

POSTED 4-14-86 KR

OK

# ACTION

DATE

COMMITTEE

Hsvl. P.C.

M.A.P.C.

*approved subject to  
conditions (5-3)  
Approved and forward 5-15-86*

5-8-86

6-11-86

*B.C.C./B. CO. C. Approved for  
Recommended*

*Closed*

CU-291 DeWitt Land Co., Inc. re-  
quests conditional use permit to  
establish an earth and sand excava-  
tion operation at the southeast  
corner of 63rd Street South and  
Broadway

DATA SHEET

Z-  
 SCZ-  
 CJ- 291  
 DR-  
 DP-

Case Filed: Amend  
 4-8-86  
 Associated Case: CU-265

APPLICATION DATA: Map No. 5539 D

- General Location: At the southeast corner of 63rd Street South and Broadway
- From \_\_\_\_\_ to \_\_\_\_\_
- Proposed Use: To Establish an Earth and Sand Excavation Operation
- DP Name: \_\_\_\_\_
- Applicant: DeWitt Land Company, Inc. c/o Dean DeWitt  
 Address 505 South Broadway, #200, Wichita, Kansas 67202 Phone 262-3365
- Agent: Baughman Company, P.A. c/o Brent Wooten  
 Address 330 Laura, Wichita, Kansas 67211 Phone 262-7271

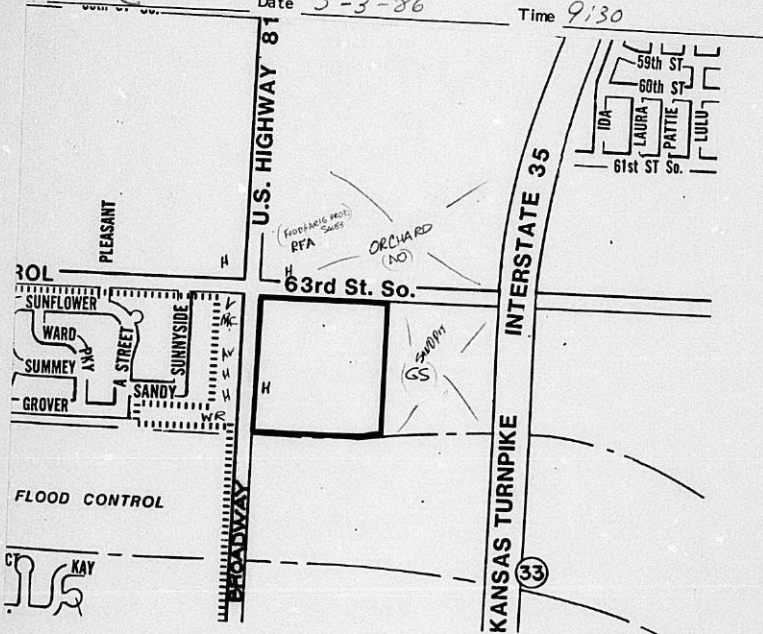
AREA DATA:

- Acres: 42.3 (irregular)
- Adjoining Zoning: N "R" 8 "C" 135' ft. by 1440' ft. E "R" \_\_\_\_\_ ft. W "R" 16 "C" \_\_\_\_\_ ft.
- Land Use: North ORCHARD / PRODUCE SALES East SANDPIT  
 South BIG DITCH West AUTO REPAIR / SALVAGE / SINGLE FAMILY

PICTURE SHEET

PHOTO DATA:

Taken by P Date 5-3-86 Time 9:30



NOTES:

T9-214-2

**Shaw**  
 No. 2153C  
 HASTINGS, ILL.  
 LOS ANGELES, CHICAGO, OKLAHOMA, OHIO  
 MEMPHIS, TEXAS, LOUISIANA, MISSISSIPPI  
 NEW YORK, U.S.A.

July 2, 1986

Dean DeWitt  
DeWitt Land Company, Inc.  
505 South Broadway  
Wichita, Kansas 67202

RE: CU-291 - Southeast corner of Broadway and 63rd Street South

Dear Mr. DeWitt:

On June 11, 1986, the Board of County Commissioners approved the above-referenced matter and adopted a resolution. The resolution was published and the conditional use permit became effective on June 23, 1986. Enclosed for your files is a copy of this resolution. Subject property may now be developed in accordance with the new conditional use permit regulations.

Sincerely,

Louise Olivarez  
Senior Planner

LO:blw  
Enclosure

cc:

Published in The Daily Reporter on June 23, 1986

RESOLUTION NO. R#133-1986

CASE NO. CU-291

A RESOLUTION TO PERMIT AN EARTH AND SAND EXTRACTION OPERATION IN THE "R" RURAL RESIDENTIAL 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 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 permit an earth and sand extraction operation in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

That part of the West Half of the NW $\frac{1}{4}$  of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film 488, page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located at the southeast corner of 63rd Street South and Broadway.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
- C. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
- E. A minimum 58-inch high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained along

the perimeter of the extraction area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

1. A 48 inches or higher chainlink fence with three or more strands of barbed wire; or
  2. A 48 inches or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  3. A 48 inches or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the extraction.
- F. The earth and sand shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so that they are formed with overburden material rather than sand.
- I. All of the area included in the earth and sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- J. The owner of the property shall be responsible for:
1. Insuring that the loop levee elevation be maintained if constructed.
  2. Maintaining all operational roads in a graveled condition.
- K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The covenant submitted with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.
- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such a boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

- P. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- Q. The applicant shall submit a document in a form satisfactory to the County Legal Counsel assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.
- R. The operational sketch plan shall be changed to reflect a minimum 250-foot extraction setback line from the centerlines of Broadway and 63rd Street South. The plan shall designate that all sand plant operations and the storage of equipment and materials shall be on the east and southeast sides of the lake and no part of the operation shall be next to Broadway. Four copies of the revised plan with the current date shall be submitted to the Planning Department.
- S. Any violation of conditions attached shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning 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 11<sup>th</sup> day of June, 1986.

Bernard A. Hentzen, Chairman  
Bernard A. Hentzen

Donald E. Cragg, Commissioner  
Donald E. Cragg

Tom Scott, Commissioner  
Tom Scott



Donnell L. Wright, County Clerk  
Donnell L. Wright

Approved as to form by County Counselor

William D. Rustin, County Counselor  
William D. Rustin

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING DEPARTMENT**

**DATE:** June 19, 1986

**TO:** Ron Worley, Sedgwick County Zoning Administrator  
**FROM:** Louise Olivarez, Senior Planner, Current Plans  
**SUBJECT:** CU-291 - Conditional Use Permit to Establish an Earth and Sand Extraction Operation at the southeast corner of 63rd Street South and Broadway.

Enclosed for your files are two copies of the approved amended operational plan for the earth and sand extraction operation on Dean DeWitt's land at the southeast corner of 63rd Street South and Broadway. This revised plan was approved by the MAPC on May 15, 1986, and by the County Commission on June 11, 1986. It supersedes CU-265, the previous conditional use permit for this site.

Louise Olivarez  
Senior Planner

LO:blw  
Attachments

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-291 - CONDITIONAL USE PERMIT FOR AN EARTH AND SAND EXTRACTION  
OPERATION. GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 63RD  
STREET SOUTH AND BROADWAY.

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

Gardner moved, Moore seconded and it carried unanimously. Conlee, Goebel, Miles  
and Wilson 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 authorize the Chairman or the Chairman Pro-Tem  
to sign the resolution; or
2. Adopt the findings and deny the application.

