

CU-290 Christopher Jeter, etal. re-
quest conditional use permit to es-
tablish a borrow pit for extraction
of fill material at the southeast
corner of 53rd St. N. & Hydraulic

POSTED 3-14-86 KEC

MAP D

OK

ACTION

DATE

COMMITTEE

Park City P.C. Approved subject to conditions 3/31/86
M.A.P.C. Approved subject to conditions 4/15/86

~~P.A.P.C.~~ Approved to 4-16-86
Recommended

Handwritten signature

DATA SHEET

Z- _____
 SCZ- _____
 CU- 290
 DR- _____
 DP- _____

Case Filed: Amend
 3-5-86
 Associated Case: _____

APPLICATION DATA: Map No. 5653 D

1. General Location: At the southeast corner of 53rd Street North and Hydraulic
2. From _____ to _____
3. Proposed Use: Conditional Use Permit to Establish a Borrow Pit for the Extraction of FILL Material on Property Zoned "R-1" and "LC"
4. DP Name: _____
5. Applicant: Christopher A. Jeter
 Address 440 Kennedy Lane, Wichita, KS. 67235 Phone 722-4128
6. Applicant: Lester P. Jeter
 Address 2014 East Crescent Drive, Seattle, Washington 98112 Phone N/A
7. Agent: Robert W. Kaplan
 Address 430 North Market, Wichita, KS. 67202 Phone 262-5175
8. Agent: John Gist c/o Planning Development Services
 Address 727 North Waco, Suite 125, Wichita, KS. 67203 Phone 262-0451

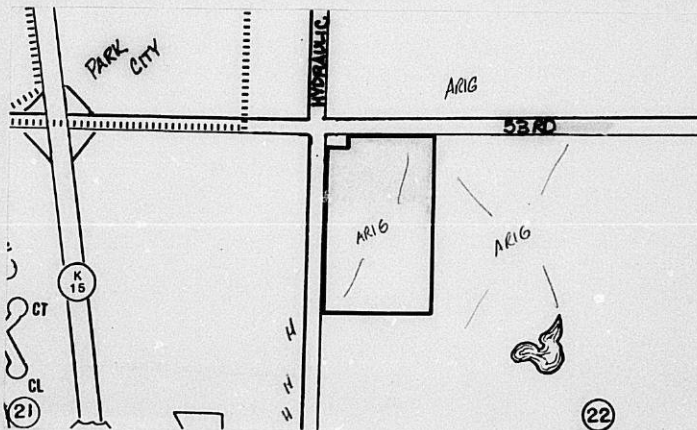
AREA DATA:

1. Acres: 41 1050 ft. by 1710 ft.)
2. Adjoining Zoning: N "R-1"6"LC" S "R-1" E "R-1" W "R-16"LC"
3. Land Use: North ARIG East ARIG
 South ARIG West ARIG

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

1 copy of staff report to Jim Witten 3-27-86

T9-214-2

Signal
 No. 2-153C
 HASTINGS IN
 LOS ANGELES, CHICAGO, LOS AN, OH
 McCREON TX, COLLETT GROVE, GA
 U.S.A.

ROUTING

MEMO



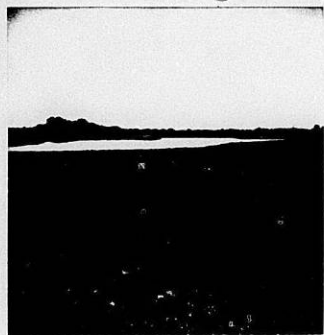
BUREAU OF PUBLIC SERVICES

DATE: 4-29-88
 TO: File
 FROM: Les Hostetler
 SUBJECT: CU-290
 Fill Dirt Extraction
 53rd N. & Hydraulic

On 4-28-88 (2:03) I visited the captioned site to determine if all conditions of approval had, in fact, been complied with, to allow the file to be closed. I took several photos which will support my opinion that all conditions pertaining to the completion procedures including the final grading and seeding of the slopes had been successfully completed. I recommend we advise MAPD to close this conditional use file.

LDH/tc

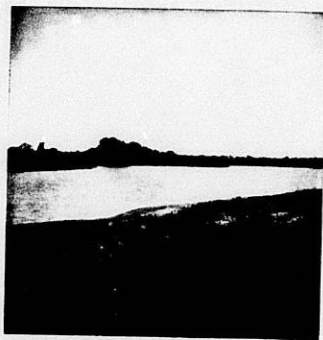
[Handwritten signature]



2:03 53RDN. & Hydraulic
4-28-88 Les Hostetter



2:02 53RDN. & Hydraulic
4-28-88 Les Hostetter



2:04 53RDN. & Hydraulic
4-28-88 Les Hostetter



Film 8804

RESTRICTIVE COVENANTS

CHRISTOPHER A. JETER and LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter dated July 5, 1984, do hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

MICROFILMED OF RECORD

The North 1750 feet of the West 1100 feet of the West Half of the Northwest Quarter of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet and the West 50 feet thereof for road, and except a tract described as beginning 28 feet East of the Northwest corner of said West Half of the Northwest Quarter; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning;

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 A.M.

JUN 9 1986
NO. 8 10401
PAT KETTLER
REGISTER OF DEEDS

Ed. Peral
Deputy

which said declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs:

No rubbish, trees, car bodies or any other foreign matter shall be deposited on the application area or within the excavation made in the removal of fill dirt on the said premises at any time.

The above restriction and agreement shall be deemed a covenant running with the land and shall not be amended, deleted or changed.

IN WITNESS WHEREOF, this restriction has been executed on the 22nd day of April, 1986.

Christopher A. Jeter
CHRISTOPHER A. JETER

Lester Palmer Jeter
LESTER PALMER JETER, Trustee of the Revocable Trust of Lester Palmer Jeter Dated July 5, 1984

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss.

BE IT REMEMBERED, That on this 18th day of April, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CHRISTOPHER A. JETER, personally known to me to be the same person who executed the within instrument of

city clerk

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
May 27, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: D-1373 - DEDICATION OF STREET RIGHT-OF-WAY, LOCATED
NEAR THE SOUTHEAST CORNER OF 53RD STREET NORTH AND
HYDRAULIC.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Accept the dedication.

Background: Christopher Jeter, et al, are dedicating this street right-of-way to satisfy a condition of Conditional Use case approval (CU-290).

Financial Considerations: Bill the recording costs to: 755-68-360-50000-295-000-000

Recommendations/Actions: Accept the dedication and record document.

THIS EXTRA REFERRAL SHEET IS
PROVIDED FOR BILLING PURPOSES.

Approved by State of Commissioners
this MAY 27 1986

FILE 804 PAGE 509

Film 0804

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, CHRISTOPHER A. JETER and LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter Dated July 5, 1984, being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

- (a) See attached and incorporated legal description for dedication of right of way for 53rd Street North;
- (b) See attached and incorporated legal description for dedication of right of way for Hydraulic Street;

do hereby dedicate the above-described real estate to the public for street right of way purposes.

