

DR 86-5 Rural Water Dist #4 request  
Special Permit to establish a Pot-  
able Water Extraction & Pumping Fa-  
cility on the west side of 119th  
St. West 1/2-mi. south of 21st St. N

POSTED 3-14-86 KJ

OK

# ACTION

DATE

COMMITTEE

Refer 4 weeks for  
additional information 4-28-86

M.A.P.C.

Approved as requested  
for special water extraction 5-1-86

M.A.R.C.

Approved as requested  
for special water extraction 5-25-86

B.C.T.B. CO. C.

Approved as requested

DATA SHEET

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 DR- 86-5  
 DP- \_\_\_\_\_

Case Filed: Amend  
 2-28-86  
 Associated Case: \_\_\_\_\_

APPLICATION DATA: Map No. 4649 A & B

1. General Location: On the west side of 119th Street West, 1/4-mile south of 21st Street North
2. From \_\_\_\_\_ to \_\_\_\_\_
3. Proposed Use: Special Permit to Establish a Potable Water Extraction & Pumping Facility (Water Wells & Pump House) on Property Zoned "R-1" Suburban Residential
4. DP Name: \_\_\_\_\_
5. Applicant: Rural Water District #4, Sedgwick County, Kansas  
 Address P. O. Box 555, Coddard, Kansas 67052 Phone N/A
6. Applicant: Sam G. and Judy A. Eberly (legal title owner)  
 Address 12807 West 21st Street North, Wichita, Kansas 67235 Phone 722-3160
7. Agent: Thomas D. Borniger, Attorney-at-Law  
 Address 830 First National Bank Building, Wichita, Kansas 67202 Phone 263-9111

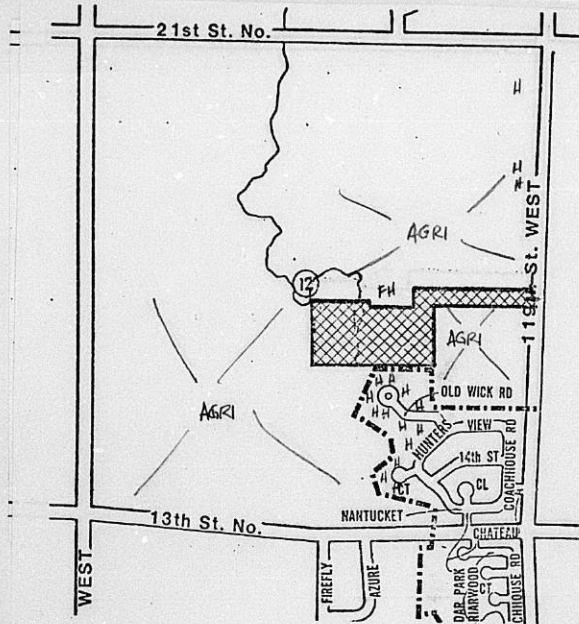
AREA DATA:

1. Acres: 22.8 (Irregular) (1239' ft. by 623' ft.)
2. Adjoining Zoning: N "R-1" S "R-1" E "R-1" W "R-1"
3. Land Use: North FARM/ARIG East ARIG  
 South ARIG/SINGLE FAMILY West ARIG

PICTURE SHEET

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



NOTES:

ST. JAMES  
 No. 2,153C  
 HASTINGS, MN  
 LOS ANGELES, CHICAGO, LOGAN, OH  
 McRENEOR TX, LOCUST GROVE, GA  
 U.S.A.

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: DR 86-5 - Special Use Permit for Water Extraction  
and Pumping Facility - West side of 119th Street  
West,  $\frac{1}{2}$ -mile south of 21st Street North

Attached for your files is a copy of County Resolution #118-1986 which authorizes the establishment of a potable water extraction and pumping facility for Rural Water District #4. The wells are to be located in the E $\frac{1}{2}$  of Sec. 12, T27S, R2W as noted on the accompanying drawing.

If you have any questions about this special use permit, please call.

Louise Olivarez  
Senior Planner

LO:blw  
Attachments

cc: Thomas D. Borniger, Attorney-at-Law, 830 First National Bank Building,  
Wichita, KS. 67202

Rural Water District Provisions

	<u>#</u> <u>Benefit Units</u>	<u>Restricted</u> <u>Area</u>	<u>Minimum Lot Size</u> <u>Existing</u>	<u>Future</u>
• RWD #1 Contract	320	North of 45th St. North	None	10 acres
• RWD #3 Contract	650	One-half mile south of Pawnee	None	10 acres
• RWD #4 Request	300?	Not Specified	None	2 acres
• Current Policy	Negotiated	Negotiated	20 acres	20 acres
• Proposed Policy	Negotiated	Negotiated	2 acres	10 acres

Note: Existing contracts and current and proposed policy would permit service to all existing dwellings regardless of lot size.

RESOLUTION NO. *R#118-1986*

CASE NO. DR 86-5

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED IN SEDGWICK COUNTY KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 13.F OF THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS.

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

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area-Planning Commission, and proper notice having been given and hearing held and under authority of and subject to the provisions of Section 13.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, a Special Use Permit to establish a potable water extraction and pumping facility on property zoned "R-1" is hereby approved on lands legally described as follows:

From the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49'22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West  $\frac{1}{2}$ -mile south 21st Street North.

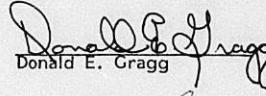
CONDITIONS OF APPROVAL:


1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request.
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

SECTION II. That this Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners.

ADOPTED AT WICHITA, KANSAS, this 28<sup>th</sup> day of May, 1940.

 Chairman  
Bernard A. Heintzen

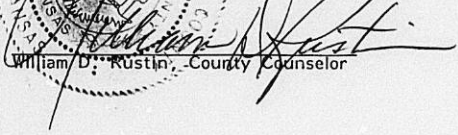
 Commissioner  
Donald E. Cragg

 Commissioner  
Tom Scott

ATTEST:

  
Donnell E. Wright, County Clerk

(SEAL)  
Approved as to form by County Counselor

  
William D. Rustin, County Counselor

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR SPECIAL USE PERMIT

DR 86-5 - SPECIAL USE PERMIT TO ESTABLISH A POTABLE WATER  
EXTRACTION AND PUMPING FACILITY LOCATED WEST OF 119TH STREET  
WEST, APPROXIMATELY ONE-HALF MILE SOUTH OF 21ST STREET NORTH.

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

Gardner moved, Peters seconded and it carried-unanimously. Moore was not present. Banzer was absent.

ACTION:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the special use permit subject to the recommended conditions; accept the dedication; adopt a resolution authorizing the special use permit; or
2. Adopt findings and deny the application.

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DATA AND MINUTES

MAPC Hearing Date: 4-03-86 (deferred)

MAPC Hearing Date: 5-01-86

BCoC Hearing Date: 5-28-86

COMMISSION DISTRICT #3

AREA DATA:

Size: 22.8 acres

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Agricultural & undeveloped	"R-1"
North	Farmhouse & Agricultural	"R-1"
South	Single-family & Agricultural	"R-1" & "AA"
East	Agricultural & undeveloped	"R-1" & "A"
West	Agricultural & undeveloped	"R-1"

History: None.

Applicant: Sedgwick County Rural Water District #4, P. O. Box 555, Goddard, KS  
67052 AND Sam G. and Judy A. Eberly, 12807 W. 21st Street North,  
Wichita, KS 67235.

Protestors: Ann Oxler, 1628 Old Wick Rd.; Dave McCall, 1629 Old Wick Rd.;  
Patricia Cary, 1752 N. Richmond.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 3, 1986

LEGAL:

6. Case No. DR 86-5 - Sedgwick County Rural Water District #4 requests Special Permit to establish a potable water extraction and pumping facility from the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88° 16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49' 22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West 1/2-mile south 21st Street North.

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

Background: Subject property is a 22.8-acre unplatted tract of ground zoned "R-1" and located west of 119th Street West, approximately one-half mile south of 21st Street North. The east half is in agricultural use with the west half being largely undeveloped, much of it located in a floodway.

Analysis: Sedgwick County Rural Water District #4 is a quasi-municipal entity which was formed pursuant to K.S.A. 82a-612 et. seq. by the Sedgwick County Commission after receipt of a petition from more than 50 percent of the landowners within the 110 square mile area which constitutes the district. The district proposes to use subject property for two or more wells producing potable water. The only above-ground structure which is anticipated is a small single-story pump house approximately 20' x 20' in size. The elevated storage tank will be located at some other, higher site in the district. Application has been made to the Division of Water Resources for appropriation of water rights. If water rights are obtained and this special use permit is granted, subject property will be purchased by the rural water district.

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

1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request;
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

DISCUSSION:

GALBRAITH stated that this application has been filed by Sedgwick County Rural Water District #4 which has been formed by the approval of the Sedgwick County Board of Commissioners, and they are looking for a source of water to supply to a substantial area on the west side of Wichita or in the central part of Sedgwick County. He said that at least two wells, and some type of pump house structure would occur on this site that would not encroach into right-of-way for 119th Street or the normal building setback. GALBRAITH said that the applicants have attempted to get water from the City

of Wichita but apparently they cannot meet the policy guidelines that Wichita has to furnish water so they are looking for another source. He said that they must receive approval from the Division of Water Resources. He said that it was his understanding that once the Planning Commission approves the special permit, and if approved by the County Commission, and they obtain from the State Water Resources Board, they will proceed to purchase this property. GALBRAITH said that staff recommended approval of the request.

GARDNER stated that several years ago there was a proposal for a rural water district out west that was at odds with some of the development guidelines that were being suggested for rural water districts having to do with the size and acreage, and the size of the parcel that a party could tap onto and/or develop. He asked if this was the water district that resulted from that.

GALBRAITH said yes, it was the one that the County authorized the formation of.

GARDNER asked if the basic terms of operation was still in contradiction with the growth and development plan factors.

GALBRAITH said yes.

GARDNER asked how then was the staff in a position to approve the water on the site if it was in contradiction to the growth and development plan.

GALBRAITH explained that once the rural water district is formed they are then dealing with the land use and the appropriateness of two wells. He said that he saw nothing out of character with wells being developed on this property although it is a conflict with the growth and development plans for what the City's position was in the rural water district formation.

TOM BORNIGER, attorney representing Rural Water District #4, stated that the Sedgwick County Rural Water District #4 is a clause under municipal entity. He said that they violate no county, no State, no local statutes. He said that the A-95 hearing on this was never completed because at that time they decided that they would probably not go with Federal financing. One of the reasons for that is that opposition was that if the City of Wichita was going to sell its water, it wanted to impose a minimum acreage limitation of 20 acres to 40 acres, and that still is their policy, and that policy in operation was something that was impossible in that particular area. BORNIGER mentioned that one of the existing districts, Rural Water District #3, east of Derby and Mulvane, and because of the restrictions imposed by the City of Wichita which are now, for that district by contract, 10 acres, they have not been able to add anybody on since 1978 and there are probably 400 people on the waiting list in his office that are trying to get water and can't because that district can't serve them. He said that the district out west, given that situation, declined to accept a contract like that with the City. He said that if the City was willing to discuss allowing water to be served to anybody who meets County zoning standards, which is now applicable out in this area, he felt that the district would be more than willing to sit down and talk with them.