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DATA AND MINUTES

HPCP Hearing Date: 5-08-86  
MAPC Hearing Date: 5-15-86

BCoC Hearing Date: 6-11-86

Commission District #2

Size: 42.3 acres 1350' x 1450'

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Extraction of Fill Dirt	"R"
North	Single-family, orchard & orchard store	"R" & "C"
South	Flood control ditch	"R"
East	Sand Pit	"R"
West	General business, single-family & auto salvage	"R-1" & "C"

History: CU-265	Derby	11/3/83	Approved subject to conditions
	Haysville	11/10/83	Approved subject to conditions
	MAPC	11/13/83	Approved subject to conditions
	Board of County Commissions	12/14/83	Approved subject to conditions

Applicant: DeWitt Land Company, Inc., 505 South Broadway, Suite 200, Wichita,  
KS 67202

Protestors: None.  
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EXCERPT FROM MAPC MINUTES  
5-15-86

3. Case No. CU-291 - DeWitt Land Company, Inc. requests a Conditional Use Permit for an earth and sand extraction operation for that part of the West Half of the NW $\frac{1}{4}$  of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film 488, page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located at the southeast corner of 63rd Street South and Broadway.

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

**Background:** In 1983, this applicant requested a conditional use permit on subject property to extract dirt for fill material off site. The request was approved subject to a number of conditions which have all been complied with. He now advises that a sand extraction operation to the east of this site is about to be completed and he is desirous of expanding his operation to include the extraction of sand.

An operational and redevelopment sketch plan submitted with the application indicates the limits of the extraction to form the lake and future building sites. The "sketch plan" proposes a total of 46 building sites, each of which contains approximately 9,600 square feet. The existing "R" zoning requires two acres per building site and will require a change of zoning to "AA" if developed as proposed.

**Analysis:** It should be pointed out that subject property is adjacent to the Wichita-Valley Center Flood Control Ditch and prior to any extraction, a permit is required from the County Engineer. Such permit was obtained for the removal of fill dirt but a new permit is required for sand extraction.

Subject property is fenced in accordance with the previously approved conditions. The applicant has also previously dedicated the necessary major street right-of-way for both Broadway and 63rd Street South.

Should the Planning Commission recommend approval of this application, for fill dirt and sand extraction, the following conditions should be included in the recommendation:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
- C. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
- E. A minimum 58-inch high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained along the perimeter of the extraction area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

EXCERPT FROM MAPC MINUTES  
5-15-86

1. A 48 inches or higher chainlink fence with three or more strands of barbed wire; or
2. A 48 inches or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
3. A 48 inches or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the extraction.
- F. The earth and sand shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so that they are formed with overburden material rather than sand.
- I. All of the area included in the earth and sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- J. The owner of the property shall be responsible for:
  1. Insuring that the loop levee elevation be maintained if constructed.
  2. Maintaining all operational roads in a graveled condition.
- K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The covenant submitted with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.
- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- P. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- Q. The applicant shall submit a document in a form satisfactory to the County Legal Counsel assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.
- R. The operational sketch plan shall be changed to reflect a minimum 250-foot extraction setback line from the centerlines of Broadway and 63rd Street South. The plan shall designate that all sand plant operations and the storage of equipment and materials shall be on the east and southeast sides of the lake and no part of the operation shall be next to Broadway. Four copies of the revised plan with the current date shall be submitted to the Planning Department.

EXCERPT FROM MAPC MINUTES  
5-15-86

- S. Any violation of conditions attached shall declare the conditional use permit null and void.

GALBRAITH stated that this case was approved in 1983 for strictly earth extraction, and unfortunately the applicant, at that time, did not emphasize that he would like to put a sand dredge on the site and extract sand as well. When the applicant contacted staff recently, and staff examined the case carefully, it did not lead staff to believe that sand extraction was even mentioned at that time. GALBRAITH said that essentially the staff reports are the same. Since 1983, the applicant has had a backhoe on this property. It is a large backhoe that has been removing fill material, and it has only been occasionally that water has been in the hole. This earth fill has been transported to other facilities in town that this applicant is involved in, but the sand plant operation that lies directly east is on the Turnpike right-of-way. That sandpit is about to complete itself and that sand plant operator is desirous of moving his dredge to this site and continue to extract sand in the area.

GALBRAITH stated that when the Haysville Planning Commission considered this case, they were concerned that the lake was too close to the major street intersection of 63rd and Broadway, and they asked that the applicant redesign his site plan, which he was willing to do, because he had no intentions of constructing a lake that close to the right-of-way anyway. The Haysville Planning Commission asked for changes to occur in some places, and those have been made. They asked that extraction not occur within 250 feet of street right-of-way, which is now indicated on the new plan. They also asked that any sand plant operation, conveyors and towers all be kept on the east side of the lake, which has been noted. GALBRAITH mentioned that there was one property owner that owned land west of Broadway that was just concerned about the length of operation, and it was his request that the plant operation itself be restricted to the east side of this application area.

GALBRAITH said that it was staff's recommendation that the application be approved, and Haysville Planning Commission recommended, by a 5-2 vote, that the application be approved subject to the conditions originally suggested by staff, as well as the modified conditions that they added.

BRENT WOOTEN, Baughman Company, stated that all of the changes mentioned have been met to the satisfaction of the Haysville Planning Commission.

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 character of the neighborhood; the zoning and uses of properties nearby, especially the sandpit to the east; the suitability of subject property for the uses proposed; the recommendation of staff and the Haysville Planning Commission; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
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EXCERPT FROM MAPC MINUTES

5-15-86

- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
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Gardner moved, Moore seconded and it carried unanimously. Conlee, Goebel, Miles and Wilson were absent.

-----

Published in The Daily Reporter on \_\_\_\_\_, 1986

RESOLUTION NO. \_\_\_\_\_

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  2. Maintaining all operational roads in a graveled condition.
- K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The covenant submitted with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.
- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.

- P. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- Q. The applicant shall submit a document in a form satisfactory to the County Legal Counsel assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.
- R. The operational sketch plan shall be changed to reflect a minimum 250-foot extraction setback line from the centerlines of Broadway and 63rd Street South. The plan shall designate that all sand plant operations and the storage of equipment and materials shall be on the east and southeast sides of the lake and no part of the operation shall be next to Broadway. Four copies of the revised plan with the current date shall be submitted to the Planning Department.
- S. Any violation of conditions attached shall declare the conditional use permit null and void.

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

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

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

WILLIAM L. KORBER, L.S.  
JOHN E. LUNDBLAD, L.S.  
N. BRENT WOOTEEN, P.E.



**BAUGHMAN COMPANY, P.A.**

SURVEYING & ENGINEERING

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

May 19, 1986

Jack Galbraith  
Chief Planner  
M.A.P.C.  
City Hall - 10th Floor  
455 N. Main  
Wichita, KS. 67202

RE: CU - 291 Conditional Use Permit  
63rd St. and Broadway

Jack,

Enclosed is a copy of the filed restrictive covenant and agreement for the items B, K, and L, as addressed in the comment sheet for the conditional use permit application. Review these submitted covenants and agreements and advise if you should need any additional information in order to satisfy this requirement.

Thank you.

Sincerely,

N. Brent Wooten, P.E.

NBW/mef

*only item B enclosed.*

*no add'l info needed*

**RECEIVED**

MAY 22 1986

METROPOLITAN PLANNING  
ROUTE

RESTRICTIVE COVENANT  
AND AGREEMENT

FILM 628 PAGE 974

WHEREAS, the undersigned, as owner of the following described tract of land:

*Condition "B"*

That part of the West Half of the Northwest Quarter of Section 33, Township 28 South, Range 1 East, of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. A-29459, in the District Court of Sedgwick County, Kansas, for flood control purposes, except a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film 488, page 956, in the office of the Register of Deeds of Sedgwick County, Kansas; (generally located at the southeast corner of 63rd Street South and Broadway);

has made application to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Sedgwick County Board of Commissioners for a conditional use permit (CU-265) to use said land for the excavation of fill dirt and creation of a lake together with such other uses as may be necessary to carry on an earth excavation operation on said land; and

WHEREAS, lands adjacent to subject tract are and will be developed for urban purposes and an earth excavation operation and lake at such location will endanger the health, welfare and property of residents who may live in such areas unless certain protective measures are taken; and

WHEREAS, the undersigned desires to obligate himself and his successors in title to protect the public welfare by constructing and maintaining a loop levee upon said property and to subject and burden the fee title thereto so that such obligation is a covenant running with the land;

MICROFILMED  
OF RECORD

NOW, THEREFORE, in consideration of the premises and as a condition of approval of CU-265, the undersigned hereby makes the following declaration of restrictions, limitations and use of said realty, and said declaration shall constitute covenants running with the land and shall be binding upon all owners and their heirs, successors and assigns:

STATE OF KANSAS } SS.  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
3:30 P.M.  
DEC 16 1983  
NO. 6 67281  
BETTE F. MCCART  
REGISTER OF DEEDS  
*Lat Hittler*  
*Deputy*

If the construction of a loop levee is deemed necessary by City-County Flood Control Office, or their successors of office, in connection with conducting operations for the earth excavation and lake, the fee owners agree to construct and maintain a loop levee on the premises at such a location as the Flood Control Office may direct, in accordance with construction specifications, Sections 1 through 4 inclusive, and maintenance specifications, Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office, attached hereto as Exhibit A.