Executed this 22nd day of April, 1986.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM

JUN 9 1986
NO. 8 10418
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed Reed
Deputy

Christopher A. Jeter
CHRISTOPHER A. JETER

Lester Palmer Jeter
LESTER PALMER JETER Trustee of The
Revocable Trust of Lester Palmer
Jeter Dated July 5, 1984

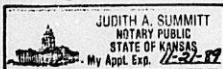
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 22nd day of April, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CHRISTOPHER A. JETER, personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Judith A. Summitt
Notary Public

My Appointment expires:



STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

ENTERED ON
TRANSFER RECORD
JUN 9 1986
DON WRIGHT
COUNTY CLERK

BE IT REMEMBERED, That on this 22nd day of April, 1986, before me, the undersigned, a Notary Public in and for the County

800
city clerk

0804 PNE0510

and State aforesaid, came LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter Dated July 5, 1984, personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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



Carol A. Eatherton
Notary Public
Carol A. Eatherton

My Appointment expires: 1-20-88

"53rd Street North" Legal Description:

The South 10 feet of the North 50 feet of the West Half of the NW 1/4 of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the West 75 feet thereof; AND, beginning at a point 75 feet East and 50 feet South of the NW corner of the West Half of the NW 1/4 of said section; thence East parallel with the North line of said section a distance of 275 feet; thence Southwesterly a distance of 103.26 feet to a point 75 feet South and 250 feet East of the NW corner of the NW 1/4 of said section; thence West parallel with the North line of said section a distance of 175 feet; thence North parallel with the West line of said section a distance of 25 feet to the point of beginning; EXCEPT, a portion of a tract described as beginning 28 feet East of the NW corner of the West Half of said NW 1/4; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

"Hydraulic" Legal Description:

Beginning at a point 50 feet East and 40 feet South of the NW corner of the West Half of the NW 1/4 of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South parallel with the West line of said section a distance of 310 feet; thence Northeasterly a distance of 103.26 feet to a point 75 feet East and 250 feet South of the NW corner of the NW 1/4 of said section; thence North parallel with the West line of said section a distance of 210 feet; thence West parallel with the North line of said section a distance of 25 feet to the point of beginning; EXCEPT, a portion of a tract described as beginning 28 feet East of the NW corner of said West Half of the NW 1/4; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: May 15, 1986

TO: Ron Worley, County Zoning Administrator

FROM: Louise Olivarez, Senior Planner

SUBJECT: CU-290 - Conditional Use Permit for fill dirt extraction.
Located at 53rd Street North and Hydraulic.

Attached for your files are two sets of approved plans (development concept, staking plan, and grading concept) for the above-referenced case. The conditional use was approved by the County Commission on April 16, 1986, subject to conditions listed in Resolution #77-1986. The street right-of-way dedication, restrictive covenant, and bond have all been submitted and the resolution was published on May 2, 1986.

If you have any questions, please call.

Louise Olivarez
Senior Planner

LO:blw
Attachments

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: May 13, 1986

TO: Donald C. Gisick, City Clerk
FROM: Louise Olivarez, Senior Planner
SUBJECT: CU-290 - Restrictive Covenants

Attached is a restrictive covenant which was a requirement of CU-290, a conditional use case recently approved by the Planning and County Commissions. Please record this document with the Register of Deeds and bill the recording cost to the Planning Department (account #755-68-360-50000-295-000-000).

The document may be returned to me after it is recorded. Thank you.

Louise Olivarez
Senior Planner

LO:blw
Attachment

Published in The Daily Reporter on May 2, 1986.

RESOLUTION NO. R#77-1986

CASE NO. CU-290

A RESOLUTION TO ESTABLISH A BORROW PIT FOR THE EXTRACTION OF FILL MATERIAL IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT AND "LC" LIGHT COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION .1. That after receiving a recommendation from the 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 17.C of the Zoning Regulations, a Conditional Use Permit to establish a borrow pit for the extraction of fill material in the "R-1" Suburban Residential District and "LC" Light Commercial District is hereby approved on the lands legally described as follows:

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

SUBJECT TO THE FOLLOWING CONDITIONS:

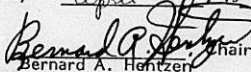
- A. Prior to publication of the conditional use resolution, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.

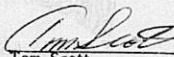
- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic and 53rd Street North resulting from damage by the hauling of material from the site. The bond shall be in form approved by the County Counselor and shall be submitted to the Sedgwick County Bureau of Public Services prior to the publication of the Resolution.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

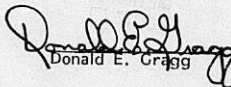
SECTION II. That upon the taking effect of this Resolution, the notation of such conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

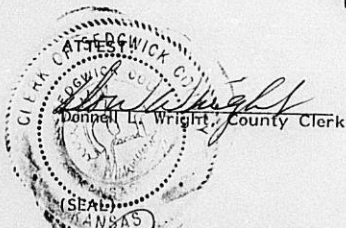
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 16th day of April, 1986.


Bernard A. Heitzen, Chairman

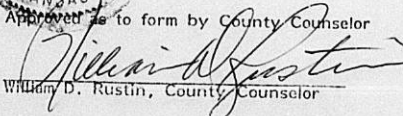

Tom Scott, Commissioner


Donald E. Cragg, Commissioner




Donnell L. Wright, County Clerk

Approved as to form by County Counselor


William D. Rustin, County Counselor

Published in The Daily Reporter on May 2, 1986

RESOLUTION NO. R#77-1986

CASE NO. CU-290

A RESOLUTION TO ESTABLISH A BORROW PIT FOR THE EXTRACTION OF FILL MATERIAL IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT AND "LC" LIGHT COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

*extra
signed
copy*

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the 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 17.C of the Zoning Regulations, a Conditional Use Permit to establish a borrow pit for the extraction of fill material in the "R-1" Suburban Residential District and "LC" Light Commercial District is hereby approved on the lands legally described as follows:

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Prior to publication of the conditional use resolution, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.

- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic and 53rd Street North resulting from damage by the hauling of material from the site. The bond shall be in form approved by the County Counselor and shall be submitted to the Sedgwick County Bureau of Public Services prior to the publication of the Resolution.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

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 Commission.

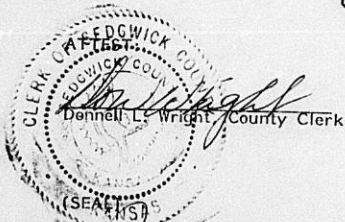
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 16th day of April, 1986.

Bernard A. Heitzen
Bernard A. Heitzen, Chairman

Tom Scott
Tom Scott, Commissioner

Donald E. Gregg
Donald E. Gregg, Commissioner



Dennell L. Wright
Dennell L. Wright, County Clerk

Approved as to form by County Counselor

William D. Rustin
William D. Rustin, County Counselor

RESTRICTIVE COVENANTS

CHRISTOPHER A. JETER and LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter dated July 5, 1984, do hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

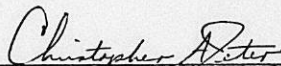
The North 1750 feet of the West 1100 feet of the West Half of the Northwest Quarter of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet and the West 50 feet thereof for road, and except a tract described as beginning 28 feet East of the Northwest corner of said West Half of the Northwest Quarter; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning;


which said declaration shall constitute covenants running with said land and shall be binding upon all owners and their successors, assigns and heirs:

No rubbish, trees, car bodies or any other foreign matter shall be deposited on the application area or within the excavation made in the removal of fill dirt on the said premises at any time.

The above restriction and agreement shall be deemed a covenant running with the land and shall not be amended, deleted or changed.

IN WITNESS WHEREOF, this restriction has been executed on the 22nd day of April, 1986.


CHRISTOPHER A. JETER


LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter Dated July 5, 1984

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 18th day of April, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CHRISTOPHER A. JETER, personally known to me to be the same person who executed the within instrument of

*Joanne
File*

LAW OFFICES
KAPLAN, McMILLAN AND HARRIS

ROBERT W. KAPLAN
CALVIN McMILLAN
CHARLES F. HARRIS
JEFF DEWEY

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

April 29, 1986

Mr. Richard A. Euson
Assistant County Counselor
Sedgwick County Courthouse
525 North Main, Suite 315
Wichita, KS 67203

RE: CU-290 Conditional Use Permit
53rd Street North and Hydraulic

Dear Rich:

I am enclosing a copy of a letter received from Jack Galbraith dated April 22, 1986 in reference to the conditional use permit for the I-135 and 254 construction at 53rd Street North and Hydraulic. I have previously furnished to Mr. Galbraith the documents required with the exception of the indemnity bond, the original of which was filed with your office with appropriate surety and power of attorney. I would appreciate it if you would forward a copy of the executed bond and attached power to Mr. Galbraith's office with your acknowledgment of acceptance of the same.