BORNIGER passed around a site plan that tentatively showed where the wells were to be put. He said that all of the wells were underground, and the only thing that would be seen above ground was approximately a 20 x 20 building, and it would be set back in the area of well site 2 which is going to be approximately 600 to 800 feet back from 119th Street.

BORNIGER stated that the other matter that has been brought up is the question of allowing water to be taken out of this location. The question of the allocation of water is one that is handled by the State Board of Water Resources and his clients have made an allocation for it. He said that they have had test wells drilled in particular area from surface to bedrock and have approximately 200 to 225 feet. In that area there is somewhere between 100 and 150 feet of water bearing strata. It divides into about 4 or 5 different levels. It is part of the equus beds even though it is not in the equus beds ground water management district, it is equus bed water. He said that in terms of the supply and volume when there is that much water bearing strata, they pump it, and they have gotten word from the State that it was almost impossible to take enough water out of that area to affect any of the ground-water that people are using in the area. He said that they would probably be

taking water from a level that would be somewhere in the vicinity of 150 to 250 feet deep. He said that people in that area are taking groundwater in the vicinity of 60 feet; the deepest one that he has heard of was 75 feet. The static water level in that area, according to the engineer and according to groundwater studies that they have done, was 20 feet. He said that to deprive somebody of water in their well, you would have to pump that area so hard that you would deplete 40 feet of water. He said that the allocation was nowhere close to that amount. They also would be pumping eight hours a day with a 16-hour recharge. He said that they have already had all of the wells surveyed and have turned the information into the Board.

BORNIGER said that they have applied for an appropriation and the Board would limit the amount of water that they can take out. While they cover a large area, the number of people that are out there are really not that large. They only have 280 applicants.

WILSON said that the wells were actually out of Borniger's service area.

BORNIGER said that was correct, they are not inside the district.

BORNIGER said that their requirements were whatever structures are there complies with County zoning standards. If they will allow a building on a 1-acre tract, they will serve it. He said that they have to satisfy County zoning standards for any structure that is there or anything they want to build.

WILSON continued that these two wells were only going to service a certain area. He asked how far would they be able to go with them.

BORNIGER said that the wells were of a capacity and there is a sufficient quantity of water in this area that they have already had projections which the State has agreed with. When they get the appropriation they will be able to serve up to 1500 units within this area and could also provide all of the water that would be required by the City of Garden Plains and 25 percent of the water required by the City of Cheney without having to increase the allocation and without affecting the existing wells of people that are already there in this vicinity.

BORNIGER said that he thought that there was a legitimate place for cooperation between the City and the Rural Water District. He felt it was foolish on the part of anybody who lives in this county not to realize that the county is an urban area and that the City of Wichita has to grow and develop, but at the same time it was foolish to say that the City of Wichita should be able to dictate what kind of land development was going to go on every place in the County. He said his personal view was to develop some kind of standard that would allow the development to go on far enough away from the boundaries of the City based on County zoning standards, and to develop an area of influence between the City and the Rural Water District in which they may impose acreage limitations or that they would cooperatively agree on for what kind of projects would be served in that area so that there is not a problem when the City ultimately comes out and annexes these areas. He said that there was nothing in law that prevents the City from annexing land in a rural water district area.

PETERS asked Borniger if the City had been asked for water to serve this area.

BORNIGER said that they have not formally gone to the City Commission. Through the engineers and through a specific letter that he wrote to John Wynkoop they have asked the City for water. They have asked the City to serve them water on the same basis that they provide water to Park City, Kechi, Rose Hill, and other various cities. He said that they impose no acreage limitations on those cities. He said that he has asked if they were treated the same as the City they would buy water from them.

PETERS asked what was the answer from the City.

BORNIGER said the answer was no. They have an existing policy that was entered into some years ago that at that time imposed a minimum acreage suggestion of 20 acres. BORNIGER continued if a road formula is applied to what has happened in the County, there is a problem. Rural Water District No. 1 in northeast Sedgwick County has still remained in fairly large size

tracts which has allowed the 10-acre limitation to be fairly successful even they have just negotiated and obtained a one-year moratorium on that to allow an expansion. Right now they are adding people on who do not have the 10 acres, but in July of this year that limitation will again be imposed in that area. BORNIGER said that that made sense for that area, but if you moved to Rural Water District No. 3 in southeast Sedgwick County in the area around Derby and Mulvane and extend over into Butler and Sumner counties, that particular district in that particular area has not developed in 10-acre or larger tracts. It has not necessarily developed into platted subdivisions but the land use has been in smaller tracts.

BAYOUTH said that he thought the last hearings that had been held on the Equus Bed that the water was allocated. He thought they couldn't draw any more water from the Equus Bed.

BORNIGER stated that it was allocated within the Equus Bed Groundwater Management District. The District covers a set geographical area and within that area there is a separate board besides the State Board of Water Resources that allocates water. This particular site is outside the boundaries of that management district. It is still Equus Bed water.

ANN OXLER, 1628 Old Wick Road, stated that she basically was concerned about where the pump house was going to be located. Her other concern was whether they would be able to get water from their well, and it was answered earlier that they would.

DAVE McCALL, 1629 Old Wick Road, asked how did the applicants come up with this particular location.

BORNIGER said that they came up with this particular location by hiring a hydrologist who was familiar with water flows and the subsurface geology of Sedgwick County, and he then gave them various areas to look at. They originally looked in the area of Andale because they did know that there was water in that area.

McCALL said that he has a water source heat pump and the applicants are assuring them now that they would go down to deeper beds as far as pulling this water up. He asked what if the growth factor is such that they start drawing more water out. What recourse does he have because the fact that his heating and cooling was supported by water?

WILSON said that the applicants would be pumping from a much lower level and they would be drawing off of the Equus Beds.

PATRICIA CARY, 1752 North Richmond, stated that they have their own well, approximately 80 feet, other neighbors have gone down 110 feet, so the wells do go a little bit deeper than indicated. She said that they have been concerned about whether or not this would affect their water supply. The other concern that she has not really heard addressed was whether or not it would affect the quality of the water. Apparently at Andale there was some concern about drawing in other chemicals by the pumping process. She asked how could they get an environmental impact study.

BORNIGER stated that there was no environmental impact study that is required. The groundwater studies were submitted to the State as part of the appropriation process, and there should have been notice given to anybody that had a well in a certain distance.

GARDNER asked Borniger if he was aware of a chloride problem in the Maize area.

BORNIGER said no, but the hydrologist did a study of the water that they were pumping from the test holes as to the various chemical elements that were in there.

GARDNER stated the reason for raising the issue was that there was a very significant objection raised by some people just southwest of Maize two to four years ago when there was discussion of locating a system of wells for Maize. There had been a discontinuation of some rig operations west of Maize as a result of chloride problems that they had encountered. That was an immediate concern raised by the residents southwest of Maize as to whether or not that was going to be pulled with the southeasterly flow in the equus strata

that they were dealing with in their direction and whether or not that would have an adverse impact on their well. He said the fact that that is only two miles north of the applicants' proposed location probably merits some investigation.

BORNIGER said that he would bring this to the hydrologist's attention.

McCALL, speaking again, stated that they went to the State, and to him, it was kind of a farce. The letter that he got back was just a bureaucratic form that said nothing. He felt that the whole operation of acquiring new sources of water was kind of a fly-by-the-seat-of-your-pants situation. He did not think anybody was addressing this. He did not think anybody has stood up or even knows how to go about getting the job done as to what their water sources were.

LINDEBAK stated that one of the things to be considered was to not forward this request on to the County Commission until they actually get approval from the State Water Resources Board.

MOTION: That the Planning Commission defer action approving this request for special use permit until further information is provided, and that they request a response to:

1. Environmental impact study in conjunction with concern about chloride problem in in the area.
2. Response from the Water Utility as to the extent of the inquiry made by the Water District and the conditions put forth for selling the water to them, and the current policies in that regard.
3. The current rural water district policies in terms of the size of the minimum acreage units that are allowed to hook up if there is a Wichita supply in conjunction with the facility.
4. General growth and development plan in terms of its comments; the installation of or the creation of the rural water districts on the immediate periphery of for developing that area.
5. That action be deferred for one month on the special use permit.

Gardner moved, Wilson seconded and it carried unanimously. Conlee was not present. Crockett and Goebel were absent.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 1, 1986

LEGAL:

3. Case No. DR 86-5 - Sedgwick County Rural Water District #4 requests Special Permit to establish a potable water extraction and pumping facility on property described as beginning at the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

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DISCUSSION:

GALBRAITH stated that this application was a County request for a special use permit to establish water wells for what is to be called Rural Water District #4 which will be formulated on the west side of the County. He said that with these two wells it was anticipated that there would be a small accessory pump house facility. He pointed out that a month ago this matter was deferred by the Planning Commission for four weeks, and they asked the applicant's attorney if he would produce a hydrology study, addressing particularly the possibility of chlorides in the water table. They also asked for comments about the depth of the anticipated wells and whether or not they would adversely affect other wells by single family residents in the area, a concern about draw-down that might adversely affect heat pumps. The Commission asked staff to address a number of issues relative to water policies in serving rural water districts. GALBRAITH stated that Advance Plans worked on the answers to those questions relative to water policy, and would discuss it today. He said that staff recommended approval of the request.

WILLARD L. STOCKWELL, Chief Planner of Advance Plans, stated that staff met with the applicant of Rural Water District #4 about a week ago, and had a very good frank discussion of the present policy that the City of Wichita had adopted with regard to extension and provision of water to rural water districts. He said that they recognize that the policy, that presently exists, has worked well on the east side of Wichita where water from wells is very difficult to obtain, and where the provision of City water that has an acreage limitation (10 acres) had prevented premature development in those areas. Therefore staff felt that the policy had worked in the way that it had been intended. He said that in rural areas, people with true agricultural interests, needing water, were able to get a water supply with that policy. He said that on the west side of town was a little bit different situation. The Equus Beds extend west of Wichita and water wells are available to people in that area. They have some problems with them on a domestic basis, but this would be a proposal to put those wells deeper into a more reliable supply. STOCKWELL said that it was clear from the study done by the hydrologist that ample supply of water of high quality is available, and that they have sought the appropriation of water rights from the State agency, and it was his understanding that they either have it, or will receive it soon. STOCKWELL said that Planning staff and Water Department staff, along with the City Manager's staff, met and discussed this, and they believe that the conditions existing on the west side are different from the east side of Wichita, and therefore, require that they take a serious look at the acreage limitations with the thought that they be lowered from the existing policy which specifies that any future

hook ups beyond the initial hook ups would have to be 20 acres or more. He mentioned that in the memorandum provided to the Commission, he had provided alternatives of two outlines that the Planning Commission could recommend to the City Commission that such a staff task force be appointed to immediately address this condition and see if a more equitable policy could be found that would provide water supply on the west side, and also serve the City's interest in preventing sprawl and premature development in the area immediately adjacent to the City of Wichita where the City of Wichita has growth plans in the future.