The above restrictions and agreements shall be deemed covenants running with the land and shall not be amended, deleted or changed without written consent of the City-County Flood Control Office, or their successors of office.

In the event of the failure by the undersigned or any successors of title to fulfill the obligation set forth above within sixty (60) days after receipt of written notice from the City-County Flood Control Office, or their successors of office, then the appropriate governing body may order such work done and maintained and charge the entire cost of such construction and maintenance as a first lien against said realty to be collected and foreclosed in the same manner as a mortgage is foreclosed.

11.00

*Baughman Co.*  
*338 Laura 67211*



- 1-01. ORDER OF WORK:  
All clearing and grubbing as specified below will be done in advance of sub-grade preparation and levee embankment.
- 1-02. CLEARING: Operations shall consist of removal and disposal of trees, fallen timber, brush, logs, bushes, vines, stumps, drift wood, fences, heavy growth of crops, weeds and grass and other obstructions existing above ground level. Clearing will be done on the area beneath the levee embankment together with strips 10 feet wide beyond the embankment toe.
- 1-03. GRUBBING: Operations shall consist of thoroughly cleaning the area outlined in sub-paragraph 1-02. of all stumps, roots, buried logs and other matter which would be objectionable in the foundation of the levee.

## SECTION II - EXCAVATION

An inspection trench 4 feet deep and 4 feet wide shall be excavated along the approximate center of the levee base.

## SECTION III - EMBANKMENT

- 3-01. EMBANKMENT FOUNDATION PREPARATION: After clearing and grubbing of the embankment foundation and the excavation of the inspection trench has been completed, and immediately prior to the placement of embankment material, the entire earth surface on or against which fill is to be placed shall be thoroughly broken to a depth of six inches and the area to be occupied by the levee proper shall be compacted in accordance with the provisions of sub-paragraph 3-03. If for any cause this broken surface becomes compacted in such a manner that a plane of seepage or weakness might be induced, it shall again be thoroughly broken before the depositing of material thereon.
- Drainage - The foundation receiving fill and the inspection ditch hereinbefore specified, and all partially completed fill shall be kept thoroughly drained.
- Frozen Ground - No fill shall be placed upon frozen ground.
- 3-02. EMBANKMENT MATERIALS: The levee embankment shall be constructed of the most nearly impervious materials available from the construction site. Under no circumstances shall frozen earth, snow, or ice be placed in the levee. Embankment materials should be as homogeneous as possible and contain no foreign matter or pockets of soft unstable material.
- 3-03. EMBANKMENT CONSTRUCTION: Materials shall be placed or spread in layers not to exceed 12 inches in thickness prior to compaction. Layers shall be started full out to the toe of the embankment and shall be carried substantially horizontal with sufficient crown or slope to provide satisfactory drainage during construction. When the surface of any compacted layer is too smooth to bond properly with the succeeding layer, it shall be scarified before the succeeding layer is placed on it.

- a. ~~Moisture~~ Control - It is the intent of these specifications to secure an embankment having the maximum density obtainable with natural moisture content of the embankment materials. However, if the material is too wet or too dry for proper compaction steps shall be taken to bring the moisture content back to near the optimum range. Wetting may be accomplished by wetting the borrow pit from which the embankment material is obtained or by distribution of sufficient moisture in each layer before rolling. PG 911
- b. Rolling Operations - When moisture content and conditions of the spread layers are satisfactory, each layer shall be compacted by not less than four (4) complete passes of a tamper-type roller conforming to the requirements of sub-paragraph 3-03, c.1, or by not less than two complete passes of a rubber-tired roller conforming to the requirements of sub-paragraph 3-03, c.2. Portions of the embankment which the roller cannot reach for any reason must be compacted by other approved means to the density of the surrounding embankment.
- c. Compaction Equipment -
1. Tamping Rollers - Tamping rollers shall consist of one or more units. Each unit shall consist of a cylindrical drum not less than 48 inches in length and not less than 48 inches in diameter. The drums shall be water or sand and water ballasted. Each drum shall have staggered feet uniformly spaced over the cylindrical surface such as to provide approximately three tamping feet for each two square feet of drum surface. The tamping feet shall be seven to nine inches in clear projection from the cylindrical surface of the roller and shall have a face area of not less than five nor more than seven square inches. The units shall be equipped with a suitable device for cleaning the feet. The rolling units of multiple-type tamping rollers shall be pivoted on the main frame in a manner which will permit the units to adapt themselves to uneven ground surfaces and to rotate independently. The weight of the roller shall be not less than 1,500 pounds per linear foot of drum length weighted, and shall be not more than 750 pounds per foot of drum length empty. The design and operation of the tamping roller shall be subject to the approval of the contracting officer who shall have the right at any time during the prosecution of the work to direct such repairs to the tamping feet, minor alterations in the roller, and variations in the weight as may be found necessary to secure optimum compaction of the earth-fill materials. The roller shall be pulled by a ~~tractor~~ tractor of sufficient power to operate the roller at a speed of approximately 3- $\frac{1}{2}$  miles per hour.
  2. Rubber-Tired Rollers - Rubber-tired rollers shall have a minimum of four wheels equipped with pneumatic tires. The tires shall be of such size and ply as to be capable of being operated at tire pressures between 80 and 100 pounds per square inch at a 25,000 pound wheel load. The roller wheels shall be located abreast and so designed that each wheel will carry approximately equal load in traversing uneven ground. The spacing of the wheels will be such that the distance between the nearest edges of adjacent tires will not be greater than

50 percent of the rated tire width of a single tire at the operating pressure for a 25,000 pound wheel load. The roller shall have a rigid steel frame provided with a body suitable for ballast loading such that the load per wheel may be varied, as directed by the contracting officer, from 18,000 to 25,000 pounds. The entire assembly (roller plus motivating equipment) must be capable of executing a 180-degree turn on a 15-foot radius. The roller shall be towed at speeds not to exceed ten miles per hour by pneumatic-tired equipment. The character and efficiency of this equipment shall be subject to the approval of the contracting officer.

Pg. 978

- d. Cross-Section of Levee Embankment - The levee embankment shall be constructed to conform with the requirements of typical standard levee section shown on Figure 1. Shrinkage and settlement allowances shall be allowed for by constructing the standard levee section plus a 5% addition in crest height.

#### SECTION IV - TURFING

4-01. SCOPE: It is the intent of these specifications to obtain a firm stand of native grass or grass which will ensure the stability of the levee embankment. Good vegetative cover is of prime importance to the maintenance and operation of the levee embankment. The top, slopes and a 5 foot wide strip at the base of the levee on each side shall be turfed.