By copy to Jack, I am advising him of this request and am suggesting that with your response, this matter will be completed.

Very truly yours,

KAPLAN, McMILLAN AND HARRIS

By Robert W. Kaplan

RWK/js
Enclosure

cc: Mr. Jack H. Galbraith

RECEIVED

APR 30 1986

METROPOLITAN PLANNING

ROUTE _____

INDEMNIFICATION BOND

*copy received from
P. Eason of County
Commissioner's office
4-30-66*

KNOW ALL MEN BY THESE PRESENTS:

That we, L. A. KNEBLER CONSTRUCTION CO., INC., as Principal, and Credit General Insurance Company, a corporation organized under the laws of the State of Ohio, with its principal office in the City of Springfield, and duly authorized to transact surety business in the State of Kansas, as Surety, are held and firmly bound unto the Board of County Commissioners of Sedgwick County, Kansas, in the full sum of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

WHEREAS, the above Principal has made application to the Sedgwick County Commission for a Conditional Use Permit on land legally described as:

The North 1750 feet of the West 1100 feet of the West Half of the Northwest Quarter of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet and the West 50 feet thereof for road, and except a tract described as beginning 28 feet East of the Northwest corner of said West Half of the Northwest Quarter; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning;

for the purpose of extracting fill material for the performance of KDOT State Project No. 135-87K 0781-01, Federal Aid 1-IR 135-1 (144); and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, is requested to grant the Principal a conditional use permit for fill dirt extraction, said conditional use permit being designated as Case No. CU-290 and being generally located at the southeast corner of 53rd Street North and Hydraulic, the legal description for the same being as set forth in the said application for conditional use permit and as hereinabove described; and

WHEREAS, the Metropolitan Area Planning Commission has recommended approval of said conditional use permit subject to certain conditions; and

WHEREAS, one of said conditions which is a prerequisite to approval of the said conditional use permit and a prerequisite to the publication of the conditional use resolution is that the applicant shall be responsible for repairing or reconstructing any portion of Hydraulic Street and/or 53rd Street North which is the result of damage directly related to the hauling of materials from the site; and

WHEREAS, the Principal, in consideration of the granting of the conditional use permit has agreed to file and maintain in force an indemnity bond conditioned as hereinafter set forth;

NOW, THEREFORE, the Principal's obligations are as follows:

1. The Principal will repair or reconstruct as necessary to repair any damage which directly resulted from the hauling by the Principal of material from the site hereinabove legally described over any portion of Hydraulic Street or 53rd Street North owned and maintained by Sedgwick County, Kansas.

2. Such repair or reconstruction shall commence within 5 days after completion of the Principal's hauling operations and shall be completed within a reasonable time thereafter, excepting delays for weather.

3. The restoration which shall be required shall not be to provide any betterment in the condition of 53rd Street North or Hydraulic but that which shall be required to return and restore said roads to the condition existing prior to the commencement of any hauling operation and to perform such remedial work as has been required by reason of the hauling operation.

NOW, THEREFORE, it is the condition and obligation of this bond that in the event the Principal shall fail within ten (10) days after the completion of the Principal's hauling operation to commence the remedial work as required by the Principal's obligations hereunder, or should the Principal fail within a reasonable time thereafter to complete such remedial work, then and in that event, the Surety shall thereafter obtain the lowest responsible bid for remedying the default and provide sufficient funds therefor. In the event that neither the Principal nor the Surety within sixty (60) days of the completion of the hauling operation of the Principal repair on Hydraulic Street and/or 53rd Street North as required, then the Surety shall promptly pay to Sedgwick County, Kansas such sums as shall be required for payment of the contract let to the lowest responsible bidder by the Board of County Commissioners of Sedgwick County, Kansas for the purpose of performing the remedial work to Hydraulic Street and/or 53rd Street North. In no event, however, shall the liability of the Surety exceed the principal sum of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00). This obligation shall terminate one year from date.

L. A. KNEBLER CONSTRUCTION CO., INC.

By *L. A. Knebler*
"Principal" L. A. Knebler, President
Credit General Insurance Company

By *Stephen B. Allison*
"Surety"
Stephen B. Allison, Attorney-in-fact

CREDIT GENERAL INSURANCE COMPANY
SPRINGFIELD, OHIO
POWER OF ATTORNEY

PRINCIPAL L. A. Knebler Construction Co., Inc. EFFECTIVE DATE April 17, 1986
CONTRACT AMOUNT One Hundred Thousand and no/100----- AMOUNT OF BOND \$ 100,000.00
POWER NO. SU 0002709

KNOW ALL MEN BY THESE PRESENTS: That the Credit General Insurance Company, a Corporation in the State of Ohio, having its home office at One South Limestone Street, Springfield, Ohio 45501, pursuant to the following resolution, adopted by the Board of Directors of the said Company on the 16th day of May, 1984, to wit:

"Resolved, That any two of the following officers, Forrest J. Curtin, Wesley T. Harrison, Lewis E. Boggs, Larry K. Hill or Charles A. Tippett, shall have authority, to make, execute and deliver a Power of Attorney constituting as Attorney-in-Fact, such persons, firms or corporations as may be selected from time to time."

does hereby make, constitute and appoint Stephen B. Allison and/or Lora L. O'Dell of Wichita Kansas its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf, and its act and deed, as follows:

The obligation of the Company shall not exceed \$250,000.00 dollars. Two Hundred Fifty Thousand Dollars

And to bind Credit General Insurance Company thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Credit General Insurance Company, and all the acts of said Attorney(s) pursuant to the authority herein given, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the Credit General Insurance Company has caused the: presents to be signed by its President and/or its Vice-President, and its Corporate Seal to be hereto affixed.



CREDIT GENERAL INSURANCE COMPANY

Forrest J. Curtin
Forrest J. Curtin, President

Notary Public)
State of Ohio) SS:

On this 16th day of May, 1984, before the subscriber, a Notary Public of the State of Ohio duly commissioned and qualified, came Forrest J. Curtin of the Credit General Insurance Company, to me personally known to be the individual and officer described herein, and who executed the preceding instrument and acknowledged the execution of the same, and being by me duly sworn, deposed and said, that he is the officer of said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and signature as an officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation, and that the resolution of said Company, referred to in the preceding instrument, is now in force.

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



Sharon L. Gulvas
Notary Public

SHARON L. GULVAS
NOTARY PUBLIC, State of Ohio
My Commission Expires January 16, 1987

State of Ohio) SS:

I, the undersigned, Secretary of CREDIT GENERAL INSURANCE COMPANY, a stock corporation of the State of Ohio, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in Ohio, Dated this 17th day of April A.D., 1986



Wesley T. Harrison
Wesley T. Harrison, Secretary

DEDICATION

s/d 5-8-86
D-1373

KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, CHRISTOPHER A. JETER and LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter Dated July 5, 1984, being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

- (a) See attached and incorporated legal description for dedication of right of way for 53rd Street North;
- (b) See attached and incorporated legal description for dedication of right of way for Hydraulic Street;

do hereby dedicate the above-described real estate to the public for street right of way purposes.

Executed this 22nd day of April, 1986.

