW $\frac{1}{4}$ of Section 13-28-1E, S. 89°21'W, 813.2 feet from the SE corner of said SW $\frac{1}{4}$ of Sec. 13, thence S 89°21' W. 970.97 feet, thence N 12° 29' E. 1911.38 feet, thence S 16°44'E. 1937.2 feet to place of beginning	The United States of America Washington D. C. ✓ to the McConnell Air Force Base 2801 S Rock St. 67210
The N. 300 feet of that part of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 23-28-1E, lying East of the right of way of Highway K-15	W. H. Trickey and Lucinda E. Trickey, Address unknown <i>none found</i>

Continued page 3

Description

Property Owner

The West Half of the Northeast Quarter of Section 23-28-1E except the South 534.86 feet thereof

✓ George L. Williams  
4129 E. 47th Street South  
Wichita, Kansas, 67210

The Northeast Quarter of the Northeast Quarter of Section 23-28-1E.

X Myrtle M. Bryans  
Address unknown  
*none found*

Beginning at the Northeast Corner of the NW $\frac{1}{4}$  of Sec. 24-28-1E, thence S 0°08' W. along the E. line of said NW $\frac{1}{4}$  of Section 24 a distance of 1193 feet, thence N 77° 31'W. a distance of 1992.86 feet, thence N 12°29'E. 759.9 feet to the N. line of said NW $\frac{1}{4}$ , thence N 89°21' E. along the N. line of said NW $\frac{1}{4}$  a distance of 1784.17 feet to point of beginning

D United States of America  
Address unknown

That part of the Northwest Quarter of Section 24-28-1E, lying South of 47th Street South as described in Miscellaneous Book 587, page 66, except the South 1726.57 feet of said Northwest Quarter and that part of the Northwest Quarter of Section 24-28-1E lying North of 47th Street South as described in Misc. Book 587, Page 66 and west of McConnell Air Force Base

✓ Bernard H. Trachman & Florence Trachman, 5647 Coe Court  
Wichita, Kansas, 67208

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 1000 foot radius of the following property to-wit:

The Southeast Quarter of the Southeast Quarter of Section 14, Township 28 South, Range 1 East and the East 10 acres of the Southwest Quarter of the Southeast Quarter of Section 14, Township 28 South, Range 1 East of the 6th P. M., Sedgwick County, Kansas.

as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas., on this 25th day of June, 1976 at 7:00 o'clock A. M.

The Security Abstract and Title Company, Inc.