#### 4-02. MULCHING:

- a. Soil Preparation - If necessary the soil shall be loosened to a depth of 2 inches before application of the mulch material.
- b. Materials - Hay shall be native prairie hay and a minimum of 50 percent by weight shall be 10 inches or more in length.
- c. Application of Mulch - Mulch materials shall be spread uniformly in a continuous blanket over the area to be mulched at the rate of approximately 3½ tons per acre. Mulch may be spread by hand or by mechanical means which do not break up the hay. Immediately following the spreading of the mulch material, it shall be anchored to the soil by pressing into the ground a minimum depth of 1½ inches, leaving enough material sticking upright to accomplish its primary purpose of temporary dust and erosion control. Anchoring shall be accomplished by using a mulch anchoring machine equipped with straight rolling counter-type discs that are spaced not more than 10 inches or less than 7 inches apart. The rolling discs shall be sufficiently dull to prevent cutting the mulch material. If anchoring machinery is not used, the mulch material shall be anchored with a spade at 6 inch intervals.

#### 4-03. FERTILIZING AND SEEDING:

- a. Materials -
  - 1. Fertilizer shall be dry, free-flowing materials which can

be distributed uniformly, and shall be commercial grade 15-10-10 or the equivalent.

2. Seed - Seed of mixed bluestem, switch grass, blue grama grass, side oats grama, sand dropseed grass, sand lovegrass, weeping lovegrass, or native bermuda grass, or a mixture of any or all of the above may be used.
- b. Application - Fertilizer shall be applied uniformly at the approximate rate of 400 lbs. per acre. Seed should be applied uniformly at the rate of approximately 30 lbs. per acre.

## SECTION I - GENERAL

In General, maintenance should provide for those things which will ensure the serviceability of the levee in time of high water. Measures should be taken to promote the growth of sod, exterminate burrowing animals, provide for routine mowing, removal of wild growth and repair the damage caused by erosion. Another important maintenance and responsibility is to ensure the integrity of the loop levee at all times.

## SECTION II - INSPECTION

Periodic inspections should be made to ensure that the above measures are being effectively carried out and to be certain that:

- a. No unusual settlement, sloughing, or material loss of grade or levee cross section has taken place.
- b. No caving has occurred on either the land side or the water side of the levee which might affect the stability of the levee section.
- c. No seepage, saturated areas or sand boils are occurring.
- d. No action is being taken, such as burning grass and weeds during inappropriate seasons, which will retard or destroy the growth of sod.
- e. Access roads to and on the levee are being properly maintained.
- f. Cattle guards and gates are in good condition.
- g. Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained.
- h. There is no damaging grazing or vehicular traffic on the levees.
- i. Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.

RESTRICTIVE COVENANT AND AGREEMENT  
FOR DETENTION STORAGE

FILM 628145t 981

WHEREAS, Sedgwick County and the City of Wichita, Kansas, have jointly commissioned a study to develop a plan for drainage improvements in the area generally bounded by Meridian Avenue on the west, the abandoned right-of-way of the Midland Valley Railroad on the east, MacArthur Road on the north and the Wichita-Valley Center Flood Control Project on the south, and

*condition  
"L"*

WHEREAS, the consultant for said County and City has prepared a Preliminary Plan for such drainage improvements, and

WHEREAS, one of the elements of said Preliminary Plan of improvements is a temporary detention storage pond at the site of the "Cumley" Sand Pit (being located in the E 1/2 of the NW 1/4 of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, west of the Kansas Turnpike, north of the Wichita-Valley Center Flood Control Project and south of 63rd Street South) together with a new drainage structure connecting the "Cumley" pit to the Wichita-Valley Center Flood Control Project; and

WHEREAS, said "Cumley" pit does not contain sufficient temporary detention storage volume to satisfy the conditions of said Preliminary Plan; and

**MICROFILMED  
OF RECORD**

STATE OF KANSAS } SS  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
3-30-AM

DEC 16 1983

NO. 6 67282

BETTE F. MC CART  
REGISTER OF DEEDS

*Pat Kettler  
Asst. Reg.*

WHEREAS, the undersigned, as owner of the following described tract of land:

That part of the West Half of the Northwest Quarter of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. A-29459, in the District Court of Sedgwick County, Kansas, for flood control purposes, except a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film 488, page 956, in the office of the Register of Deeds of Sedgwick County, Kansas; (generally located at the southeast corner of 63rd Street South and Broadway);

has made application to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Sedgwick County Board of Commissioners for a conditional use permit (CU-265) to use said land for the excavation of fill dirt and creation of a lake together with such other uses as may be necessary to carry on earth excavation operation on said land;

NOW, THEREFORE, in consideration of the premises and as a condition of approval of CU-265, the undersigned hereby agrees to designate the water portion of said property as Auxiliary Temporary Detention Storage to be used in conjunction with the storage proposed for the "Cumley" Sand Pit subject to the following requisite conditions:

1. That the Primary Storage Volume be provided in the "Cumley" Sand Pit as proposed by the consultant's Preliminary Plan of drainage improvements.
2. That subject property be required to provide only Auxiliary Temporary Storage Volume to comply with the requirements of said Preliminary Plan of drainage improvements.
3. That the cost of conduits, structure and equipment necessary to connect the Primary Storage Volume to said Auxiliary Storage Volume will not be charged or assessed to subject property.
4. That if the Preliminary Plan of drainage improvements is not approved and adopted by the governing bodies of said County and City, then this Covenant and Agreement is null and void.

6.00

The above restrictions, agreements and conditions shall be deemed covenants running with the land and shall not be amended, deleted or changed without written consent of the engineering agency of the appropriate governing body.

This instrument shall be recorded in the Office of the Register of Deeds, Sedgwick County, Kansas, so as to appear in the chain of said lands.

Executed in triplicate this 23<sup>rd</sup> day of Nov. 1983.

DeWitt Land Co., Inc.

DeWitt  
Dean DeWitt, President

Acknowledgement

STATE OF KANSAS )  
                          )  
SEDGWICK COUNTY ) ss

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of November, 1983, by Dean DeWitt, President of DeWitt Land Co., Inc., a state corporation, on behalf of said corporation.

Harold Cunningham  
Notary Public

My Appointment Expires:

KAREN L. CUNNINGHAM  
NOTARY PUBLIC  
My App. Expires 12-31-84

RESTRICTIVE COVENANTS

DeWitt Land Company Inc., does hereby make the following declaration as to restrictions, limitations and use of the following described real estate:

*Condition "K"*

That part of the West Half of the Northwest Quarter of Section 33, Township 28 South, Range 1 East, Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29,459, in the District Court of Sedgwick County, Kansas, for flood control purposes, except a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located at the southeast corner of 63rd Street South and Broadway.

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

23rd day of November, 1983.

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AS  
3:30 P.M.

MICROFILMED  
OF RECORD

DEC 16 1983  
6 67283

NO. BETTE F. MCCREIGHT  
REGISTER OF DEEDS

*Pat Kottler Deputy*

DeWitt Land Company Inc.

Dean DeWitt, President

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS

The foregoing instrument was acknowledged before me this 23rd day of November, 1983, by Dean DeWitt, President of DeWitt Land Co., Inc. a state corporation, on behalf of said corporation.

*Helen Cunningham*  
Notary Public

500

My Appointment Expires:  
KAREN L. CUMMINGS  
NOTARY PUBLIC  
Sedgwick County, Kansas  
My Appl. Expires 12/31/84

*Pracyman Co.  
336 Latta*

May 16, 1986

Brent Wooten  
Baughman Company  
330 Laura  
Wichita, Kansas 67211

Re: CU-291 Conditional Use Permit. On the southeast corner of 63rd Street South and Broadway.

Dear Mr. Wooten:

At its regular meeting of May 15, 1986, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to recommend approval subject to the following conditions:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- OK* B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
- C. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
- E. A minimum 58-inch high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained along the perimeter of the extraction area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart.