Christopher A. Jeter
CHRISTOPHER A. JETER

Lester Palmer Jeter
LESTER PALMER JETER, Trustee of The
Revocable Trust of Lester Palmer
Jeter Dated July 5, 1984

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 22nd day of April, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CHRISTOPHER A. JETER, personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Judith A. Summitt
Notary Public

My Appointment expires:



STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

BE IT REMEMBERED, That on this 22nd day of April, 1986, before me, the undersigned, a Notary Public in and for the County

and State aforesaid, came LESTER PALMER JETER, Trustee of The Revocable Trust of Lester Palmer Jeter Dated July 5, 1984, personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

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

Carol A. Gattenton
Notary Public

My Appointment expires: 1-20-88

"53rd Street North" Legal Description:

The South 10 feet of the North 50 feet of the West Half of the NW 1/4 of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the West 75 feet thereof; AND, beginning at a point 75 feet East and 50 feet South of the NW corner of the West Half of the NW 1/4 of said section; thence East parallel with the North line of said section a distance of 275 feet; thence Southwesterly a distance of 103.26 feet to a point 75 feet South and 250 feet East of the NW corner of the NW 1/4 of said section; thence West parallel with the North line of said section a distance of 175 feet; thence North parallel with the West line of said section a distance of 25 feet to the point of beginning; EXCEPT, a portion of a tract described as beginning 28 feet East of the NW corner of the West Half of said NW 1/4; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

"Hydraulic" Legal Description:

Beginning at a point 50 feet East and 40 feet South of the NW corner of the West Half of the NW 1/4 of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence South parallel with the West line of said section a distance of 310 feet; thence Northeasterly a distance of 103.26 feet to a point 75 feet East and 250 feet South of the NW corner of the NW 1/4 of said section; thence North parallel with the West line of said section a distance of 210 feet; thence West parallel with the North line of said section a distance of 25 feet to the point of beginning; EXCEPT, a portion of a tract described as beginning 28 feet East of the NW corner of said West Half of the NW 1/4; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

April 22, 1986

Robert W. Kaplan
430 North Market
Wichita, Kansas 67202

Re: CU-290 Conditional Use Permit to establish a borrow pit At the southeast corner of 53rd Street North and Hydraulic.

Dear Mr. Kaplan:

The Board of ~~City~~^{County} Commissioners at its meeting of April 16, 1986 considered the above-captioned case. Their action was to approve the request subject to those listed conditions in our letter to you on April 4, 1986. As we have discussed previously, it is necessary that conditions A and C be signed by both owners of the property and returned to us at your earliest convenience. Attached are the documents you prepared earlier, which were only signed by Christopher A. Jeter. Also attached is a copy of the opinion of ownership prepared by Doug Shay.

The additional document we need to complete our files is a copy of the bond approved by the County Counselor, the original of which is to be submitted to the Sedgwick County Bureau of Public Services.

If you have any questions on the items necessary to complete this file, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

Attachments (3)

cc: Ron Worley, County Zoning Administrator

SMITH, SHAY, FARMER & WETTA

PAUL V. SMITH (1909-1976)
DOUGLAS E. SHAY
WILLIAM C. FARMER
LEO R. WETTA
DENNIS E. SHAY
ROBERT C. BROWN
KEITH E. MARTIN
PATRICIA M. DENGLER

ATTORNEYS AT LAW
EIGHTH FLOOR
OLIVE W. GARVEY BUILDING
200 WEST DOUGLAS
WICHITA, KANSAS 67202

TELEPHONE
(316) 267-5293

GERALD CAULDWELL
COUNSEL

RECEIVED

APR 18 1986

METROPOLITAN PLANNING

ROUTE

April 17, 1986

Wichita-Sedgwick County Metropolitan
Area Planning Department
455 North Main
Wichita, Kansas 67202

Attention Mr. Galbraith

RE: The West Half of the Northwest Quarter of Section 22,
Township 26 South, Range 1 East, Sedgwick County,
Kansas

Gentlemen:

This is to advise you that we were attorneys for the executor of the will of Hattie Kinsella whose estate was administered in the Probate Department of the District Court of Sedgwick County, Kansas, Case No. 82 P 1060. We quote from the journal entry of final settlement dated August 17, 1983 in the latter case as follows:

IT IS FURTHER BY THE COURT ORDERED that title to the following described real estate:

The West Half of the Northwest Quarter of Section 22,
Township 26 South, Range 1 East, Sedgwick County,
Kansas;

and all other real and personal property owned by the decedent at the time of her death, subject to any lawful disposition thereof heretofore made, be and the same are hereby assigned to Dorothy Kinsella Stewart.

Thereafter, in 1984, we filed a petition to probate the will of Dorothy K. Stewart in the Probate Department of Sedgwick County,

Wichita-Sedgwick County Metropolitan
Area Planning Department
April 17, 1986
Page 2

Kansas, Case No. 84 P 56. The journal entry of final settlement dated November 7, 1984 contains the following provision:

IT IS FURTHER BY THE COURT ORDERED that title to the following described real estate:

The West Half of the Northwest Quarter of Section 22,
Township 26 South, Range 1 East, Sedgwick County,
Kansas;

be assigned in equal shares to L. P. Jeter and Christopher Jeter as of the date of the death of Dorothy K. Stewart, subject to any lawful disposition thereof heretofore made.

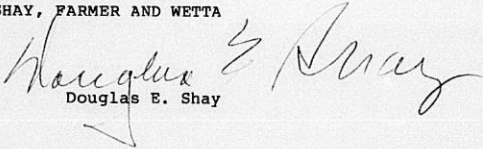
Both of the orders referred to herein were made in accordance with the terms of the wills of Hattie Kinsella and Dorothy K. Stewart respectively.

If we can provide you with any additional information, please, of course, feel free to inquire.

Yours very truly,

SMITH, SHAY, FARMER AND WETTA

By


Douglas E. Shay

DES:bk

Ownership list assigns ownership
of property to:

Lester Palmer Jeter
and
G. A. Kinsella
Hattie Kinsella

} None have
signed.

Legal is for major street
dedication.

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-290 - CONDITIONAL USE PERMIT TO ESTABLISH A BORROW PIT FOR
EXTRACTION OF FILL MATERIAL. - GENERALLY LOCATED AT THE SOUTHEAST
CORNER OF 53RD STREET NORTH AND HYDRAULIC.

The MAPC recommends that the application be approved subject to conditions.
(see minutes for full motion)

Moore moved, Peters seconded and it carried unanimously. Miles abstained.
Crockett and Goebel were absent.

ACTION:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the conditional use permit subject to the recommended conditions; adopt a resolution authorizing the conditional use permit and instruct the Planning Department to withhold publication until the appropriate conditions have been complied with; or
2. Adopt findings and deny the application.

DATA AND MINUTES

MAPC Hearing Date: 4-03-86

BCoC Hearing Date: 4-16-86

Commission District #1

Size: 41 acres

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Agricultural	"R-1" & "LC"
North	Agricultural	"R-1" & "LC"
South	Agricultural	"R-1"
East	Agricultural	"R-1"
West	Undeveloped & single-family	"R-1" & "LC"

History: None.

Applicant: Christopher A. Jeter, et al, 440 Kennedy Lane, Wichita,
Kansas 67235.

Protestors: None.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 3, 1986

LEGAL:

4. Case No. CU-290 - Christopher A. Jeter, et al, request Conditional Use Permit to Establish a Borrow Pit for the Extraction of Fill Material for the north 1750 feet of the west 1100 feet of the west half of the NW¼ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the northwest corner of said west half of the NW¼; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

CALBRAITH pointed out land use, zoning and showed slides of the general area. He reviewed the following staff report:

Background: Subject property is a 41-acre tract of unplatted land located south of 53rd Street North and east of Hydraulic. It represents a portion of one 80-acre ownership which is currently undeveloped.

Analysis: The fill material to be extracted from this site is to be used for the construction of vehicular ramps connecting I-135 with K-254 near Hydraulic and 45th Street North. Approximately 300,000 cubic yards are to be extracted. The application states that topsoil will be stockpiled during the extraction process and respread for planting purposes after extraction is completed. The application also indicates that excavation will be kept above the water table as the contractor needs dry soil for his construction purposes. The final stage of excavation will provide a connection between the pit and the natural drainage channel which diagonally crosses the northwest corner of the property in order to create a lake for future development purposes. During dry weather, an on-site well would be used to maintain the desired water level in the lake. Since no water is to be in the excavated pit (except perhaps rainwater on a temporary basis) until the land is returned to its agricultural state, a fence should not be necessary.