By

*Mary Hable*  
Vice-President

Order No. 238121

For 23-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION <b>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</b>		<b>TO BE COMPLETED BY FAA</b> AERONAUTICAL STUDY NO. <b>76-CE-139-07</b>	
1. NATURE OF STRUCTURE (Complete both A and B below)		FAA WILL COMPLETE AND RETURN THIS FORM IF ONE OR MORE OF THE FOLLOWING IS APPLICABLE. OTHERWISE SEPARATE ACKNOWLEDGEMENT WILL BE ISSUED.	
A. (Check one) <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION		A. A STUDY OF THIS PROPOSAL HAS DISCLOSED THAT THE PROPOSED STRUCTURE:	
B. (Check one)    (State length of time)    Mos. <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY		<input type="checkbox"/> DOES NOT REQUIRE A NOTICE TO FAA. <input type="checkbox"/> WOULD NOT EXCEED ANY STANDARD OF PART 77 AND WOULD NOT BE A HAZARD TO AIR NAVIGATION. <input checked="" type="checkbox"/> SHOULD BE MARKED AND LIGHTED PER FAA "OBSTRUCTION MARKING AND LIGHTING" ADVISORY CIRCULAR 70/7460-1. <i>C.H. 344</i>	
2. NAME AND ADDRESS OF INDIVIDUAL, COMPANY, CORPORATION, ETC. PROPOSING THE CONSTRUCTION OR ALTERATION (Number, Street, City, State and Zip Code)		<input checked="" type="checkbox"/> REQUIRES SUPPLEMENTAL NOTICE FORM (FAA FORM 117-1) ENCLOSED. B. COPY SENT TO FCC? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
TO: <b>C/O BEN FOSTER</b> <b>ATTORNEY-AT-LAW</b> <b>420 OLIVE GARVEY BLDG.</b> <b>200 WEST DOUGLASS</b> <b>WICHITA, KANSAS 67202</b>		REVIEWING OFFICER: <i>CR Schneider</i> DATE: <i>3-11-76</i>	
3. TYPE AND COMPLETE DESCRIPTION OF STRUCTURE <b>Alden C. Schneider, ACE-537</b> <b>UNIFORM CROSS SECTION GUYED, VERTICAL, STEEL TOWER SUPPORTING A HARRIS THREE BAY FM BROADCASTING ANTENNA, SIDE MOUNTED AT THE TOP.</b>			
4. LOCATION OF STRUCTURE			
A. COORDINATES (To nearest second)		B. NEAREST CITY OR TOWN, AND STATE	
LATITUDE	LONGITUDE	(1) DISTANCE FROM 4B	(2) DIRECTION FROM 4B
37° 30' 52"	97° 15' 33"	FROM TOWN CENTER - 2.29 MILES	163° TRUE (SSE)
C. NAME OF NEAREST AIRPORT, HELIPORT, OR SEAPLANE BASE		(1) DISTANCE FROM NEAREST POINT OF	(2) DIRECTION FROM
HAMILTON AIRFIELD		3.24	AIRPORT
D. DESCRIPTION OF LOCATION OF SITE WITH RESPECT TO HIGHWAYS, STREETS, AIRWAYS, PROMINENT TERRAIN FEATURES, EXISTING STRUCTURES, ETC. (Attach a highway, street, or any other appropriate map or aerial photograph showing the relationship of construction site to nearest airport(s). If more space is required, continue on a separate sheet of paper and attach to this notice.)			
SEE ATTACHED MAP.			
THIS DETERMINATION IS MADE UNLESS APPLICATION IS MADE FOR CONSTRUCTION PERMIT BEFORE THE DATE OF APPLICATION TO THE FCC. OTHERWISE EXTENDED, REVISED OR TERMINATED.			
5. HEIGHT AND ELEVATION (Complete A, B and C to the nearest foot)		6. WORK SCHEDULE DATES	
A. ELEVATION OF SITE ABOVE MEAN SEA LEVEL	1,315 FEET	A. WILL START UPON FCC GRANT OF CONSTRUCTION PERMIT	
B. HEIGHT OF STRUCTURE INCLUDING APPURTENANCES AND LIGHTING (if any) ABOVE GROUND, OR WATER IF SO SITUATED	295 FEET	B. WILL COMPLETE WITHIN SIX MONTHS	
C. OVERALL HEIGHT ABOVE MEAN SEA LEVEL (A+B)	1,610 FEET		
7. OBSTRUCTION MARKINGS - The completed structure will be:			
A. MARKED AS SPECIFIED IN THE FAA ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING		YES	NO
B. LIGHTED AS SPECIFIED IN THE FAA ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING		X	
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge.			
B. NAME AND TITLE OF PERSON FILING THIS NOTICE (Type or Print)		SIGNATURE	
REA BOWMAN - CONSULTANT BROADCAST MAINTENANCE SERVICE 2715 N. TOPEKA AVE., TOPEKA, KANSAS 66617		<i>Rea Bowman</i>	
10. DATE OF SIGNATURE		11. TELEPHONE NO. (Precede with area code)	
3/3/76		1-913-232-3712	
Persons who knowingly and willfully fail to comply with the provisions of the Federal Aviation Regulations Part 77 are liable to a fine of \$500 for the first offense, with increased Penalties thereafter as provided by Section 902(a) of the Federal Aviation Act of 1958 as amended.			