The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:

1. A 48 inches or higher chainlink fence with three or more strands of barbed wire; or
  2. A 48 inches or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  3. A 48 inches or higher wood fence which may have cracks or openings not in excess of five percent or the area of such fence, with three or more strands of barbed wire. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the extraction.
- F. The earth and sand shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so that they are formed with overburden material rather than sand.
- I. All of the area included in the earth and sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- J. The owner of the property shall be responsible for:
1. Insuring that the loop levee elevation be maintained if constructed.
  2. Maintaining all operational roads in a graveled condition.
- ok* K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- ok* L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works,

Brent Wooten  
May 16, 1986  
Page 3

which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The covenant submitted with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.

- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- P. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.

*document to  
reconsider with  
CU-265 run  
with the land  
and one applied  
to CU-291 also.  
No add'l  
documents  
needed.*

*5/15/86*

The applicant shall submit a document in a form satisfactory to the County Legal Counsel assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.

- R. The operational sketch plan shall be changed to reflect a minimum 250-foot extraction setback line from the centerlines of Broadway and 63rd Street South. The plan shall designate that all sand plant operations and the storage of equipment and materials shall be on the east and southeast sides of the lake and no part of the operation shall be next to Broadway. Four copies of the revised plan with the current date shall be submitted to the Planning Department.

- S. Any violation of conditions attached shall declare the conditional use permit null and void.

Regarding item Q above, this document needs to be submitted to our office no later than 5:00 p.m. May 28, 1986 in order for this case to be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, June 11, 1986. This meeting is tentatively scheduled to be held in the Board Room, First Floor, City Hall, 455 North Main. You may call our office prior to the meeting for confirmation of the location.

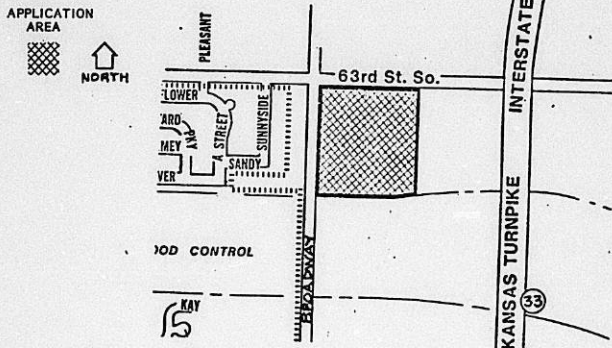
Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG/lw

cc: Dean DeWitt, DeWitt Land Company, Inc., 505 S. Broadway, Suite 200,  
Wichita, KS 67202  
Ron Worley, County Zoning Administrator

REVISED  
STAFF REPORT



CU-291 - CONDITIONAL USE PERMIT FOR AN EARTH AND SAND EXTRACTION OPERATION GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 63RD STREET SOUTH AND BROADWAY.

Applicant: DeWitt Land Company, Inc., 505 South Broadway, Suite 200, Wichita, KS 67202

Size: 42.3 acres 1350' x 1450'

	Land Use	Zoning
Application Area North	Extraction of Fill Dirt - Single-family, orchard & orchard store	"R"
South	Flood control ditch	"R" & "C"
East	Sand Pit	"R"
West	General business, single-family & auto salvage	"R"
		"R-1" & "C"
History: CU-265	Derby 11/3/83	Approved subject to conditions
	Haysville 11/10/83	Approved subject to conditions
	MAPC 11/13/83	Approved subject to conditions
	Board of County Commissions 12/14/83	Approved subject to conditions

Background: In 1983, this applicant requested a conditional use permit on subject property to extract dirt for fill material off site. The request was approved subject to a number of conditions which have all been complied with. He now advises that a sand extraction operation to the east of this site is about to be completed and he is desirous of expanding his operation to include the extraction of sand.

An operational and redevelopment sketch plan submitted with the application indicates the limits of the extraction to form the lake and future building sites. The "sketch plan" proposes a total of 46 building sites, each of which contains approximately 9,600 square feet. The existing "R" zoning requires two acres per building site and will require a change of zoning to "AA" if developed as proposed.

**Analysis:** It should be pointed out that subject property is adjacent to the Wichita-Valley Center Flood Control Ditch and prior to any extraction, a permit is required from the County Engineer. Such permit was obtained for the removal of fill dirt but a new permit is required for sand extraction.

Subject property is fenced in accordance with the previously approved conditions. The applicant has also previously dedicated the necessary major street right-of-way for both Broadway and 63rd Street South.

Should the Planning Commission recommend approval of this application, for fill dirt and sand extraction, the following conditions should be included in the recommendation:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
- C. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
- E. A minimum 58-inch high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained along the perimeter of the extraction area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
  1. A 48 inches or higher chainlink fence with three or more strands of barbed wire; or
  2. A 48 inches or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  3. A 48 inches or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the extraction.
- F. The earth and sand shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so that they are formed with overburden material rather than sand.
- I. All of the area included in the earth and sand extraction operation shall be graded so as to drain into the lake or to an approved drainage system.
- J. The owner of the property shall be responsible for:

1. Insuring that the loop levee elevation be maintained if constructed.
  2. Maintaining all operational roads in a graveled condition.
- K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The submitted covenant with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.
- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- P. All slopes shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- Q. The applicant shall submit a document in a form satisfactory to the County Legal Council assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.
- R. The operational sketch plan shall be changed to reflect a minimum 250-foot extraction setback line from the centerlines of Broadway and 63rd Street South. The plan shall designate that all sand plant operations and the storage of equipment and materials shall be on the east and southeast sides of the lake and no part of the operation shall be next to Broadway. Four copies of the revised plan with the current date shall be submitted to the Planning Department.
- S. Any violation of conditions attached shall declare the conditional use permit null and void.

CASE NO. CU-291

36	Notices to adjoining property owners mailed on 4-28-86 for Haysville Planning Commission meeting on 5-8-86 and for MAPC meeting on 5-15-86.
2	One each to Applicant and Agent.
3	One each to Ron Worley, David Spears and Karen Crook.
2	One each to Louise and Glen.
13	Notices and staff reports mailed to Haysville Planning Commissioners, City Administrator and City Clerk.
3	Notices and staff reports mailed to Sedgwick County Board of Commissioners.
<hr/>	
59	TOTAL

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

May 1, 1986

NOTICE OF PUBLIC HEARING

Case No.: CU-291.

Location: At the southeast corner of 63rd Street South and Broadway.

Address: N/A.

Request: Conditional Use Permit to Establish an Earth and Sand Excavation Operation on Property Zoned "R" Rural Residential District.

NOTICE IS HEREBY GIVEN that on Thursday, May 8, 1986, at 7:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, meeting at the Municipal Building, 200 W. Grand, Haysville, 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 Haysville 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, May 15, 1986, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

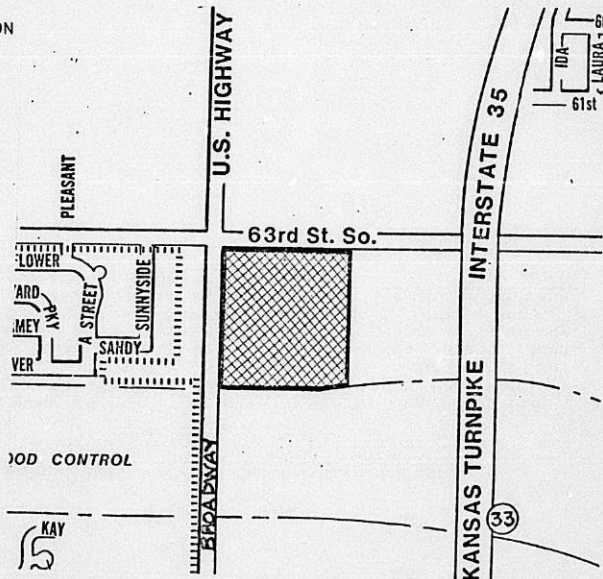
As an owner or occupant of property in the area, you have the right to appear at the Planning Commission meetings, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearings.

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

APPLICATION  
AREA



NORTH



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-291

Conditional Use Permit to Establish an Earth and Sand  
Excavation Operation on Property Zoned "R":  
Rural Residential District

That part of the West Half of the NW $\frac{1}{4}$  of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located at the southeast corner of 63rd Street South and Broadway.