The entire highway ramp construction project is to be completed within 200 working days. A conditional use permit time limit of one year should be sufficient time to complete the excavation and the final grading and seeding which will leave the land ready for development in accordance with the proposed Development Concept.

If the Planning Commission determines that the proposed land use is appropriate at this location, the following are recommended conditions of approval:

- A. Prior to County Commission review of this application, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.

- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic between K-254 and 53rd Street North and on 53rd Street North to I-135 resulting from damage to Hydraulic by the hauling of material from the site. The bond shall be in form approved by the County Counselor.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

DISCUSSION:

MILES abstained from discussion and voting on this application.

GALBRAITH stated that this applicant owns 80 acres of land at this intersection, but has requested a conditional use permit on 41 acres of land for the purpose of extracting fill dirt material to be utilized in the filling for ramps proposed at the interchange of I-135 and K-254. When the contractor that got the contract was looking for fill material, he looked at this site, and the owner of the land, Mr. Jeter and his brother, contacted Planning Development Services to see how they might borrow 300,000 cubic yards from this site, possibly create a lake and propose a future development plan in the event they wanted to subdivide lots in the future around such a lake. He said that staff has several plans that Planning Development Services has provided for the landowner and the contractor who is going to utilize this property. Referring to an aerial photo of the site, GALBRAITH pointed out that there was quite a drainage area coming from the north. It comes across this property that they feel they can create a lake. They will borrow the dirt in dry condition and will not permit the watershed area to go into the lake until excavation has been completed.

GALBRAITH stated that the Park City Planning Commission considered this request last Monday evening, and the applicant was present, represented by counselor and Planning Development Services. There was no one in attendance at the meeting. One of the planning commissioners for Park City pointed out that there had been a neighborhood meeting prior to their meeting and stated that they had looked at the suggested conditions of approval and found this to be an acceptable use. GALBRAITH said that there was one gentleman that lived directly across the street to the west who appeared right after everyone walked out of the meeting. He had been into the office and reviewed plans earlier. GALBRAITH said that the applicant answered a number of questions that gentleman had.

GALBRAITH pointed out that this road construction contract was to be 200 working days. It is one of those things that would be in relatively quick and out. He said that the County has been working very closely with this contractor. They are concerned about their arterial street systems being torn up by heavier truck traffic and have asked for a performance bond in the amount of \$100,000 that guarantees the replacement or repairing of those roads.

GALBRAITH added that the conditions of approval were acceptable to the applicant. Staff has worked closely with the County Department of Public Works to develop those series of standards, and recommend approval of the request subject to those conditions.

PETERS asked how did the applicants plan to haul the dirt.

GALBRAITH said that they are going to haul the dirt in trucks rather than scrapers down the road. They propose one entrance to both major streets. They intend to enter Hydraulic not in line with any of the driveways of the houses to the west. They will transport down and to the ramps at the interchange.

WILSON asked if the gentleman to the west objected to the request.

GALBRAITH said no, he did not object. He had a number of questions that were satisfactorily answered. One of his concerns was that someone had been dumping some materials onto this property and he was in hopes that would stop.

ROBERT KAPLAN, attorney representing the applicant and the contractor, stated that they have worked very closely with Planning staff and the County Department of Public Works. They accept, and can comply with, all of the conditions imposed. He said that in the absence of any adverse and prolonged weather conditions, they hope to be in and out within 200 working days and leave nothing behind them except a lake on the site.

GARDNER asked if there was any language that was included in the conditions that limits them to strictly trucks as opposed to scrapers on public rights-of-way.

KAPLAN said that there was no language in the conditions, but as he understands the State specifications, they are prohibited from taking that type of moving equipment on the public right-of-way, so they have to haul by truck in order to be in compliance with the State Road and Bridge specifications.

GARDNER asked if the applicants had discussed the amount of the bond for repair or reconstruction of Hydraulic or 53rd Street, and was it adequate.

KAPLAN said yes they have had a meeting on that. They met with the Director of County Public Works and Jim Webber. He said it was a double protection for the County in that regard. The specifications under the contract require the contractor to make repairs to any public rights-of-way that are damaged as a result of his hauling activities, and the \$100,000 bond has been specifically approved by Mr. Spears, Director of County Public Works, as being adequate.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the rural character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- A. Prior to publication of the conditional use resolution, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.

- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.
- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic and 53rd Street North resulting from damage by the hauling of material from the site. The bond shall be in form approved by the County Counselor and shall be submitted to the Sedgwick County Bureau of Public Services prior to the publication of the Resolution.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

Moore moved, Peters seconded and it carried unanimously. Miles abstained. Crockett and Goebel were absent.

Published in The Daily Reporter on _____, 1986

RESOLUTION NO. _____

CASE NO. CU-290

A RESOLUTION TO ESTABLISH A BORROW PIT FOR THE EXTRACTION OF FILL MATERIAL IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT AND "LC" LIGHT COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION 1. That after receiving a recommendation from the 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 17.C of the Zoning Regulations, a Conditional Use Permit to establish a borrow pit for the extraction of fill material in the "R-1" Suburban Residential District and "LC" Light Commercial District is hereby approved on the lands legally described as follows:

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Prior to publication of the conditional use resolution, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.

- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic and 53rd Street North resulting from damage by the hauling of material from the site. The bond shall be in form approved by the County Counselor and shall be submitted to the Sedgwick County Bureau of Public Services prior to the publication of the Resolution.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

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 Commission.

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 by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 19____.

_____, Chairman
Bernard A. Hentzen

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Gragg

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

April 4, 1986

Robert W. Kaplan
430 North Market
Wichita, Kansas 67202

Re: CU-290 Conditional Use Permit for fill dirt extraction. Southeast corner of 53rd Street North and Hydraulic.

Dear Mr. Kaplan:

At its regular meeting of April 3, 1986, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to approve the case subject to the following conditions:

- A. Prior to publication of the conditional use resolution, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.
- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall

Robert W. Kaplan
CU-290
Page 2

excavate to the approximate size and depth as indicated on the approval plan.

- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic and 53rd Street North resulting from damage by the hauling of material from the site. The bond shall be in form approved by the County Counselor and shall be submitted to the Sedgwick County Bureau of Public Services prior to the publication of the Resolution.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

Because of remodeling of the County Commission meeting room, this matter will be considered by the Board of County Commissioners in the City Building, First Floor, 455 North Main, at 9:00 a.m., on Wednesday, April 16, 1986.

Although we are scheduling this item for consideration by the County Commission prior to conditions A, C, J and K being complied with, it is necessary that they be accomplished prior to the publication of the resolution that officially authorizes this request. Enclosed is the dedication form for street right-of-way that needs to describe the right-of-way and be signed by the owners and returned to our office. Also enclosed is a sample covenant that needs to be retyped for this case, signed by the owners and returned to our office. You need to provide and comply with conditions J and K and furnish us the appropriate copies.

If you have any questions, please contact our office.

Sincerely yours,

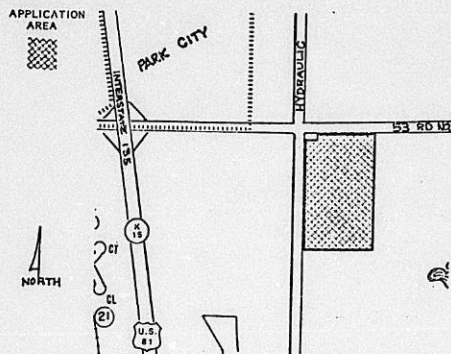
Jack H. Galbraith
Chief Planner

JHG/lw
Enclosures

cc: Christopher A. Jeter, 440 Kennedy Lane, Wichita, KS 67235
Lester P. Jeter, 2014 E. Crescent Dr., Seattle, WA 98112
John Gist, c/o Planning Development Services, 727 N. Waco, Suite 125,
Wichita, KS 67203
Ron Worley, County Zoning Administrator

PCCPC MARCH 31, 1986
MAPC APRIL 3, 1986

Revised STAFF REPORT



CU-290 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A BORROW PIT FOR THE EXTRACTION OF FILL MATERIAL ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL AND "LC" LIGHT COMMERCIAL, LOCATED AT THE SOUTHEAST CORNER OF 53RD STREET NORTH AND HYDRAULIC.