GARDNER asked if Stockwell saw in that discussion a discussion of the prevailing rate structure that the Wichita water utility has regarding providing water to outlying developing areas in rural water districts.

STOCKWELL said that that has been a stated concern by some people, and if that was the wish of the Planning Commission and the wish of the City Commission, that would be something that staff would address.

GARDNER said that it seemed to him that it would be part and parcel with the kind of discussions that they would be entering into, and it seemed to him that there would be a legitimate interest in trying to encourage that utilization where it was viable and to perhaps provide it on a more economically viable basis.

STOCKWELL commented that in staff's meetings with the Water Department and the Manager's staff, they have not attempted to look at that yet.

TOM BORNIGER, representative of Rural Water District #4 and for the Eberlys who own the property, stated that he would support and reaffirm what Mr. Stockwell was suggesting to the Commission in the sense of recommending to the City Commission that a study be done vis-a-vis the City's policy in terms of providing areas of service, etc., in relationship with rural water districts.

BORNIGER said that they are asking for a recommendation on the special use permit to allow them to go ahead and place two underground wells and a small 20' x 20' pump house that would be back about one-quarter of a mile from the road. He said that the original recommendation of staff was that they dedicate a half-street right-of-way on 119th Street, that this special use permit be limited only to the rural water district, and that they observe all setbacks. He said that they were willing to comply with the conditions. He asked that this matter not be deferred and allow them to move on to the County Commission. He said that one of the reasons for doing this is that they have the land under an option. It is costing them about \$1,000 a month for which they receive no credit on the purchase price at this time. The longer they delay, the more it really hurts the people who are putting up the money. There are 110 square miles in this Rural Water District #4 and 280 people who have signed up for water. He pointed out that if the special use permit is approved, it does not stop the process of dealing with the City regarding a change in policy.

BORNIGER commented on the two alternatives provided by staff. He said that the first alternate talks about requesting the State Water Resources Engineer to establish maximum withdrawal capacity on proposed wells. He said that that was something that they do anyway; something they have done in the application. He said that they already have the well permits and have the allocation for water.

BORNIGER said the second alternate was suggesting that there be a limitation as to the service area of the water district. BORNIGER said that he would suggest that this was outside the scope of the Planning Commission's authority, in the sense that the County Commission, acting according with statute, determines the boundaries of a rural water district, and those districts are actually determined by the people that live within them, whether they want to be in one and whether they are asking for this service. At this point that district does not extend beyond 151st Street. He also suggested that rather than it being a condition of the special use permit, that if something like that is worked out, that it be done as it has been done with other cities, such as the City of Coddard, which they would do by agreement so that they would establish service zones with the City of Wichita as to areas in which either one of them would go ahead and serve. He felt that that was something that may come out of this policy.

GARDNER commented that he appreciated Borniger's views on this item, and he was hesitant to recommend a deferral any further that would cause him additional expense, particularly the time length that a discussion of this nature might be ongoing. He said that it was difficult to release the leverage of a special use permit in seeking cooperative posture on behalf of the water district in participating with the City and County in developing a policy, although he was not sure any leverage exists there regardless. He said that what the Commission was looking for was a good faith commitment from the district that they would be willing to participate in this kind of a discussion and the development of a policy, and that if it required minor modifications of the district as a result of an agreed upon development policy that Borniger would be willing to modify his district accordingly after the fact if it was possible.

BORNIGER stated that he represents all of the rural water districts in Sedgwick County, and the engineer represents and does the engineering for all four of the rural water districts in Sedgwick County, and they are both of the opinion that there is no better water in Sedgwick County than there is in Wichita, and that it makes legitimate sense for any rural water district, if they can work out a reasonable agreement with the City, to utilize the City of Wichita as the primary water source.

GARDNER stated that the only other element that he sees that is inherent in this kind of discussion is a willingness within an agreement process such that as growth occurs on an urbanizing fringe over the next 10, 15 or 20 years, that there is an ability to have one system recede, and another assimilate those areas as it becomes feasible. He said that there needs to be some level of agreement so that they don't get into a turf problem at some point in the future over whether or not a municipal system can be extended into an area where there would be an overall system.

BORNIGER felt that that was a very legitimate concern. For example, Rural Water District #1, which is the northeast area, originally covered much of Comotara as well as extending on out. Obviously the Comotara area was an area that Wichita has been growing into. Over a number of years they have had a cooperative policy whereby, as the city moves out, the rural water district's members have been taken into the city, and they have had no problems. He said that they have cooperated to the point to where there have been times when the City has not been able to provide service to the area, such as the Colonel James Jabara Airport. He said that the City was not ready to provide water service, and they provided water service to the airport until the City got its mains out there. The same thing was true with the Wesley Medical Center for their emergency flight operations that were located out there. He said that when they were expanding the airport, they needed to have a batch plant out there for concrete, and they again went ahead, through a cooperative arrangement with the City of Wichita, and provided the water until the City of Wichita gets out there. He said that he would anticipate that that same kind of cooperation would occur with all of the districts.

MILES asked if the basic reason these wells have to be put in was because the City charges too much for their water.

BORNIGER said that really was not the problem in terms of cost. He said that from his perspective, the reason they are having problems and the reason they would look elsewhere has been the acreage limitations and whether or not the lot has to be developed. He said that if you looked at the policies, they sound good, but what they are really saying was that if there is a lot out by Garden Plain, where part of this district extends, or down by Clearwater, if there is not a house on it right now, under existing policy, you can't build one on there, or you could build a house on there, but they could never serve you with water. He said that was not a growth pattern for Sedgwick County for the outlying areas; that is a no-growth policy.

PETERS stated that staff had given two options for the Commission to vote on, and Borniger was wanting both options. He wondered what kind of cooperation they were going to get for the good of everybody if both options were approved.

BORNIGER stated that they were not just representing Rural Water District #4, although #4 was the one on the agenda today. He said that he has a small disagreement with Stockwell as to the effect of those policies on the east side of Wichita. There are two districts on the east side of Wichita. In one

of those, there really has not been a great deal of problem with the 10-acre limitation because there has basically been few large land owners in that area and there has been very little pressure to have any kind of smaller development. That has not been the case in Rural Water District #3. The area east of Derby and Mulvane has developed totally differently. It has smaller lots and a lot more people. There are about 400 to 600 people there that are clamoring for water that they cannot serve and cannot touch. He said that any kind of modification in policy that the City makes would very possibly benefit them also.

GARDNER asked Borniger if he found alternative 1 to be an agreeable set of circumstances.

BORNIGER said no, he found both of them unenforceable.

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; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that the Board of City Commissioners and Board of County Commissioners review Wichita's water policy as described in Alternative #2 of the April 23, 1986 memo from Lindebak to the MAPC, AND that this application be approved subject to the following:

1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request.
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

Gardner moved, Peters seconded and it carried unanimously. Moore was not present. Banzer was absent.

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

CASE NO. DR 86-5

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED IN SEDGWICK COUNTY KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 13.F OF THE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS.

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

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area-Planning Commission, and proper notice having been given and hearing held and under authority of and subject to the provisions of Section 13.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, a Special Use Permit to Establish a potable water extraction and pumping facility on property zoned "R-1" is hereby approved on lands legally described as follows:

From the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49'22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West  $\frac{1}{2}$ -mile south 21st Street North.

CONDITIONS OF APPROVAL:

1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request.
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

SECTION II. That this Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners.

ADOPTED AT WICHITA, KANSAS, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, Chairman  
Bernard A. Hentzen

\_\_\_\_\_, Commissioner  
Donald E. Cragg

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

ATTEST:

\_\_\_\_\_  
Donnell L. Wright, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
William D. Rustin, County Counselor

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, SAM G EBERLY and JUDY A. EBERLY,  
husband and wife

being the owner\_s of the following described real estate in Sedgwick County, Kansas, to wit:

Beginning at the southeast corner of the NE 1/4 of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE 1/4 a distance of 165 feet; thence west 50 feet; thence south parallel to the east line of said NE 1/4 a distance of 165 feet; thence east 50 feet to point of beginning.

do \_\_\_ hereby dedicate the above described real estate to the public for  
Street \_\_\_\_\_ purposes.

Executed this 14TH day of May 1986.

*Sam G. Eberly*  
SAM G. EBERLY

*Judy A. Eberly*  
JUDY A. EBERLY

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss

BE IT REMEMBERED, that on this 14TH day of May, 1936,  
came SAM G. EBERLY and JUDY A. EBERLY, husband and wife

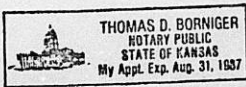
to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,  
this \_\_\_\_\_,  
\_\_\_\_\_  
City Clerk

*Thomas D. Borniger*  
Notary Public

My Commission Expires: \_\_\_\_\_



Beginning at the southeast  
corner of the NE $\frac{1}{4}$  of Section 12,  
Township 27 South, Range  
2 West of the 6<sup>th</sup> P.M., Sedgwick  
County, Kansas; thence  
north along the east line of  
said NE $\frac{1}{4}$  a distance of  
165 feet; thence west 50  
feet; thence south parallel  
to the east line of said NE $\frac{1}{4}$   
a distance of 165 feet; thence  
east 50 feet to point  
of beginning.

Legal for  
V.O.W.  
Dedication

May 2, 1986

Tom D. Borniger, Attorney  
830 First National Bank Building  
Wichita, Kansas 67202

Re: DR 86-5 Special Use Permit. West of 119th Street West, approximately  
one-half mile south of 21st Street North.

Dear Mr. Borniger:

At its regular meeting of May 1, 1986, the Metropolitan Area Planning Commission considered the above-captioned special use permit. The action of the Planning Commission was to recommend that the application be approved, subject to the following:

1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request.
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

Attached is a dedication of right-of-way that should be signed by the owner of the property and returned to our office by May 14, 1986 so that this case can be scheduled for consideration by the Board of County Commissioners on Wednesday, May 28, 1986 at 9:00 a.m. in First Floor Board Room, City Hall, 455 North Main.

In addition to the above action, the Planning Commission recommended that the City Commission direct appropriate City staff to prepare a modification to the existing rural water district supply policy for consideration. Mike Lindebak and Bill Stockwell will be working on this matter and as it progresses, we will keep you advised.