Most Restrictive

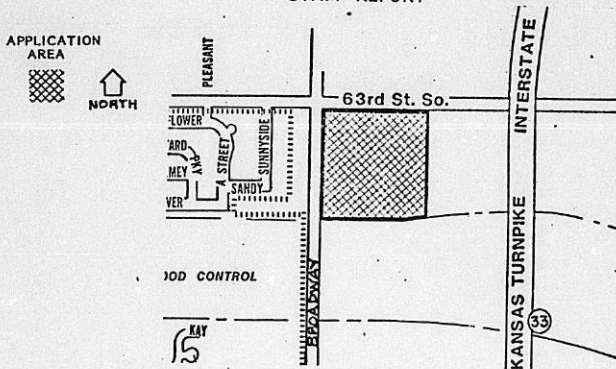


Least Restrictive

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.

STAFF REPORT



CU-291 - CONDITIONAL USE PERMIT FOR AN EARTH AND SAND EXTRACTION OPERATION GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 63RD STREET SOUTH AND BROADWAY.

Applicant: DeWitt Land Company, Inc., 505 South Broadway, Suite 200, Wichita, KS 67202

Size: 42.3 acres 1350' x 1450'

	Land Use	Zoning
Application Area North	Extraction of Fill Dirt Single-family, orchard & orchard store	"R"
South	Flood control ditch	"R" & "C"
East	Sand Pit	"R"
West	General business, single-family & auto salvage	"R-1" & "C"

History:	CU-265	Derby	11/3/83	Approved subject to conditions
		Haysville	11/10/83	Approved subject to conditions
		MAPC	11/13/83	Approved subject to conditions
		Board of County Commissions	12/14/83	Approved subject to conditions

Background: In 1983, this applicant requested a conditional use permit on subject property to extract dirt for fill material off site. The request was approved subject to a number of conditions which have all been complied with. He now advises that a sand extraction operation to the east of this site is about to be completed and he is desirous of expanding his operation to include the extraction of sand.

An operational and redevelopment sketch plan submitted with the application indicates the limits of the extraction to form the lake and future building sites. The "sketch plan" proposes a total of 46 building sites, each of which contains approximately 9,600 square feet. The existing "R" zoning requires two acres per building site and will require a change of zoning to "AA" if developed as proposed.

**Analysis:** It should be pointed out that subject property is adjacent to the Wichita-Valley Center Flood Control Ditch and prior to any extraction, a permit is required from the County Engineer. Such permit was obtained for the removal of fill dirt but a new permit is required for sand extraction.

Subject property is fenced in accordance with the previously approved conditions. The applicant has also previously dedicated the necessary major street right-of-way for both Broadway and 63rd Street South.

Should the Planning Commission recommend approval of this application, for fill dirt and sand extraction, the following conditions should be included in the recommendation:

- A. The applicant shall obtain a permit from the County Engineer to comply with Section K.S.A. 19-3309 prior to any extraction.
- B. The applicant shall submit a restrictive covenant to the Planning Department, approved as to content by the City-County Flood Control Office and to form by the County Counselor. The covenant shall provide for the construction and/or maintenance of a loop levee on the premises at such a location as the Flood Control Office may direct in accordance with construction specifications, Sections 1 through 4, inclusive, and maintenance specifications Sections 1 and 2, of Construction and Maintenance Specifications as prepared by the City-County Flood Control Office. Said Covenant shall run with the land and be binding on all owners, successors, or assigns. The covenant submitted with CU-265 is still applicable to this Conditional Use request.
- C. The applicant shall proceed in accordance with the operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
- D. The operation for dirt and sand extraction shall only have ingress and egress to 63rd Street South.
- E. A minimum 58-inch high fence shall be constructed prior to the beginning of the extraction operation and shall be maintained along the perimeter of the extraction area and plant operation area on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction:
  1. A 48 inches or higher chainlink fence with three or more strands of barbed wire; or
  2. A 48 inches or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
  3. A 48 inches or higher wood fence which may have cracks or openings not in excess of five percent or the area of such fence, with three or more strands of barbed wire. The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the extraction.
- F. The earth and sand shall be extracted to at least a minimum depth of six feet below the normal water table as determined by the City-County Health Department.
- G. To provide for bank stabilization and safety of future uses, the side slope of the extraction shall be no more steep than five horizontal to one vertical.
- H. Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so that they are formed with overburden material rather than sand.
- I. All of the area outside of the extraction shall be graded so as to drain into the lake.
- J. The owner of the property shall be responsible for:

1. Insuring that the loop levee elevation be maintained if constructed.
  2. Maintaining all operational roads in a graveled condition.
- K. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the County legal counsel, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction after approval of the conditional use by the Board of County Commissioners. Such covenant submitted with CU-265 is still applicable for this Conditional Use Permit.
- L. The applicant shall submit a covenant, satisfactory in form to the County Counselor and Sedgwick County Department of Public Works, which authorizes the use of the extraction area as a detention storage facility for public drainage purposes. The covenant submitted with CU-265 is satisfactory and is considered applicable for the Conditional Use Permit.
- M. Prior to the development of subject property for residential purposes, the applicant shall guarantee the extension of municipal sewer and water to serve the site.
- N. The property shall be platted prior to the issuance of any zoning or building permits except those necessary for the earth extraction operation.
- O. No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
- P. All slopes shall have vegetative covering consisting of a perennial drought resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- Q. The applicant shall submit a document in a form satisfactory to the County legal counsel assuring that all covenants required in conditions B, K and L are applicable and enforceable for this Conditional Use request.
- R. Any violation of conditions attached shall declare the conditional use permit null and void.

Published in the Daily Reporter on April 15, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, May 8, 1986, at 7:00 p.m., the HAYSVILLE CITY PLANNING COMMISSION, meeting at the Haysville Municipal Building, 200 West Grand, Haysville, 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-291

Conditional Use Permit to Establish an Earth and Sand  
Excavation Operation on Property Zoned "R"  
Rural Residential District

That part of the West Half of the NW $\frac{1}{4}$  of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located at the south-east corner of 63rd Street South and Broadway.

If this matter is not deferred for further hearings by the Haysville 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, May 15, 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 14th day of April, 1986.

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

(SEAL)

CASE NO. CU-291

Conditional Use Permit to Establish an Earth and Sand  
Excavation Operation on Property Zoned "R"  
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That part of the West Half of the NW $\frac{1}{4}$  of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas. Generally located the southeast corner of 63rd Street South and Broadway.

36+2+3+2+13+3=59

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.

CU-291

A. APPLICANT DeWitt Land Co. Inc. ✓      § Dean DeWitt  
 ADDRESS 505 S. Broadway      Zip Code 67202      PHONE 262-3365  
 AGENT Baughman Company, P.A. ✓  
 ADDRESS 330 Laura      Zip Code 67211      PHONE 262-7271

B. APPLICANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
 AGENT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_  
 AGENT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

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

2. A. The applicant proposes to establish a lotter  
EARTH & SAND EXCAVATION OPERATION. (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).

That part of the W½ of the NW¼ 33-28-1E  
 Lying North of the Flood Control Right of Way.

- B. There are 42.3 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY  
 Map No. 5539 D      Zoning (N) R (S) R (E) R (W) R-1      MAPC 5/15/86  
 T9-333-2      Revised 1/85

Hayville May 8 7:00pm.      Advertiser Daily Reporter 4/15/86

3. This property is located at (address) \_\_\_\_\_.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the Southeast corner of 63rd Street So. and  
Broadway, 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:

To include and allow for the use of sand dredging operation  
and excavation of the lake for future development.

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 CERTIFI-  
CATE 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.~~

[Signature]  
APPLICANT'S SIGNATURE

BY [Signature]  
AUTHORIZED AGENT (IF ANY)

\_\_\_\_\_  
APPLICANT'S SIGNATURE

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

\_\_\_\_\_  
APPLICANT'S SIGNATURE

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

OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_ (AM,  
PM) on 4-29-86 (day, month, year). It has been checked and  
found to be complete and accompanied by required documents and the appropri-  
ate fee of \$ \_\_\_\_\_.