Applicant: Christopher A. Jeter, et. al., 440 Kennedy Lane, Wichita, KS 67235.

Size: 41 acres

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Agricultural	"R-1" & "LC"
North	Agricultural	"R-1" & "LC"
South	Agricultural	"R-1"
East	Agricultural	"R-1"
West	Undeveloped & single-family	"R-1" & "LC"

History: None.

Background: Subject property is a 41-acre tract of unplatted land located south of 53rd Street North and east of Hydraulic. It represents a portion of one 80-acre ownership which is currently undeveloped.

Analysis: The fill material to be extracted from this site is to be used for the construction of vehicular ramps connecting I-135 with K-254 near Hydraulic and 45th Street North. Approximately 300,000 cubic yards are to be extracted. The application states that topsoil will be stockpiled during the extraction process and respread for planting purposes after extraction is completed. The application also indicates that excavation will be kept above the water table as the contractor needs dry soil for his construction purposes. The final stage of excavation will provide a connection between the pit and the natural drainage channel which diagonally crosses the northwest corner of the property in order to create a lake for future development purposes. During dry weather, an on-site well would be used to maintain the desired water level in the lake. Since no water is to be in the excavated pit (except perhaps rainwater on a temporary basis) until the land is returned to its agricultural state, a fence should not be necessary.

The entire highway ramp construction project is to be completed within 200 working days. A conditional use permit time limit of one year should be sufficient time to complete the excavation and the final grading and seeding which will leave

the land ready for development in accordance with the proposed Development Concept.

If the Planning Commission determines that the proposed land use is appropriate at this location, the following are recommended conditions of approval:

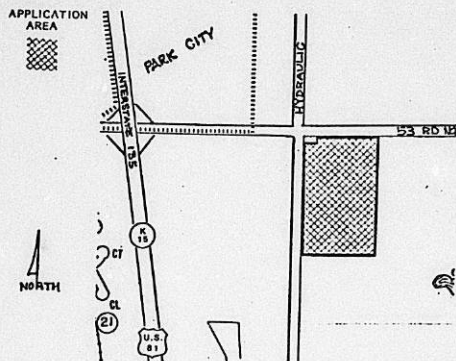
- A. Prior to County Commission review of this application, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
- B. Egress from the site with loaded trucks shall be limited to one point to each street which shall not be across from existing residences and which shall be subject to approval of the Sedgwick County Bureau of Public Services.
- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
- D. To provide for bank stabilization and safety of future uses, the final side slope of the excavation shall be no more steep than four horizontal to one vertical.
- E. Any stockpiling of topsoil shall be at least 100 feet from public street right-of-way.
- F. The slopes of the excavation pit and any vegetative areas disturbed by this conditional use operation shall be seeded with a perennial drought-resistant grass or combination of grasses upon completion of the excavation work.
- G. The applicant shall proceed in accordance with the Grading Concept approved by the MAPC and Board of County Commissioners and shall excavate to the approximate size and depth as indicated on the approval plan.
- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$100,000 guaranteeing repair or reconstruction of Hydraulic between K-254 and 53rd Street North and on 53rd Street North to I-135 resulting from damage to Hydraulic by the hauling of material from the site. The bond shall be in form approved by the County Counselor.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

CASE NO. CU-290

21	"Notices to Adjoining Property Owners" mailed on 3-20-86 for the Park City Planning Commission meeting to be held on 3-31-86 and for the MAPC meeting on 4-3-86.
4	One each of Notice to Adjoining Property Owners and Staff Report mailed to Applicants(2) and Agents(2).
9	One each of Notice to Adjoining Property Owners and Staff Report mailed to Park City Planning Commissioners, City Administrator and City Clerk.
3	One each to Karen Crook, Ron Worley and David Spears.
2	One each to Louise and Glen.
<hr/>	
39	TOTAL

PCCPC MARCH 31, 1986
MAPC APRIL 3, 1986

STAFF REPORT



CU-290 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A BORROW PIT FOR THE EXTRACTION OF FILL MATERIAL ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL AND "LC" LIGHT COMMERCIAL, LOCATED AT THE SOUTHEAST CORNER OF 53RD STREET NORTH AND HYDRAULIC.

Applicant: Christopher A. Jeter, et. al., 440 Kennedy Lane, Wichita, KS 67235.

Size: 41 acres

	Land Use	Zoning
Application Area	Agricultural	"R-1" & "LC"
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History: None.

Background: Subject property is a 41-acre tract of unplatted land located south of 53rd Street North and east of Hydraulic. It represents a portion of one 80-acre ownership which is currently undeveloped.

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The entire highway ramp construction project is to be completed within 200 working days. A conditional use permit time limit of one year should be sufficient time to complete the excavation and the final grading and seeding which will leave

the land ready for development in accordance with the proposed Development Concept.

If the Planning Commission determines that the proposed land use is appropriate at this location, the following are recommended conditions of approval:

- A. Prior to County Commission review of this application, the property owner shall dedicate right-of-way for Hydraulic and for 53rd Street North as required for major arterials (50 feet half-street right-of-way increasing to 75 feet within 350 feet of the intersection).
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- C. The applicant shall submit a restrictive covenant providing that no foreign matter, such as rubbish, trees, car bodies, asphalt, building rubble, etc., shall be stockpiled on the application area or deposited within the excavation.
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- H. Only equipment used in earth extraction and hauling to the construction site shall be stored on this property and only for the duration of the conditional use permit.
- I. As the highway construction contract for which this fill material is needed has a time limit of 200 working days, the conditional use permit authorizing excavation at this site shall expire one year after County Commission approval of this conditional use. Final grading of the site and seeding of the slopes shall occur within this time limit.
- J. The applicant shall submit a bond in the amount of \$250,000 guaranteeing repair or reconstruction of Hydraulic between K-254 and 53rd Street North resulting from damage to Hydraulic by the hauling of material from the site. The bond shall be in form approved by the County Counselor.
- K. Prior to County Commission review of this application, two additional sets of the Grading Concept, Staking Plan, and Development Concept shall be submitted to the Planning Department for use in administering the conditional use permit.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 20, 1986

NOTICE OF PUBLIC HEARING

Case No.: CU-290.

Location: At the southeast corner of 53rd Street North and Hydraulic.

Address: N/A.

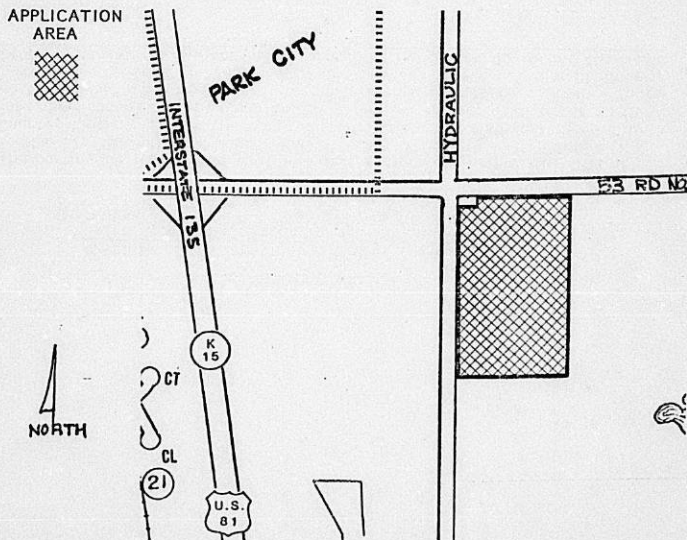
Request: Conditional Use Permit to Establish a Borrow Pit for the Extraction of Fill Material on Property Zoned "R-1" Suburban Residential District and "LC" Light Commercial District.