Tom Borniger  
May 1, 1986  
Page 2

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG/lw

cc: Sedgwick County Rural Water District #4, P.O. Box 555, Goddard, KS  
67052  
Sam G. and Judy A. Eberly, 12807 W. 21st Street N., Wichita, KS  
67235  
Ann Oxler, 1628 Old Wick Rd., Wichita, KS 67235  
Dave McCall, 1629 Old Wick Rd., Wichita, KS 67235  
Patricia Cary, 1752 N. Richmond, Wichita, KS 67203  
Mark Schrock, 1240 Eberly Ct., Wichita, KS 67235  
Ron Worley, County Zoning Administrator

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 23, 1986

TO: Metropolitan Area Planning Commission  
FROM: Mike Lindebak, Director of Planning (Interim)  
SUBJECT: DR-86-5 Special Use Permit, Rural Water District No. 4

On April 3, 1986, the Metropolitan Area Planning Commission deferred this case for reconsideration on May 1. In association with the deferral, the MAPC asked for information on two items:

- 1) Review the general growth and development plan relative to creation of rural water districts on the periphery of the metropolitan area.
- 2) Review current policy for extension of city water to rural water districts, with special emphasis on minimum acreage requirements.

General Development Plan and Rural Water Districts

In 1978, the MAPC adopted the Land Use Element of the Comprehensive Plan for Wichita and Sedgwick County. This element consists of two policy-oriented documents: Goals and Objectives and General Development Guide. Those portions of these documents which address this issue are as follows:

Goals and Objectives (Utilities - Water p. 20)

Goal: Assure a good quality of water in sufficient quantities at a reasonable price for present and long-range areawide needs for all urbanized areas and for those rural areas with poor water supply through conformance with the Wichita-Sedgwick County comprehensive development plan and the judicious use and reuse of the region's water resources.

Objectives:

1. Utilize water distribution systems as a guide to future development through synchronization in the extension of existing main water utility lines with main sanitary sewer lines.

General Development Guide - (Recommendations - Water p. 34)

1. Utilize the General Development Scheme map as the basis for programming extension of municipal water lines. It is recommended that the planning of water line extensions be directed primarily to those areas designated for future development on the General Development Scheme map.

2. It is recommended that the City of Wichita, in providing water supply to future rural water districts (and in any renegotiation of existing contracts), attempt to limit the supply of that water to rural use (as distinguished from suburban and urban). It is also recommended that the City of Wichita review and adopt firm policies for supplying water to rural water districts in a manner to further the above recommendation.

The General Development Scheme map is a generalized plan for urban development in and around the Wichita metropolitan area. Taken together, the above policy objectives and recommendations are directed at achieving two outcomes: 1) promote development of the designated urban growth area of Wichita through coordinated extension of municipal water and sanitary sewer lines and 2) limit the supply of water to rural water districts outside the urban growth area and restrict its use therein to rural purposes.

The proposed boundaries of RWD No. 4 and the designated urban growth area for west Wichita are shown on the enclosed map. The two areas are coterminous, generally along 151st Street west from Central to one-quarter mile south of Kellogg. The current city limits of Wichita is one mile to the east of 135th Street and the City of Goddard is located three (3) miles to the west. By agreement, Wichita and Goddard have established 151st Street as a joint water service area boundary for their respective water systems.

The designated urban growth area is planned to become developed with urban uses through expansion of the City of Wichita coincident with the provision of municipal water and sewer lines and other urban services. At present, existing city water mains are located at Maple and 135th Street west. Future mains are planned for installation along 135th Street between Maple and 13th Street North and along 119th Street from Kellogg to 13th Street. A booster station is also planned at Tyler and Maple. No main extensions are planned west of 135th Street at this time.

Recently, residents of Maple Hill addition (located on the south side of Maple between 135th and 151st Streets) requested a meeting with the City of Wichita to explore the extension of city water service to their area. Representatives of RWD No. 4 appeared at the meeting and made a service presentation even though this area is east of 151st Street and not within the proposed district.

In regards to sewer service, the Wichita sewer system serves areas within the existing city limits by means of a sewer trunk line generally located along Maize Road from 21st Street North to Kellogg where it discharges into pump station No. 10. Collection lines have been extended as far west as Maple and 135th Street to serve Rainbo Lakes Addition.

In conjunction with plans to install the Cowskin Creek interceptor and pump station, sewer main extensions are planned upstream of pump station No. 10 to replace West Millbrook and Frontier Village treatment plants and Rainbo Lakes pump station. These improvements will extend

service to approximately 135th Street from Kellogg to Central. Further engineering study and appropriate improvements will be needed to extend sewer service to 151st Street west. Thus municipal sewer service is limited to development in close proximity to Wichita's city limits and is not projected to be available to any portion of RWD No. 4 in the foreseeable future.

To summarize, the area east of 151st Street and north of Kellogg is a major planned urban growth area of the City of Wichita. Accordingly, city water and sewer services and other urban facilities and services are planned and will be provided in conjunction with anticipated development. Because of these programmed public investments and in the interest of orderly growth, rural-type water service should not be made available to this area.

#### Water Extension Policy for Rural Water Districts

The City of Wichita currently provides water to two rural water districts--RWD No. 1, established in 1969 to serve an area north and east of Wichita and RWD No. 3, created in 1973 and extending south and east of the city. The contracts (40 year term) include provisions designed to help insure that new customers would be rural-oriented in order to discourage the type of development that would prove burdensome to the City of Wichita. The contracts contain, among others, the following provisions:

- (1) A maximum number of benefit units (customer connections) was set sufficient to provide service to all rural users. The City of Wichita agreed to supply water necessary to service a maximum of 200<sup>1</sup> benefit units for RWD No. 1 and 650 benefit units for RWD No. 3.
- (2) The districts were restricted from serving users and thus causing urban development adjacent to growth areas of the City. To this end no more than 70 of the 200 benefit units for RWD No. 1 could be located south of 45th St. North and RWD No. 3 agreed not to provide service north of an east-west line one-half mile south of Pawnee Street.
- (3) Both districts agreed that new benefit units shall be restricted to customers who are engaged in farming and agricultural pursuits on a tract of land not less than ten (10) acres in size; however, existing platted lots or separate ownership tracts presently existing at the commencement of this contract shall be exempt from the requirement as to size.
- (4) It was agreed that no benefit unit shall serve manufacturing or industrial purposes whatsoever, except that all dwellings,

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<sup>1</sup>In 1985, the contract for RWD No. 1 was amended to provide for 320 benefit units and the ten-acre requirement was waived for a twelve-month period.

structures or improvements in existence at the commencement of this contract may be served regardless of the use.

- (5) It was further agreed that the City of Wichita will, in no case, be liable for any debt incurred or contracted by either district in the event that all or any portion of said district is annexed by the City. The City agreed that it will not require either district to abandon lines within annexed territory nor will it require that water users disconnect from district water lines to connect to City lines.

In 1978, it was determined that the existing requirements, as written, were inadequate for future contracts. The contracts permitted and the rural water districts had agreed to serve, as individual benefit units, already established lots and tracts less than one acre in size without existing structures. The contract provision did not distinguish between lots and structures as legitimate benefit units. The districts also included benefit units located within one-half mile of the existing Wichita municipal water system. The ability of such districts to supply water to small vacant platted lots within the planned growth area was determined to encourage urban sprawl and land speculation as well as threaten the efficient utilization of Wichita's water distribution system.

Therefore, on May 23, 1978, the City Commission adopted the following policies as the basis for future contracts with rural water districts: (see CCC No. 730):

- (1) Service connections will be allowed only to lots with existing structures intended for human occupancy.
- (2) Each benefit unit, whether existing at the time of the contract or created later, will be located on a lot large enough to insure that it is used for agricultural purposes. A 20-acre minimum is recommended, unless the owner or occupant demonstrates that income is derived from use of the land for production of crops or livestock.
- (3) Rural water districts with benefit units located inside the projected development area of the Wichita municipal water system, as defined by the most recent consulting engineer's inspection of the utility, will not be reimbursed for loss of customers caused by the extension of any city mains into the district.
- (4) Each contract will specify the exact number of existing and future benefit units to be served by the district and this figure cannot be altered without prior approval by the City Commission.
- (5) Restrictions on service to commercial and industrial units such as have been used in past contracts, will be included in future contracts.
- (6) Districts will be required to submit an ownership map describing and locating each benefit unit, so that use of the land can be determined.

The effect of policies (1) and (2) above is to allow service to all lots, regardless of size, with existing dwellings but prohibit service to vacant lots (either existing or created in the future) of less than 20 acres in size.

It is believed that these policies have effectively exerted a constraining influence on premature urban-type development of rural areas while protecting the viability of Wichita's water utility as well as those of other communities supplied by Wichita (Andover, Benton, Kechi, Park City, Rose Hill). At the same time, Wichita has made a reliable water supply available to bonafide rural residents for domestic use.

Since enactment, the 20 acre lot size requirement has, however, presented an obstacle to successful negotiations with other rural water districts, specifically RWD No. 4, and has encouraged them to seek an alternate water supply. The agreement proposed to the City of Wichita by RWD No. 4 was to incorporate service limitations as provided by the Sedgwick County Zoning Resolution. County zoning in the area of primary interest consists of R-1 Suburban Residential (covering an area of 1.5 square miles west of 151st Street north and south of Kellogg) and R Rural Residential for the remaining area. The R-1 district requires a minimum lot area of 20,000 sq. ft. (40,000 with private water) and the R district has a minimum lot area of 2 acres. Development densities permitted in either district (800-2,800 persons/square mile) would be classified as urban/suburban in nature. The premature development of this area in such a fashion would make provision of urban services difficult and inefficient for local government.

Finally, a review of development activity within the jurisdictions of Rural Water Districts No. 1 and 3 since enactment of the contracts indicates mixed results. First, the ten (10) acre rule for newly created lots/tracts has effectively prevented concentrated residential development. That is, only two multi-lot residential plats have been approved, both of which are in RWD No. 3--Fairway Meadows Addition (1977, 153 lots, 1 dwelling completed) and Hillsdale Addition (1979, 14 lots, 1 dwelling completed). Neither addition is located within the Wichita urban growth area.

Secondly, however, a number of single lot plats under five (5) acres in size and separate ownership tracts between five (5) and ten (10) acres have been created along section line roads. Numerous homes have been constructed with a well and individual wastewater treatment (either a septic tank/tile field or non-discharging lagoon). Such development activity has created growing demand for quality water potentially available from RWD No. 3 but denied to such customers because of the ten (10) acre minimum lot size restriction for benefit units created since 1973. The extent of such possible connections is believed to be considerable but the number is not presently known.

Alternatives

Based on the above information and analysis, two alternatives have been identified for consideration:

1) Recommend approval of the Special Use Permit with conditions.

Possible conditions would consist of requesting that the State Water Resources Engineer establish a maximum withdrawal capacity on the proposed wells. Withdrawal limits would be set at a level sufficient to protect existing nearby wells yet provide an adequate supply of water to serve a specific number of bonafide rural benefit units. In addition, rural water district service would be prohibited to anyone located east of 151st Street West in order to protect the planned urban growth/municipal water service area of the City of Wichita.

or

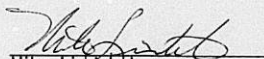
2) Recommend that the Board of City Commissioners direct appropriate City staff to prepare a modification to the existing rural water district supply policy for consideration.