[Signature] Name  
\_\_\_\_\_  
Title

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
SEDGWICK COUNTY )

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

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

Record Owners within 1000 feet of:  
That part of the West Half of the Northwest Quarter of Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for Flood Control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

That part of the West Half of the Northwest Quarter of Section 33, Township 28 South, Range 1 East, Sedgwick County, Kansas, lying North of the North line of land condemned in Case No. 29459, in the District Court of Sedgwick County, Kansas, for flood control purposes, EXCEPT a tract of land conveyed to The Secretary of Transportation, State of Kansas, by Warranty Deed recorded in Film "488", page 956, in the Office of the Register of Deeds of Sedgwick County, Kansas, AND EXCEPT part dedicated for street purposes in Film "630", page 1351 in the Office of the Register of Deeds of Sedgwick County, Kansas.

DeWitt Land Company, Inc.  
dup 605 S. Broadway, #200  
Wichita, Kansas 67202



DESCRIPTIONS

RECORD OWNERS

Beginning 910 feet North of the Southwest corner of the Southwest Quarter; thence East 300 feet; thence North 200 feet; thence West 300 feet; thence South 200 feet to beginning, Section 28, Township 28 South, Range 1 East,

Gerald E. & Jo Lynn Blood  
✓ 6346 S. Broadway  
Wichita, Kansas 67233

Southwest Quarter of Section 28, Township 28 South, Range 1 East, except a tract condemned for Right of Way in Case #A-40603 & Case #A-55178 and except the West 300 feet of the North 200 feet of South 1110 feet and except the North 10 feet of the South 40 feet and except 82 acres conveyed to Kansas Turnpike Authority in Book "1232" of Deeds, page 76,

*dup* Gerald E. & Jo Lynn Blood  
6346 S. Broadway  
Wichita, Kansas 67233

Beginning at the Southeast corner of the Southeast Quarter; thence West 264 feet; thence North 247.5 feet; thence East 264 feet; thence South 247.5 feet to beginning, Section 29, Township 28 South, Range 1 East,

Elizabeth DeLong &  
✓ Constance M. Blood  
6347 S. Broadway  
Wichita, Kansas 67233



Southeast Quarter of the Southeast Quarter except beginning at the Southeast corner of the Southeast Quarter, except above described tract and except beginning at the Northeast corner of the Southeast Quarter of the Southeast Quarter; thence West 180 feet; thence South 180 feet; thence East 180 feet; thence North to beginning, Section 29, Township 28 South, Range 1 East,

*dup* Gerald E. Blood  
6346 S. Broadway  
Wichita, Kansas 67233

Beginning 1200 feet North of the Southeast corner of the Northeast Quarter; thence North 120 feet; thence West 85.9 feet; thence South 07° 45" W, 121.1 feet; thence Easterly 101.8 feet to point of beginning, Section 32, Township 28 South, Range 1 East, AND

*dup* City of Haysville  
Haysville, Kansas 67060

Beginning 990.0 feet North of the Southeast corner of the Northeast Quarter; thence Northerly 210 feet; thence Westerly 116.8 feet; thence South 210 feet; thence East 117.3 feet to point of beginning, Section 32, Township 28 South, Range 1 East.

Beginning 1320 feet North of the Southeast corner of the Northeast Quarter; thence West 962.8 feet; thence South 120 feet; thence East 962.8 feet; thence North to beginning, except beginning 1200 feet North of the Southeast corner of the Northeast Quarter, thence North 120 feet; thence West 85.9 feet; thence Southwesterly 129.1 feet; thence East 101.8 feet to beginning, Section 32, Township 28 South, Range 1 East,

✓ Donald J. Boote  
6603 S. Broadway  
Wichita, Kansas 67233

DESCRIPTIONS

RECORD OWNERS

Northeast Quarter of the Northwest  
Quarter of Section 33, Township 28  
South, Range 1 East,

Condemnation Case #A-54472  
Tract #6-32A  
✓ Kansas Turnpike Authority  
9401 E. Kellogg  
Wichita, Kansas 67207

South Half of the Northwest Quarter  
of Section 33, Township 28 South,  
Range 1 East,

✓ Cowskin Floodway  
Condemnation Case #A-29459



DESCRIPTIONS

RECORD OWNERS

Northeast Quarter EXCEPT the North 1449.2 feet and EXCEPT the East 462 feet of the South 132 feet, Section 32, Township 28 South, Range 1 East,

Floodway Condemnation Case #A-29459

Lot 1, Block 1, WARDS FOURTH ADDITION,

Sunflower Improvement District ADDRESS UNKNOWN

Lot 2, Block 1, WARDS FOURTH ADDITION,

Lee L. & Ester Miller  
603 Santa Fe  
Augusta, Kansas 67010

Lots 5, 14 and 15, Block 1, WARDS FOURTH ADDITION,

Veterans Administration  
901 George Washington Boulevard  
Wichita, Kansas 67211

Lot 3, Block 1, WARDS FOURTH ADDITION,

JoyAnne Rogge  
6421 Sunnyside Road  
Wichita, Kansas 67233

Lot 4, Block 1, WARDS FOURTH ADDITION,

Lorrene W. & Asive Reid  
6425 Sunnyside Road  
Wichita, Kansas 67233



Lot 6, Block 1, WARDS FOURTH ADDITION,

Glen W. & Hazel B. Bartels  
6439 Sunnyside Road  
Wichita, Kansas 67233

Lot 7, Block 1, WARDS FOURTH ADDITION,

Edward C. & Lynda Z. Lambert  
124 N. Bluff  
Wichita, Kansas 67208

Lot 8, Block 1, WARDS FOURTH ADDITION,

Edward J. Randall and Tena M. Kriste  
6449 Sunnyside Road  
Wichita, Kansas 67233

Lot 9, Block 1, WARDS FOURTH ADDITION,

Cline H. & Ruby McCutchen  
6455 Sunnyside Road  
Wichita, Kansas 67233

Lot 10, Block 1, WARDS FOURTH ADDITION,

Thomas J. & Cora L. Ashton  
6459 Sunnyside Road  
Wichita, Kansas 67233

Lot 11, Block 1, WARDS FOURTH ADDITION,

Reuben H. Wiens  
6501 Sunnyside  
Wichita, Kansas 67233

Lot 12, Block 1, WARDS FOURTH ADDITION,

Paula M. Wheeler  
ADDRESS UNKNOWN 2910 S. Elizabeth  
67237

Lot 13, Block 1, WARDS FOURTH ADDITION,

Larry W. & Rita F. Caswell  
6511 Sunnyside Road  
Wichita, Kansas 67233

Lot 16, Block 1, WARDS FOURTH ADDITION,

John G. & Diana L. Hudson  
114 E. Sandy  
Wichita, Kansas 67233



DESCRIPTIONS

RECORD OWNERS

Lot 17, Block 1, WARDS FOURTH  
ADDITION,

David L. Sutton  
✓ 100 E. Sandy  
Wichita, Kansas 67233

Lot 18, Block 1, WARDS FOURTH  
ADDITION,

Albert L. & Vicki J. More  
✓ 6510 A Street  
Wichita, Kansas 67217

Lot 19, Block 1, WARDS FOURTH  
ADDITION,

Richard A. Broz, Jr.  
✓ 6506 A Street  
Wichita, Kansas 67217

Lot 20, Block 1, WARDS FOURTH  
ADDITION,

*dup* Administrator of Veterans Affairs  
901 George Washington Boulevard  
Wichita, Kansas 67211