NOTICE IS HEREBY GIVEN that on Monday March 31, 1986, at 7:00 p.m., the Park City City Planning Commission, meeting in the Park City Police Department Conference Room, at 6125 North Hydraulic, Park City, Kansas, will consider the above mentioned item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings by the Park City City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, April 3, 1986, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the Planning Commission meetings, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearings.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-290

Conditional Use Permit to Establish a Borrow Pit
for the Extraction of Fill Material
on Property Zoned "R-1" Suburban Residential District
and "LC" Light Commercial District

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building.
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some Conditional Uses***

*** Mobile home parks and trailer camps are not permitted.

Published in the Eagle Beacon on March 12, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Monday, March 31, 1986, at 7:00 p.m., the PARK CITY CITY PLANNING COMMISSION, meeting in the Park City Police Department Conference Room, at 6125 North Hydraulic, Park City, 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-290

Conditional Use Permit to Establish a Borrow Pit
for the Extraction of Fill Material
on Property Zoned "R-1" Suburban Residential District
and "LC" Light Commercial District

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

If this matter is not deferred for further hearings by the Park City City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which begins at 1:30 p.m., Thursday, April 3, 1986, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in Section 17-C of the Sedgwick County Zoning Regulations, the same will there be discussed and considered by the said MAPC and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application will be considered as by law provided.

WITNESS MY HAND AND SEAL this 10th day of March, 1986.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

(SEAL)

21 + 3 + 2 + 1 + 9 = 40
8 165 20 62 2 2
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CASE NO. CU-290

Conditional Use Permit to Establish a Borrow Pit
for the Extraction of Fill Material
on Property Zoned "R-1" Suburban Residential District
and "LC" Light Commercial District

The north 1750 feet of the west 1100 feet of the west half of the NW $\frac{1}{4}$ of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the north 40 feet and the west 50 feet thereof for road, and except a tract described as beginning 28 feet east of the north-west corner of said west half of the NW $\frac{1}{4}$; thence east 10 rods; thence south 8 rods; thence west 10 rods; thence north 8 rods to the point of beginning. Generally located at the southeast corner of 53rd Street North and Hydraulic.

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

- 1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

A. APPLICANT Christopher A. Jeter ✓
440 Kennedy Lane
ADDRESS Wichita, Kansas Zip Code 67235 PHONE 722-4128

AGENT Robert W. Kaplan ✓
430 North Market
ADDRESS Wichita, Kansas Zip Code 67202 PHONE 262-5175

B. APPLICANT Lester P. Jeter ✓
2014 East Crescent Drive
ADDRESS Seattle, Washington Zip Code 98112 PHONE

AGENT Robert W. Kaplan ✓
430 North Market
ADDRESS Wichita, Kansas Zip Code 67202 PHONE 262-5175

C. APPLICANT
ADDRESS Zip Code PHONE

AGENT John Giet, PDS ✓
ADDRESS 727 N. Winco Zip Code PHONE

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

- 2. A. The applicant proposes to establish a barrow pit for the extraction of fill material for State Project No. 135-87K 0781-01; Fed. Aid. 1-IR 135-1 (144) (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). Property is in the R-1 District.

The North 1750 feet of the West 1100 feet of the West Half of the Northwest Quarter of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet and the West 50 feet thereof for road, and except a tract described as beginning 28 feet East of the Northwest corner of said West Half of the Northwest Quarter; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

- B. There are 40 (41) acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. S653D Zoning (N)R-1; (S)R-1 (E)R-1 (W)R-1; MARC 4-3-86

T9-333-2 LC LC Revised 1/85

application area zoned R-1 and LC

apple beacon

PCCPC 3-31-86

3. This property is located at (address) N/A.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the Southeast corner of 53rd Street North and Hydraulic, OR

B. On the _____ side of _____ (Ave.) Street between _____ (Ave.) Street and _____ (Ave.) Street.

4. We request this Conditional Use Permit for the following reasons:
See attached sheet.

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. 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. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Christopher A. Jeter
APPLICANT'S SIGNATURE

BY Robert W. Kaplan
AUTHORIZED AGENT (IF ANY)
Robert W. Kaplan

Lester P. Jeter
APPLICANT'S SIGNATURE

BY Robert W. Kaplan
AUTHORIZED AGENT (IF ANY)
Robert W. Kaplan

APPLICANT'S SIGNATURE

BY _____
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 2 (AM, PM) on 3-5-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500⁰⁰.

*Ownership list to be submitted
by 3-10-86 noon.*

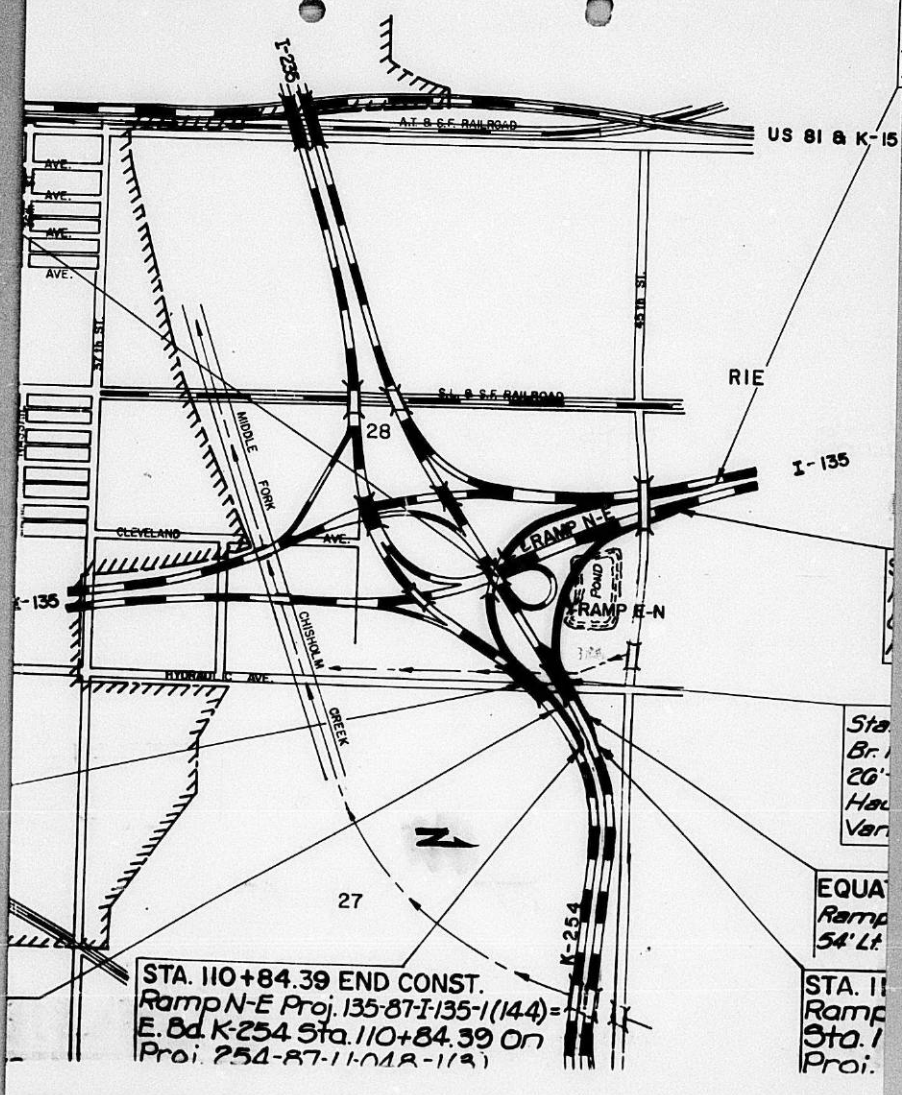
Lennie Oliveira Name
Senior Planner Title

4. We request this Conditional Use Permit for the following reasons:

To provide fill material for the construction of vehicular on-off ramps to the existing interstate highway system (I-135) between Hydraulic and Broadway on 45th Street North. The site plan attached describes the area of the barrow pit and will result in the lake as shown (see attached for additional description).