A modified rural water policy would have to meet the established objectives of: 1) preventing premature development of the planned urban growth area, 2) protecting the economic viability of the Wichita municipal water system, and 3) discouraging suburban sprawl and land speculation within the rural area. Assuming such objectives can be satisfied, it may be appropriate to amend the existing policy in order to assure rural residents a reliable, high quality supply of rural water and in so doing eliminate the installation of additional wells in the aquifer. In addition, through a contractual relationship the City could retain some influence over the location and density of future residential development.

A modified policy would likely reduce the minimum size requirement for existing lots and tracts of record, limit the number of existing and future benefit units, and restrict rural water district service connections to areas outside the planned Wichita urban growth/water service area. While such modifications are immediately directed to RWD No. 4, it also has implications for a renegotiation of existing rural water district contracts, especially RWD No. 3.

Staff Recommendation

Adopt a motion in support of Alternative 2. With passage of such a motion, action on the Special Use Permit should be deferred.

  
Mike Lindebak  
Director of Planning (Interim)

ML:RD:rh  
Attachment



LAWRENCE E. CURFMAN  
CHARLES W. HARRIS  
JOHN R. STALLINGS  
WINDELL G. SNOW  
THOMAS D. BORNIGER  
RONALD B. ROSE  
KENNETH L. WELTZ  
DAVID P. CALVERT  
STEVEN J. RUPP  
CRAIG A. KREISER  
RICKY E. BAILEY

LAW OFFICES OF  
**CURFMAN, HARRIS, STALLINGS & SNOW**  
SUITE 800 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202-3391  
(316) 263-9111

April 24, 1986

Jack Galbraith  
Wichita Metropolitan Area  
Planning Commission  
455 N. Main  
Wichita, Kansas 67203

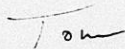
RE: Rural Water District #4, Special Use Permit

Dear Mr. Galbraith:

Enclosed are two copies of the letter I received  
from the hydrologist regarding Rural Water District #4.

Very truly yours,

CURFMAN, HARRIS, STALLINGS & SNOW

  
Thomas D. Borniger

TDB/pjw  
Enclosure

**RECEIVED**  
APR 25 1986  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
           \_\_\_\_\_

## **Ground Water Associates, Inc.**

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67202 • 316-262-3322

April 24, 1986

Thomas D. Borniger, Attorney-at-Law  
Curfman, Harris, Stallings & Snow  
Suite 800, First National Bank Building  
Wichita, Kansas 67202-3391

Subject: Rural Water District #4

Dear Mr. Borniger:

This letter is written in response to your request for additional information concerning the possible intrusion of high chloride content water into the proposed well field area of RWD #4. It is my opinion that this is not a potential hazard for their proposed water supply for reasons which I will explain.

The area of investigation was along the north line of the SE $\frac{1}{4}$  of Section 12, T27, R2W, Sedgwick County, Kansas. This is approximately four miles south and one mile west of Maize. The general water movement in this whole area is from the northwest to the southeast. Initially the District wants to pump approximately 245 acre feet of water a year and this could eventually increase to approximately 736 acre feet.

There is water containing high concentrations of chloride in the Maize area, and most of this is associated with the shallow alluvial deposits adjacent to the Arkansas River. The Arkansas River water normally has a chloride concentration of about 600 ppm and it has been that way since man has been in the area. (The Kansas Department of Health and Environment recommends that drinking water supplies not contain more than 250 ppm chloride.) There is also some higher chloride content water in the deeper formations in the Maize area, and in recent years the problem has been exacerbated by the installation of additional irrigation wells. These are normally gravel packed and perforated throughout the aquifer thickness and they thus provide avenues for the vertical migration of water. And of course, more wells in a concentrated area do influence the movement of water and tend to pull it from its normal direction of flow. However, to my knowledge there are no wells within approximately two and one-half miles of the proposed site that are pumping water with chloride concentrations of over 250 ppm.



EXPERTISE IN WATER & WELLS

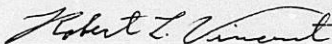
Thomas D. Borniger  
Page 2  
April 24, 1986

All of the water samples that were pumped from the test holes drilled to investigate the water potential in the proposed well field area show that the water present there now contains low chlorides (from 17 to 35 ppm). The water that moves into this immediate area from the west and northwest also contains low amounts of chloride. The amount of water that the District wishes to pump will not significantly affect the overall water movement in the area, and therefore their wells should continue to pump water of approximately the same quality.

Another factor that is important in this situation is that there are no other large capacity wells presently operating within one mile of the proposed well field. Nor are there likely to be any due to the proliferation of residential areas being built in the surrounding area. The absence of other wells means that poor quality water cannot be pulled into this area from the north. Additionally, no other large capacity wells can be drilled to the west or southwest due to the limitations of the aquifer - it decreases in saturated thickness.

In summary, the proposed well field is very well sited for the quantity and quality of water which the District wishes to pump. I will be pleased to elaborate on points discussed in this letter if you have questions.

Very truly yours,



Robert L. Vincent, C.P.G.  
Ground Water Associates, Inc.

RLV/jv

July 14, 1987

F-16  
DR 86-5

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

April 23, 1986

TO: Metropolitan Area Planning Commission  
FROM: Mike Lindebak, Director of Planning (Interim)  
SUBJECT: DR-86-5 Special Use Permit, Rural Water District No. 4

On April 3, 1986, the Metropolitan Area Planning Commission deferred this case for reconsideration on May 1. In association with the deferral, the MAPC asked for information on two items:

- 1) Review the general growth and development plan relative to creation of rural water districts on the periphery of the metropolitan area.
- 2) Review current policy for extension of city water to rural water districts, with special emphasis on minimum acreage requirements.

General Development Plan and Rural Water Districts

In 1978, the MAPC adopted the Land Use Element of the Comprehensive Plan for Wichita and Sedgwick County. This element consists of two policy-oriented documents: Goals and Objectives and General Development Guide. Those portions of these documents which address this issue are as follows:

Goals and Objectives (Utilities - Water p. 20)

Goal: Assure a good quality of water in sufficient quantities at a reasonable price for present and long-range areawide needs for all urbanized areas and for those rural areas with poor water supply through conformance with the Wichita-Sedgwick County comprehensive development plan and the judicious use and reuse of the region's water resources.

Objectives:

1. Utilize water distribution systems as a guide to future development through synchronization in the extension of existing main water utility lines with main sanitary sewer lines.

General Development Guide - (Recommendations - Water p. 34)

1. Utilize the General Development Scheme map as the basis for programming extension of municipal water lines. It is recommended that the planning of water line extensions be directed primarily to those areas designated for future development on the General Development Scheme map.

2. It is recommended that the City of Wichita, in providing water supply to future rural water districts (and in any renegotiation of existing contracts), attempt to limit the supply of that water to rural use (as distinguished from suburban and urban). It is also recommended that the City of Wichita review and adopt firm policies for supplying water to rural water districts in a manner to further the above recommendation.

The General Development Scheme map is a generalized plan for urban development in and around the Wichita metropolitan area. Taken together, the above policy objectives and recommendations are directed at achieving two outcomes: 1) promote development of the designated urban growth area of Wichita through coordinated extension of municipal water and sanitary sewer lines and 2) limit the supply of water to rural water districts outside the urban growth area and restrict its use therein to rural purposes. \*

The proposed boundaries of RWD No. 4 and the designated urban growth area for west Wichita are shown on the enclosed map. The two areas are coterminous, generally along 151st Street west from Central to one-quarter mile south of Kellogg. The current city limits of Wichita is one mile to the east of 135th Street and the City of Goddard is located three (3) miles to the west. By agreement, Wichita and Goddard have established 151st Street as a joint water service area boundary for their respective water systems.

The designated urban growth area is planned to become developed with urban uses through expansion of the City of Wichita coincident with the provision of municipal water and sewer lines and other urban services. At present, existing city water mains are located at Maple and 135th Street west. Future mains are planned for installation along 135th Street between Maple and 13th Street North and along 119th Street from Kellogg to 13th Street. A booster station is also planned at Tyler and Maple. No main extensions are planned west of 135th Street at this time. \*

Recently, residents of Maple Hill addition (located on the south side of Maple between 135th and 151st Streets) requested a meeting with the City of Wichita to explore the extension of city water service to their area. Representatives of RWD No. 4 appeared at the meeting and made a service presentation even though this area is east of 151st Street and not within the proposed district.

In regards to sewer service, the Wichita sewer system serves areas within the existing city limits by means of a sewer trunk line generally located along Maize Road from 21st Street North to Kellogg where it discharges into pump station No. 10. Collection lines have been extended as far west as Maple and 135th Street to serve Rainbo Lakes Addition.

In conjunction with plans to install the Cowskin Creek interceptor and pump station, sewer main extensions are planned upstream of pump station No. 10 to replace West Millbrook and Frontier Village treatment plants and Rainbo Lakes pump station. These improvements will extend

service to approximately 135th Street from Kellogg to Central. Further engineering study and appropriate improvements will be needed to extend sewer service to 151st Street west. Thus municipal sewer service is limited to development in close proximity to Wichita's city limits and is not projected to be available to any portion of RWD No. 4 in the foreseeable future.

To summarize, the area east of 151st Street and north of Kellogg is a major planned urban growth area of the City of Wichita. Accordingly, city water and sewer services and other urban facilities and services are planned and will be provided in conjunction with anticipated development. Because of these programmed public investments and in the interest of orderly growth, rural-type water service should not be made available to this area. \*

#### Water Extension Policy for Rural Water Districts

The City of Wichita currently provides water to two rural water districts--RWD No. 1, established in 1969 to serve an area north and east of Wichita and RWD No. 3, created in 1973 and extending south and east of the city. The contracts (40 year term) include provisions designed to help insure that new customers would be rural-oriented in order to discourage the type of development that would prove burdensome to the City of Wichita. The contracts contain, among others, the following provisions:

- (1) A maximum number of benefit units (customer connections) was set sufficient to provide service to all rural users. The City of Wichita agreed to supply water necessary to service a maximum of 200 benefit units for RWD No. 1 and 650 benefit units for RWD No. 3.
- (2) The districts were restricted from serving users and thus causing urban development adjacent to growth areas of the City. To this end no more than 70 of the 200 benefit units for RWD No. 1 could be located south of 45th St. North and RWD No. 3 agreed not to provide service north of an east-west line one-half mile south of Pawnee Street.
- (3) Both districts agreed that new benefit units shall be restricted to customers who are engaged in farming and agricultural pursuits on a tract of land not less than ten (10) acres in size; however, existing platted lots or separate ownership tracts presently existing at the commencement of this contract shall be exempt from the requirement as to size.
- (4) It was agreed that no benefit unit shall serve manufacturing or industrial purposes whatsoever, except that all dwellings,

<sup>1</sup> In 1985, the contract for RWD No. 1 was amended to provide for 320 benefit units and the ten-acre requirement was waived for a twelve-month period.

structures or improvements in existence at the commencement of this contract may be served regardless of the use.