Lot 21, Block 1, WARDS FOURTH  
ADDITION,

John R. & Meta Rae Bush  
✓ 6460 A. Street  
Wichita, Kansas 67217

Lot 22, Block 1, WARDS FOURTH  
ADDITION,

Orville E. & Maxine Guest  
✓ 6456 A Street  
Wichita, Kansas 67217

Lot 23, Block 1, WARDS FOURTH  
ADDITION,

Charles R. Zallinger and  
✓ Shawny Sterling  
6450 A Street  
Wichita, Kansas 67217

Lot 24, and beginning at the North-  
west corner of Lot 25; thence South-  
erly to a point 5 feet South of the  
Northwest corner of Lot 24; thence  
Northeasterly to a point 5 feet North  
of the Northeast corner of Lot 24;  
thence North to the Northeast corner  
of Lot 25; thence West to beginning,  
Block 1, WARDS FOURTH ADDITION,

Franklin John & Ruth Mae Bennett  
✓ 256 Hungerford  
Haysville, Kansas 67060

Lot 24, EXCEPT beginning at the  
Northwest corner of Lot 24; thence  
East 72.85 feet; thence Southwest-  
erly to a point on the West line of  
Lot 24; thence 5 feet South of the  
Northwest corner; thence North to  
beginning and part of Lot 25,  
beginning at the Southeast corner;  
thence West 72.85 feet; thence  
Northeasterly to a point 5 feet  
North of Lot 25 on East line;  
thence South to beginning, Block 1,  
WARDS FOURTH ADDITION,

✓ Willie G. & Betty Jo Trisler  
6444 A Street  
Wichita, Kansas 67217

Lot 26, Block 1, WARDS FOURTH  
ADDITION,

✓ W. L. Haney and Paul E.  
Heinemann  
6430 A Street  
Wichita, Kansas 67217



DESCRIPTIONS

RECORD OWNERS

Lot 28, Block 1, WARDS FOURTH ADDITION,

Marion & Glenda S. West  
✓ 100 Sunflower Drive  
Wichita, Kansas 67217

Lot 29, Block 1, WARDS FOURTH ADDITION,

Robert M. & Mary M. Kirby  
✓ 110 Sunflower Drive  
Wichita, Kansas 67217

Lot 30, Block 1, WARDS FOURTH ADDITION,

Larry A. & Janis R. Emerson  
✓ 114 Sunflower Drive  
Wichita, Kansas 67217

Lot 1, Block 2, REPLAT OF LOT 1, BLOCK 2 IN WARDS FOURTH ADDITION,

David Ralph Lucas; Nancy Ellen Bye  
✓ and Ralph Samuel Lucas  
%6435 A Street  
Wichita, Kansas 67217

Lot 50, Block 2, REPLAT OF LOT 1, BLOCK 2 IN WARDS FOURTH ADDITION,

Pauline & Kenneth D. Ozbun  
✓ 6400 Keystone Drive  
Wichita, Kansas 67217

Lot 51, Block 2, REPLAT OF LOT 1, BLOCK 2 IN WARDS FOURTH ADDITION,

Leatha Benefiel  
✓ 6415 A Street  
Wichita, Kansas 67217

Lot 52, Block 2, REPLAT OF LOT 1, BLOCK 2 IN WARDS FOURTH ADDITION,

Roy J. & Peggy F. Roles  
✓ 6429 A Street  
Wichita, Kansas 67217

Lot 53, Block 2, REPLAT OF LOT 1, BLOCK 2 IN WARDS FOURTH ADDITION,

Roy J. & Peggy F. Roles  
*dup* ✓ 6429 A Street  
Wichita, Kansas 67217

Beginning 280 feet South of the Northeast corner of the Northeast Quarter; thence South 476 feet; thence West 548 feet; thence North 476 feet; thence East 548 feet to beginning, Section 32, Township 28 South, Range 1 East,  
AND

Beginning 204 feet; thence West to the Northeast corner of the Northeast Quarter; thence West 344 feet; thence South 280 feet; thence East 344 feet; thence North 280 feet to beginning, EXCEPT East 8 feet thereof, Section 32, Township 28 South, Range 1 East,  
AND

Beginning at the Northeast corner of the Northeast Quarter; thence South 280 feet; thence West 204 feet; thence North 280 feet; thence East 204 feet to beginning, Section 32, Township 28 South, Range 1 East,



DESCRIPTIONS

RECORD OWNERS

South 119 feet of the North 875.5 feet of the East 548 feet of the Northeast Quarter, EXCEPT the East 55.5 feet for Highway, Section 32, Township 28 South, Range 1 East, AND

✓ James A. Crane  
6509 S. Broadway  
Wichita, Kansas 67233

South 119 feet of the North 994.5 feet of the East 548 feet of the Northeast Quarter EXCEPT the East 56 feet for Highway, Section 32, Township 28 South, Range 1 East,

Beginning 1320 feet North and 481.4 feet West of the Southeast corner of the Northeast Quarter; thence North 113.1 feet; thence West 481.4 feet; thence South 113.1 feet; thence East to beginning, Section 32, Township 28 South, Range 1 East,

Donald J. Boote  
6603 S. Broadway  
Wichita, Kansas 67233



The East One Half of the South 113.1 feet of a tract beginning 994.5 feet South of the Northeast corner of the Northeast Quarter of Section 32, Township 28 South, Range 1 East, thence West 962.8 feet, thence South 330 feet, thence East 962.8 feet, thence North 330 feet to the place of beginning, AND

✓ Lawrence W. King  
6533 S. Broadway  
Wichita, Kansas 67233

Beginning 994.5 feet South of the Northeast corner of the Northeast Quarter; thence West 962.8 feet; thence South 330 feet; thence East 962.8 feet; thence North 300 feet to beginning, EXCEPT South 223.1 feet, EXCEPT for Street, Section 32, Township 28 South, Range 1 East, AND

North 110 feet of the South 223.1 feet of a tract described as: Beginning 994.5 feet South of Northeast Quarter; thence West 962.8 feet; thence South 330 feet; thence East 962.8 feet; thence North 330 feet to beginning, EXCEPT for Street, Section 32, Township 28 South, Range 1 East, AND

EXCEPT from the 3 tracts above described, Two tracts of land conveyed to the Secretary of Transportation, State of Kansas by Warranty Deed recorded in Film "437", page 1372 and Warranty Deed recorded in Film "437", page 1378 in the Office of the Register of Deeds of Sedgwick County, Kansas.



DESCRIPTIONS

A tract of land in the Northeast Quarter of Section 32, Township 28 South, Range 1 East, described as: Beginning at a point on the East line, 1,101.4 feet South of the Northeast corner of said Quarter Section, said East line having an assumed bearing of S 00° 11' West; First Course, thence S 00° 11' W, 223.1 feet along said East line; Second Course; thence N 89° 56' W, 85.9 feet; Third Course, thence N 07° 46' E, 225.1 feet; Fourth Course, thence S 89° 56' E, 56.2 feet to the place of beginning.

AND

A tract of land in the Northeast Quarter of Section 32, Township 28 South, Range 1 East, described as: Beginning at a point on the East line, 994.5 feet South of the Northeast corner of said Quarter Section, said East line having an assumed bearing of S 00° 11' W, First Course, thence S 00° 11' West, 106.9 feet along said East line; Second Course, thence N 89° 56' W, 56.2 feet; Third Course, thence N 00° 18' E, 106.9 feet; Fourth Course, thence S 89° 56' E, 56.0 feet to the place of beginning.

Dated at Wichita, Kansas, this 4th day of April, 1986 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Melvin L. Sutter*  
Assistant Secretary

Tracer No. 73381



FORM 2-921 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		CU-291

DESCRIPTION	AMOUNT
Contract 1400	\$500.00

NAME *Brown Co*

ADDRESS *230 Penn*

FUND *7554710013* DUE DATE

COMMENTS

DATE *April 8* BY *JHJ*

May 8, 1986 Hsvl. 9:00  
 May 15, 1986 MAPC

City Administrator: Charles Vogt  
 524-3243

City Secretary: Carol Nugent  
 524-7522

P.C. meets 2nd & 4th Thursdays  
 At 7 p.m.

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*