Approximate extraction will be 300,000 cubic yards. Top soil will be stockpiled during extraction process and will be replaced and respread after extraction for planting purposes. When the lake is finished, native grasses will be planted. All excavation will be performed according to the direction of John D. Gist of Planning Development Services, Inc. and in consultation with M. S. Mitchell, Flood Plain Management and Land Development Specialist. Slope of the finished lake will be four to one. The lake will be fenced and a well will be maintained to assure water level.

I-135



STA. 110+84.39 END CONST.
 Ramp N-E Proj. 135-87-I-135-1(144)-
 E. Bd. K-254 Sta. 110+84.39 On
 Proj. 254-87-11-048-1(3)

Sta.
 Br.
 20'
 Haul
 Var.

EQUA
 Ramp
 54' Lt.

STA. 11
 Ramp
 Sta. 1
 Proj.

OWNERSHIP LIST

Property Description	Property Owner
The W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22, Township 26, Range 1 East except a tract described as beginning 28 feet East of the NW/c of said W $\frac{1}{2}$ of the NW $\frac{1}{4}$; th. East 10 rods; th. South 8 rods; th. West 10 rods; th. North 8 rods to the point of beginning.	✓ Lester Palmer Jeter, II, Trustee 2014 Crescent Drive Seattle, WA 98112 AND J. A. Kinsella Hattie Kinsella Address Unknown
The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22, Township 26, Range 1 West.	✓ Geraldine Mae Mason AND Marilyn Kay Applegate AND Norman Lee Scott, as Trustees 5152 N. Hillside Wichita, KS 67219
A tract in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22, Township 26, Range 1 East described as beginning 28 feet East of the NW/c of said W $\frac{1}{2}$ of the NW $\frac{1}{4}$; th. East 10 rods; th. South 8 rods; th. West 10 rods; th. North 8 rods to the point of beginning.	✓ Chas. A. Herrman, as Trustee of Kechi Township 5302 N. Hydraulic Wichita, KS 67216
The W $\frac{1}{2}$ of the N $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22, Township 26, Range 1 East.	✓ Wilbur Alfred Neal Joan M. Neal 6322 N. Hydraulic Wichita, KS 67216
The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22, Township 26, Range 1 West except beginning at the SE/c of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22; th. West 8 rods; th. North 20 rods; th. East 8 rods; th. South to beginning.	✓ Melvin R. Hull Lydia Hull 16337 Municipal Ct. Apple Valley, CA 92307 AND Cliffla Lunt and Hazelle Grulke Address Unknown AND E. F. Hull Laura Hull Address Unknown
The West 9 acres of the East 15 acres of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 15, Township 26, Range 1 East.	✓ Ezell Williams 1659 N. Minnesota Wichita, KS 67214
The West 15 acres of the East 30 acres of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 15, Township 26, Range 1 East.	✓ Keith P. Pendergraft Loretta M. Pendergraft 5914 E. Zimmerly Wichita, KS 67218
A tract in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 15, Township 26, Range 1 East described as beginning at the SW/c of the SW $\frac{1}{4}$; th. North approximately 933.381 feet; th. East approximate 933.381 feet; th. South 933.381 feet; th. West to the point of beginning.	✓ John P. DeVore Flora P. DeVore Address Unknown c/o David Brake 1516 Lawrence Ct. Wichita, KS 67206

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Block A, Stowe Addition	Joseph P. Olden Marilyn A. Olden 12540 E. Mt. Vernon Rd. ✓ Wichita, KS 67207
	Affidavit of Notice of Interest: Ronald W. Stowe ✓ Patricia A. Stowe 1300 Cloverdale Wichita, KS 67219
The East 715 feet of the SE $\frac{1}{4}$ of Section 16, Township 26, Range 1 East less part for highway.	✓ The Mildred Armetta Watson Trust, V. E. Lygrisse & Mildred Armetta Watson, Trustees 2101 Hyacinth Wichita, KS 67203
The SE $\frac{1}{4}$ of Section 16, Township 26, Range 1 East except highway and except the East 715 feet thereof.	✓ V. E. Lygrisse 2101 Hyacinth Wichita, KS 67203
The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East except Beginning 455 feet East of the NW/c of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21; th. East 205 feet; th. South 264 feet; th. West 205 feet; th. North to beginning except the North 30 feet for road.	✓ I. Wayne Woolsey O. Kay Woolsey 5301 N. Hydraulic Wichita, KS 67219
The S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East except the South 375 feet of the East 580.8 feet and except a tract beginning 680 feet North of the SE/c of the NE $\frac{1}{4}$; th. North 300 feet; th. West 580 feet; th. South 300 feet; th. East to beginning and except 15.04 acres for I-35 Highway and except 19.13 acres for Borrow Condemnation Case C-11673.	✓ Ignace Mead Jones 308 N. Broadview Wichita, KS 67208
A tract in the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East described as Beginning at the SE/c of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$; th. West 580.8 feet; th. North parallel with the East line of the NE $\frac{1}{4}$ 375 feet; th. East 580.8 feet to the East line of said NE $\frac{1}{4}$; th. South 375 feet to the point of beginning.	✓ Joseph W. Hume Patricia L. Hume 5037 N. Hydraulic Wichita, KS 67219

Property Description

Property Owner

A tract in the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East described as: Beginning 687 feet North of the SE/c of said NE $\frac{1}{4}$; th. West parallel with the South line of said quarter section 375.8 feet; th. North 273 feet; th. East parallel to the South line of said NE $\frac{1}{4}$ 375.8 feet to the East line of said NE $\frac{1}{4}$; th. South 273 feet to beginning.

J. D. Botkin
Shirley J. Botkin
✓ 5109 N. Hydraulic
Wichita, KS 67219

Beginning 455 feet East of the NW/c of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East; th. East 205 feet; th. South 264 feet; th. West 205 feet; th. North 264 feet to the point of beginning.

Hershel L. Shugart
✓ Bonnie B. Shugart
1511 E. 53rd St. North
Wichita, KS 67219

Beginning 660 feet North of the SE/c of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 26, Range 1 East; th. West parallel with the South line of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, 580.8 feet; th. North 300 feet; th. East parallel with the South line of said NE $\frac{1}{4}$, 580.8 feet; th. South to beginning, except Beginning 687 feet North of the SE/c of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21; th. West parallel with the South line of said quarter section 375.8 feet; th. North 273 feet; th. East parallel with the South line of said NE $\frac{1}{4}$ 375.8 feet to the East line of said NE $\frac{1}{4}$; th. South 273 feet to beginning.

dup Ignace Mead Jones
308 N. Broadview
Wichita, KS 67208

Lot 2, Block A, Olsen Addition

✓ Rodney L. Steven
Rebecca Joe Steven
2333 McLean Blvd. NW
Wichita, KS 67204

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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

The North 1750 feet of the West 1100 feet of the West Half of the Northwest Quarter of Section 22, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, Except the North 40 feet and the West 50 feet thereof for road, and Except a tract described as beginning 28 feet East of the Northwest corner of said West Half of the Northwest Quarter; thence East 10 rods; thence South 8 rods; thence West 10 rods; thence North 8 rods to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of March, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By

Sr. Vice-President

Order No: 357152
nj

FORM 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION 5/10 AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*