- (5) It was further agreed that the City of Wichita will, in no case, be liable for any debt incurred or contracted by either district in the event that all or any portion of said district is annexed by the City. The City agreed that it will not require either district to abandon lines within annexed territory nor will it require that water users disconnect from district water lines to connect to City lines.

In 1978, it was determined that the existing requirements, as written, were inadequate for future contracts. The contracts permitted and the rural water districts had agreed to serve, as individual benefit units, already established lots and tracts less than one acre in size without existing structures. The contract provision did not distinguish between lots and structures as legitimate benefit units. The districts also included benefit units located within one-half mile of the existing Wichita municipal water system. The ability of such districts to supply water to small vacant platted lots within the planned growth area was determined to encourage urban sprawl and land speculation as well as threaten the efficient utilization of Wichita's water distribution system. \*

Therefore, on May 23, 1978, the City Commission adopted the following policies as the basis for future contracts with rural water districts: (see CCC No. 730):

- (1) Service connections will be allowed only to lots with existing structures intended for human occupancy.
- (2) Each benefit unit, whether existing at the time of the contract or created later, will be located on a lot large enough to insure that it is used for agricultural purposes. A 20-acre minimum is recommended, unless the owner or occupant demonstrates that income is derived from use of the land for production of crops or livestock.
- (3) Rural water districts with benefit units located inside the projected development area of the Wichita municipal water system, as defined by the most recent consulting engineer's inspection of the utility, will not be reimbursed for loss of customers caused by the extension of any city mains into the district.
- (4) Each contract will specify the exact number of existing and future benefit units to be served by the district and this figure cannot be altered without prior approval by the City Commission.
- (5) Restrictions on service to commercial and industrial units such as have been used in past contracts, will be included in future contracts.
- (6) Districts will be required to submit an ownership map describing and locating each benefit unit, so that use of the land can be determined.

The effect of policies (1) and (2) above is to allow service to all lots, regardless of size, with existing dwellings but prohibit service to vacant lots (either existing or created in the future) of less than 20 acres in size.

It is believed that these policies have effectively exerted a constraining influence on premature urban-type development of rural areas while protecting the viability of Wichita's water utility as well as those of other communities supplied by Wichita (Andover, Benton, Kechi, Park City, Rose Hill). At the same time, Wichita has made a reliable water supply available to bonafide rural residents for domestic use.

Since enactment, the 20 acre lot size requirement has, however, presented an obstacle to successful negotiations with other rural water districts, specifically RWD No. 4, and has encouraged them to seek an alternate water supply. The agreement proposed to the City of Wichita by RWD No. 4 was to incorporate service limitations as provided by the Sedgwick County Zoning Resolution. County zoning in the area of primary interest consists of R-1 Suburban Residential (covering an area of 1.5 square miles west of 151st Street north and south of Kellogg) and R Rural Residential for the remaining area. The R-1 district requires a minimum lot area of 20,000 sq. ft. (40,000 with private water) and the R district has a minimum lot area of 2 acres. Development densities permitted in either district (800-2,800 persons/square mile) would be classified as urban/suburban in nature. The premature development of this area in such a fashion would make provision of urban services difficult and inefficient for local government.

Finally, a review of development activity within the jurisdictions of Rural Water Districts No. 1 and 3 since enactment of the contracts indicates mixed results. First, the ten (10) acre rule for newly created lots/tracts has effectively prevented concentrated residential development. That is, only two multi-lot residential plats have been approved, both of which are in RWD No. 3--Fairway Meadows Addition (1977, 153 lots, 1 dwelling completed) and Hillsdale Addition (1979, 14 lots, 1 dwelling completed). Neither addition is located within the Wichita urban growth area.

Secondly, however, a number of single lot plats under five (5) acres in size and separate ownership tracts between five (5) and ten (10) acres have been created along section line roads. Numerous homes have been constructed with a well and individual wastewater treatment (either a septic tank/tile field or non-discharging lagoon). Such development activity has created growing demand for quality water potentially available from RWD No. 3 but denied to such customers because of the ten (10) acre minimum lot size restriction for benefit units created since 1973. The extent of such possible connections is believed to be considerable but the number is not presently known.

Alternatives

Based on the above information and analysis, two alternatives have been identified for consideration:

- 1) Recommend approval of the Special Use Permit with conditions.

Possible conditions would consist of requesting that the State Water Resources Engineer establish a maximum withdrawal capacity on the proposed wells. Withdrawal limits would be set at a level sufficient to protect existing nearby wells yet provide an adequate supply of water to serve a specific number of bonafide rural benefit units. In addition, rural water district service would be prohibited to anyone located east of 151st Street West in order to protect the planned urban growth/municipal water service area of the City of Wichita.

or

- 2) Recommend that the Board of City Commissioners direct appropriate City staff to prepare a modification to the existing rural water district supply policy for consideration.

A modified rural water policy would have to meet the established objectives of: 1) preventing premature development of the planned urban growth area, 2) protecting the economic viability of the Wichita municipal water system, and 3) discouraging suburban sprawl and land speculation within the rural area. Assuming such objectives can be satisfied, it may be appropriate to amend the existing policy in order to assure rural residents a reliable, high quality supply of rural water and in so doing eliminate the installation of additional wells in the aquifer. In addition, through a contractual relationship the City could retain some influence over the location and density of future residential development.

A modified policy would likely reduce the minimum size requirement for existing lots and tracts of record, limit the number of existing and future benefit units, and restrict rural water district service connections to areas outside the planned Wichita urban growth/water service area. While such modifications are immediately directed to RWD No. 4, it also has implications for a renegotiation of existing rural water district contracts, especially RWD No. 3. \*

Staff Recommendation

Adopt a motion in support of Alternative 2. With passage of such a motion, action on the Special Use Permit should be deferred.

\_\_\_\_\_  
Mike Lindebak  
Director of Planning (Interim)

ML:RD:rh  
Attachment

CASE NO. DR 86-5  
Notice of Deferral

35	"Notices to adjoining property owners mailed on 4-18-86 for MAPC meeting on 5-1-86.
3	One each to Applicants and Agent.
3	One each to Ron Worley, David Spears & Karen Crook.
2	One each to Louise and Glen.

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

April 18, 1986

At its regular meeting of April 3, 1986, the Metropolitan Area Planning Commission considered the following special use permit. The action of the Planning Commission was to defer this case for four weeks. Therefore, this case will be back on the MAPC agenda for their meeting of May 1, 1986.

CASE NO. DR 86-5  
Special Use Permit to Establish a Potable Water Extraction  
and Pumping Facility (Water Wells and Pump House)  
on Property Zoned "R-1" Suburban Residential District

From the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49'22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West  $\frac{1}{2}$ -mile south 21st Street North.

THE CITY OF WICHITA  
OFFICE OF WATER DEPARTMENT

DATE : April 16, 1986

TO Michael Lindebak, Director of Planning (Interim)  
FROM John D. Wynkoop, Director of Water and Water Pollution Control  
SUBJECT Rural Water District No. 4

In response to your memo of April 7, 1986 regarding the subject item I present the following information.

1. The Water Department recieved a letter from Thomas Borniger, Attorney for Rural Water District No. 4, on September 27, 1986 requesting that the city consider supplying water to RWD No. 4 under a proposed agreement similar in content to existing contracts between the city and other incorporated cities.(See copy of letter attached.)
2. The department's response to the above letter was to indicate the difference between service to a rural water district and service to an incorporated city. The department further indicated its willingness to enter into negotiations for the supplying of water to RWD No. 4 providing the agreement would meet all the requirements of City Commission Communication No. 730. (See copy of letter attached.)
3. The department's current extension policy for rural water districts is set forth in CCC No. 730. (See copy of policy attached.)



# THE CITY OF WICHITA



DEPARTMENT OF WATER  
AND WATER POLLUTION CONTROL  
OFFICE OF THE DIRECTOR  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

October 1, 1985

Thomas D. Borniger  
Curfman, Harris, Stallings & Snow  
Suite 800  
First National Bank Building  
Wichita, Kansas 67202-3391

Dear Mr. Borniger:

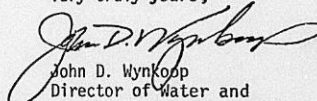
This is in response to your letter of September 27, 1985 regarding a proposal, by your client, Rural Water District No. 4, to enter into a contract with the City of Wichita for a water supply. It was requested that the contract be similar to ones recently executed between the City and the cities of Park City and Kechi.

As you know, the cities of Park City and Kechi are incorporated and provide municipal services to their communities. As such, they are significantly different than rural water districts whose main purpose is to provide water to farm families.

The Wichita City Commission recognizes this distinction and previously approved City Commission Communication 730, which sets forth the conditions of any proposed contract between the City and a rural water district. I've enclosed a copy of CC 730 for your information.

We would be pleased to work with Rural Water District #4 in the development of a water supply agreement, however, it would have to be under the terms stated in CC 730.

Very truly yours,

  
John D. Wynkoop  
Director of Water and  
Water Pollution Control

JDW/b

cc: Bob Finch, w/attach.  
John Dekker, w/attach.  
Mike Lindebak, w/attach.

bcc: Mike Withrow  
Bret Weingart

LAWRENCE E. CURFMAN  
CHARLES W. HARRIS  
JOHN R. STALLINGS  
WINDELL G. SNOW  
THOMAS D. BORNIER  
RONALD B. ROSE  
KENNETH L. WELTZ  
DAVID P. CALVERT  
STEVEN J. RUPP  
CRAIG A. KREISER  
RICKY E. BAILEY

LAW OFFICES OF  
CURFMAN, HARRIS, STALLINGS & SNOW  
SUITE 800 FIRST NATIONAL BANK BUILDING  
WICHITA, KANSAS 67202-3391  
(316) 263-9111

September 27, 1985



Mr. John D. Wynkoop  
Director of Water and Pollution  
City Hall, 8th Floor  
455 North Main Street  
Wichita, Kansas 67202

RE: Rural Water District #4  
Sedgwick County, Kansas

Dear Mr. Wynkoop:

I am writing to you on behalf of and at the direction of the Board of Directors of Rural Water District #4, Sedgwick County, Kansas. This District covers a large portion (approximately 110 square miles) of Western Sedgwick County and is generally located between St. Mark, Kansas on the North and Clearwater on the South and from an area approximately 2 miles West of the existing Wichita City limits on the East to Garden Plain on the West. The water district exists for the purpose of acquiring a supply of potable water and owning, operating and maintaining a system of water mains, storage facilities and distribution lines within its boundaries.

In informal discussions previously had with members of the planning staff and your department during the time when this District was in formation, it was suggested that the District consider using the City of Wichita as its water supply source as an alternative to developing an independent water source for its members. Therefore, the purpose of this letter is to request that the City of Wichita consider entering into an agreement with Rural Water District #4, Sedgwick County, Kansas, to provide the District with a sufficient supply of potable water for all the inhabitants of the District. Essentially the District proposes an agreement similar to that recently entered into by the City of Wichita and the cities of Park City and Kechi with the schedule of projected water use to be negotiated. As Sedgwick County has now adopted County-wide zoning, service limitations will be as provided in such zoning regulations administered by the County.

While the District will in general provide service only within its geographical boundaries, the District does anticipate the possibility of cooperatively providing service to incorporated cities

Mr. John D. Wynkoop  
Page -2-  
September 27, 1985

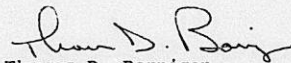
either within its boundaries or adjacent thereto and would expect that provisions for such eventuality would be provided for in the contract.

Since possible funding for the District may be provided by the U.S. Department of Agriculture through its Farmers Home Administration, the contract ultimately would be subject to consent of such agency and would be required to be for a term of forty years.

Your prompt consideration of this proposal would be greatly appreciated. The Board of Directors of the District sincerely hope that an equitable cooperative arrangement can be reached that will be mutually beneficial to the City of Wichita and to the present and future owners and inhabitants of property within the District. If there is additional information which we may provide, please feel free to call upon us or upon the District's Engineer, Jim Jackson, Reiss & Goodness Engineers, 2160 West 21st North, Wichita, Kansas 67203 (316-832-0213). Either or both of us would be happy to meet with you or your staff at any time to discuss this proposal.

Yours truly,

CURFMAN, HARRIS, STALLINGS & SNOW



Thomas D. Borniger  
Attorney for Rural Water District  
#4, Sedgwick County, Kansas

TDB:dfc  
cc: Board of Directors

City Commission Communication

To: The Honorable Board of City Commissioners

Subject: Rural Water Districts

CC 730

May 18, 1978

PROBLEM STATEMENT

Recent organization of new rural water districts which will include some urban development near Wichita indicates that the City should examine the conditions under which it will contract in the future to provide water to such districts.

BACKGROUND INFORMATION

Kansans have formed rural water districts since the 1950's to provide reliable supplies of water to farmers and small towns for domestic use. Wichita currently serves two districts, Sedgwick County Rural Water District #1, extending north and east of the city, and Rural Water District #3, which extends south and east of the city in Sedgwick, Butler, Sumner, and Cowley counties.

The City agreed that all customers requesting service from the districts at the time the contracts were negotiated could receive water; however, the contracts contain several provisions which help insure that new customers of the districts will be truly rural. These provisions include the following:

- (1) Limitations on the total number of benefit units, or customers, the district can serve.
- (2) Restrictions on the number of new units that may be located in certain areas.
- (3) Requirement that new units be located on 10-acre or larger lots.
- (4) Provision that water cannot be sold to new industrial or commercial users without permission from the City of Wichita.

The nature of districts now forming suggests that these conditions may not be adequate for future contracts. These districts have already agreed to serve, as individual benefit units, lots less than one acre in size and lots without existing structures. The districts also include several benefit units located within one-half mile of the existing Wichita municipal system. Supplying rural water to these users may lead developers and urban residents to believe that rural water will be available for any type of use, and thus encourage urban sprawl and land speculations.

The State of Kansas has recognized the potential influence of rural water districts on suburban development. The Governor's Task Force on Water Resources, in its Interim Report, recommended statutory limits on the use of state grants to rural water districts for non-farm users. At the last legislative session, a bill was introduced stipulating that every state grant approved after the effective date of the act would require any new or additional benefit units to be customers engaged in farming and agricultural pursuits on a tract of land of ten or more acres. This bill was later amended to exclude this language.

City of Wichita, Kansas

Subject: Rural Water Districts

CC 730-2  
May 18, 1978

OBJECTIVES

In providing service to rural water districts, the City should strive to accomplish the following:

- (1) Make a reliable water supply available to rural residents for domestic use.
- (2) Insure that customers of the district are actually rural, and discourage districts from becoming vehicles for suburban sprawl or land speculation.
- (3) Exert a beneficial influence on development in areas near the City limits.
- (4) Protect the future development of the municipal water system through efficient utilization of existing distribution lines.

Wichita has contracts to supply municipal water to the cities of Andover and Benton. It is important also to consider the needs of those cities before providing water to areas near them.

ALTERNATIVES

Various provisions in contracts with rural water districts can help the City meet these objectives. The following, either individually or in combination, may be appropriate.

(1) Minimum Lot Size

Contracts currently in force require new customers to be located on at least 10-acre lots. This minimum may no longer be sufficient. Expensive suburban residences frequently are located on 10-acre lots or larger. This requirement can be revised to 20, or even 40, acres. However, if the minimum is increased, some genuinely rural customers may be ineligible for water, necessitating special exceptions. In lieu of a lot size minimum, the City can require that the land be used for agricultural purposes.

(2) Location of Benefit Units

Rural water service to areas adjacent to the municipal water system may tend to restrict future extensions, and may encourage disorderly development in the area. Contracts can exclude any provisions for reimbursement to a district for loss of customers if the City extends municipal lines into the district. This requirement may increase the cost of developing these areas, but will not actually deter future urban development.

(3) Total Number of Units To Be Served

The City can limit the total number of units served, as in past contracts. Even restrictions on location, such as have been negotiated in the past, probably will not prevent districts from serving non-rural areas near the city limits.

Subject: Rural Water Districts

CC 730-3  
May 18, 1978

(4) Customers Existing at the Time Contract is Negotiated

The previous practice of allowing rural water districts to serve any benefit unit signed up at the time the district is formed may no longer be acceptable. These customers may be required to meet minimum lot size limitations and restrictions regarding location of benefit units, or be an existing rural structure. Rural water districts inevitably need to sign up customers before contacting potential water suppliers. It is expected that these restrictions will cause significant problems for the districts now being formed.

In order to deter purchases of rural land for speculative purposes, the City can stipulate that service connections will not be allowed to lots without an existing structure intended for human occupancy.

POLICY IMPLICATIONS

The recommendations set out below are expected to exert a beneficial influence on land use in rural areas and protect the future viability of Wichita's municipal water system, at the same time allowing rural water service to rural users in need of it.

If implemented, the recommendations will likely encourage future rural water districts to seek alternate suppliers. If the recommendations become adopted by other suppliers as part of a joint rural water district policy, they may inhibit future formation of these districts. It is believed, however, that they will be necessary in order for the City to meet its objectives in providing service to rural water districts.

RECOMMENDATIONS

It is recommended that the City Commission adopt a policy through which water supplied to rural water districts will serve only rural customers with the following conditions forming the basis of future contracts with rural water districts.

- (1) Service connections will be allowed only to lots with existing structures intended for human occupancy.
- (2) Each benefit unit, whether existing at the time of the contract or created later, will be located on a lot large enough to insure that it is used for agricultural purposes. A 20-acre minimum is recommended, unless the owner or occupant demonstrates that income is derived from use of the land for production of crops or livestock.
- (3) Rural water districts with benefit units located inside the projected development area of the Wichita municipal water system, as defined by the most recent consulting engineer's inspection of the utility, will not be reimbursed for loss of customers caused by the extension of any city mains into the district.
- (4) Each contract will specify the exact number of existing and future benefit units to be served by the district and this figure cannot be altered without prior approval by the City Commission.

Subject: Rural Water Districts

CC 730-4  
May 18, 1978

- (5) Restrictions on service to commercial and industrial units, such as have been used in past contracts, will be included in future contracts.
- (6) Districts will be required to submit an ownership map describing and locating each benefit unit, so that use of the land can be determined.

It is further recommended that Wichita join other potential water suppliers in Sedgwick, Butler, and Harvey counties to formulate a uniform policy on providing water to rural water districts.

  
E. H. Denton  
City Manager

EHD/pd

April 4, 1986

Tom D. Borniger, Attorney  
830 First National Bank Building  
Wichita, Kansas 67202

Re: DR 86-5 Special Use Permit. West of 119th Street West, approximately one-half mile south of 21st Street North.

Dear Mr. Borniger:

At its regular meeting of April 3, 1986, the Metropolitan Area Planning Commission considered the above-captioned special use permit. The action of the Planning Commission was to defer this case for four weeks. The reasons given for deferral were:

1. There had been no environmental impact study and the Commission wanted your hydrologist to specifically address the questions of possible chloride intrusion into the water table.
2. The Commission wanted a report from the Water Department regarding the extent of this rural water district's request for Wichita water and what the Department's response was.
3. The Commission wanted a review of the current policy regarding extension of city water to rural water districts, with special emphasis on the minimum acreage requirements.
4. The Commission wanted a review of and a report on the Wichita-Sedgwick County general growth and development plan relative to creation of rural water districts on the periphery of metropolitan areas.

Would you please have your hydrologist prepare a report on the environmental effects of these proposed water wells, specifically addressing the issue of possible chloride intrusion and also the effect on water table levels. City staff will provide the information requested in items 2, 3 and 4 above.

This matter will be back on the MAPC agenda for their meeting of May 1, 1986. Please have your report in to use by April 21, if possible, so that

Tom Borniger  
DR 86-5  
Page 2

we can provide copies to the Planning Commission for their review prior to the meeting.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG/lw

cc: -Sedgwick County Rural Water District #4, P. O. Box 555, Goddard, KS  
67052  
- Sam G. and Judy A. Eberly, 12807 W. 21st Street N., Wichita, KS  
67235  
- Ann Oxler, 1628 Old Wick Rd., Wichita, KS 67235  
- Dave McCall, 1629 Old Wick Rd., Wichita, KS 67235  
- Patricia Cary, 1752 N. Richmond, Wichita, KS 67203  
- Mark Schrock, 1240 Eberly Ct., Wichita, KS 67235  
- Ron Worley, County Zoning Administrator

WICHITA-SEDCWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 7, 1986

TO: John Wynkoop, Director of Water

FROM: Michael E. Lindebak, Director of Planning (Interim)

SUBJECT: Rural Water District No. 4

The Planning Commission at last Thursday's meeting considered Tom Borniger's request on behalf of Rural Water District No. 4 for a special permit for the location of wells as outlined on the attached map. After much discussion as to the appropriateness of this district being formed and whether or not the location of such wells would have an impact on existing wells, the Planning Commission deferred this request for four weeks requesting information on the following:

1. There had been no environmental impact study and the Commission wanted the hydrologist for the district to specifically address the questions of possible chloride intrusion into the water table.
2. The Commission wanted a report from the Water Department regarding the extent of this rural water district's request for Wichita water and what the Department's response was.
3. The Commission wanted a review of the current policy regarding extension of city water to rural water districts, with special emphasis on the minimum acreage requirements.
4. The Commission wanted a review of and a report on the Wichita-Sedgwick County general growth and development plan relative to creation of rural water districts on the periphery of metropolitan areas.

We have requested that they provide a report that addresses the questions in number 1. We would appreciate your responding to their inquiry on number 2 and 3. Our staff will answer number 4. Specifically, the Planning Commission wanted the Water Department position on the formation of a rural water district in such close proximity to the west side of Wichita.

Your assistance in responding to these questions is appreciated. As this case is scheduled for reconsideration on May 1, we would like to receive your comments by April 21.

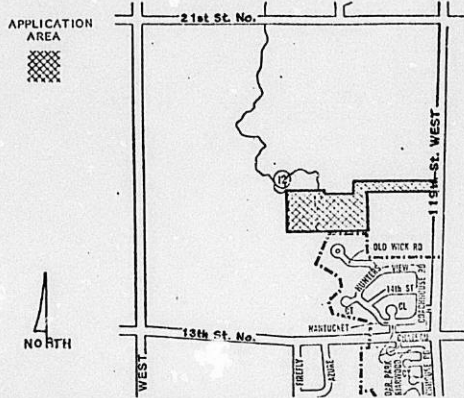
Please call if you have any questions.

  
Michael E. Lindebak  
Director of Planning (Interim)

MEL:JHG:lw  
Attachment  
cc: Willard L. Stockwell, Chief Planner, Advance Plans Division

APRIL 3, 1986

STAFF REPORT



DR 86-5 - REQUEST FOR SPECIAL USE PERMIT TO ESTABLISH A POTABLE WATER EXTRACTION AND PUMPING FACILITY ON PROPERTY ZONED "R-1" SUBURBAN RESIDENTIAL, LOCATED WEST OF 119TH STREET WEST, APPROXIMATELY ONE-HALF MILE SOUTH OF 21ST STREET NORTH.

Applicant: Sedgwick County Rural Water District #4, P. O. Box 555, Goddard, KS 67052 AND Sam C. and Judy A. Eberly, 12807 W. 21st Street North, Wichita, KS 67235.

Size: 22.8 acres

	<u>Land Use</u>	<u>Zoning</u>
Application Area	Agricultural & undeveloped	"R-1"
North	Farmhouse & Agricultural	"R-1"
South	Single-family & Agricultural	"R-1" & "AA"
East	Agricultural & undeveloped	"R-1" & "A"
West	Agricultural & undeveloped	"R-1"

History: None.

-----  
Background: Subject property is a 22.8-acre unplatted tract of ground zoned "R-1" and located west of 119th Street West, approximately one-half mile south of 21st Street North. The east half is in agricultural use with the west half being largely undeveloped, much of it located in a floodway.

Analysis: Sedgwick County Rural Water District #4 is a quasi-municipal entity which was formed pursuant to K.S.A. 82a-612 et. seq. by the Sedgwick County Commission after receipt of a petition from more than 50 percent of the landowners within the 110 square mile area which constitutes the district. The district proposes to use subject property for two or more wells producing potable water. The only above-ground structure which is anticipated is a small single-story pump house approximately 20' x 20' in size. The elevated storage tank will be located at some other, higher site in the district. Application has been made to the Division of Water Resources for appropriation of water rights. If water rights are obtained and this special use permit is granted, subject property will be purchased by the rural water district.

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

1. The property owner shall dedicate 50 feet of half-street right-of-way for 119th Street West prior to County Commission review of this special use request;
2. This special use permit for a potable water extraction and pumping facility shall be valid only for Sedgwick County Rural Water District #4.
3. The location of the pump house and wells shall observe all setbacks required in the County Zoning Regulations.

CASE NO. DR 86-5

35	"Notices to Adjoining Property Owners" mailed on 3-20-86 for MAPC meeting on 4-3-86.
3	One each to Applicants and Agent.
3	One each to Karen Crook, Ron Worley and David Spears.
2	One each to Louise and Glen.

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43	TOTAL
----	-------

March 20, 1986

NOTICE OF PUBLIC HEARING

Case No.: DR 86-5.

Location: On the west side of 119th Street West,  $\frac{1}{2}$ -mile south of 21st Street North.

Address: N/A.

Request: Special Permit to Establish a Potable Water Extraction and Pumping Facility (Water Wells and Pump House) on Property Zoned "R-1" Suburban Residential District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

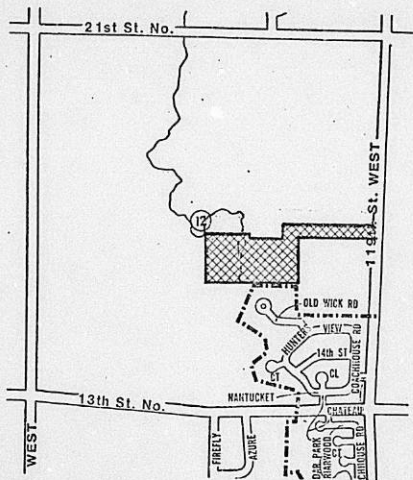
April 3, 1986

The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, 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 hearing.

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

APPLICATION  
AREA



SEE REVERSE SIDE

*Corrected  
picture  
(cite abuts  
north line  
of Cedar Park  
Chelton)*

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

March 20, 1986

NOTICE OF PUBLIC HEARING

Case No.: DR 86-5.

Location: On the west side of 119th Street West,  $\frac{1}{2}$ -mile south of 21st Street North.

Address: N/A.

Request: Special Permit to Establish a Potable Water Extraction and Pumping Facility (Water Wells and Pump House) on Property Zoned "R-1" Suburban Residential District.

A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

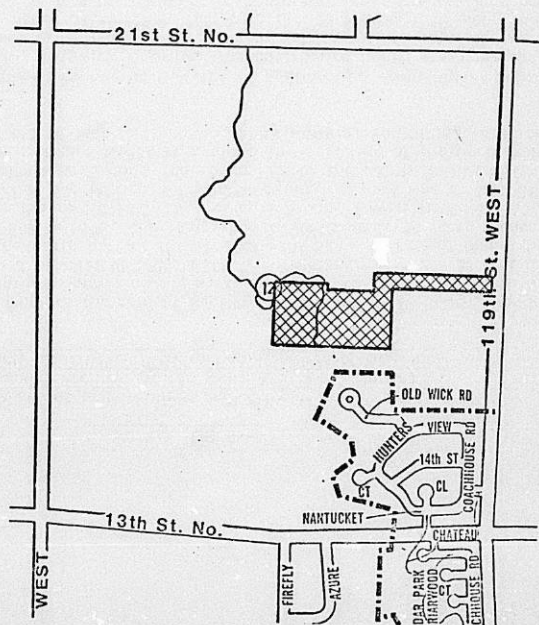
April 3, 1986

The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, 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 hearing.

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

APPLICATION  
AREA



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. DR 86-5

Special Use Permit to Establish a Potable Water Extraction  
and Pumping Facility (Water Wells and Pump House)  
on Property Zoned "R-1" Suburban Residential District

From the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49'22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West  $\frac{1}{2}$ -mile south 21st Street North.

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 as Conditional Uses***

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

CASE NO. DR 86-5

Special Use Permit to Establish a Potable Water Extraction  
and Pumping Facility (Water Wells and Pump House)  
on Property Zoned "R-1" Suburban Residential District

From the northeast corner of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said SE $\frac{1}{4}$  on an assumed bearing of S89°46'10" W, a distance of 1,255.98 feet to the northeast corner of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , said point being the point of beginning; thence S89°46'10"W, 200 feet; thence S0°13'50"E, 30 feet; thence S89°46'10"W, 450 feet; thence N0°13'50"W, 30 feet; thence S89°46'10"W, 606.59 feet to the center of said Section 12; thence S0°00'00"W along the west line of said SE $\frac{1}{4}$ , 655.62 feet; thence N88°16'42"E along the south line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 1,239.98 feet; thence N1°34'34"E along the east line of the north half of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ , 623.66 feet to the point of beginning, containing 18.01 acres, more or less; AND

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said NE $\frac{1}{4}$  on an assumed bearing of N1°49'22"E, a distance of 165 feet; thence S89°46'10"W, 1,455.98 feet; thence S1°49'22"W, 165 feet; thence N89°46'10"E along the south line of said NE $\frac{1}{4}$ , 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less. Generally located on the west side of 119th Street West  $\frac{1}{2}$ -mile south 21st Street North.

35 + 3 = 38  
APPS  
26  
3 ACC  
CGG  
CPO +2  
LO  
GL +1  
F-L-E-S = 44  
T-T-L

DR 86-5

APPLICATION FOR SPECIAL PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

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

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

A. APPLICANT Rural Water District #4, Sedgwick County, Kansas ✓  
 ADDRESS P.O. Box 555, Goddard, KS Zip Code 67052 PHONE N/A  
 AGENT Thomas D. Borniger, Attorney at Law ✓  
 ADDRESS 830 1st National Bank Bldg. Zip Code 67202 PHONE 263-9111

B. APPLICANT Sam G. and Judy A. Eberly (legal title owner) ✓  
 ADDRESS 12807 West 21st Zip Code 67235 PHONE 722-3160  
 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 potable water extraction and pumping facility (water wells and pump house) (use) on property legally described as Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ of the \_\_\_\_\_ Addition. (If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

See attached sheet

B. There are 22.8 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 4649 Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 4-3-86  
A: B

T9-212-2

NO ADVERTISEMENT

Revised 1/85

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

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the \_\_\_\_\_ corner of \_\_\_\_\_ and \_\_\_\_\_, OR

B. On the West side of 119th Street West (Ave.) Street between 21st Street North (Ave.) Street and 13th Street North (Ave.) Street.

4. The property included in this application is zoned R-1 R-Rural Residential (ZONING DISTRICT CLASSIFICATION).

5. We request this special permit for the following reasons:

For explanation of request see Exhibit "B" attached hereto and incorporated herein by reference as if fully set forth.

6. 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 ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF CITY OR COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

RURAL WATER DISTRICT NO. 4  
Sedgwick County, Kansas

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

BY [Signature]  
AUTHORIZED AGENT (IF ANY)

[Signature]  
APPLICANT'S SIGNATURE Sam G. Eberly

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

[Signature]  
APPLICANT'S SIGNATURE Judy A. Eberly

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

OFFICE USE ONLY

This application was received at the Planning Department at \_\_\_\_\_  
(AM, PM) on 2-28-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 150<sup>00</sup>.

[Signature] Name  
Senior Planner Title

EXHIBIT "A"

TRACT #1:

From the Northeast corner of the Southeast Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence Westerly along the North line of said Southeast Quarter on an assumed bearing of S 89°46'10" West, a distance of 1,255.98 feet to the Northeast corner of the North half of the Northwest Quarter of said Southeast Quarter, said point being the point of beginning; thence S 89°46'10" West, 200 feet; thence S 0°13'50" East, 30 feet; thence S 89°46'10" West, 450 feet; thence N 0°13'50" West, 30 feet; thence S 89°46'10" West, 606.59 feet to the center of said Section 12; thence S 0°00'00" West along the West line of said Southeast Quarter, 655.62 feet; thence N 88°16'42" East along the South line of the North half of the Northwest Quarter of said Southeast Quarter, 1,239.98 feet; thence N 1°34'34" East along the East line of the North half of the Northwest Quarter of said Southeast Quarter, 623.66 feet to the point of beginning, containing 18.01 acres, more or less.

TRACT #2:

Beginning at the Southeast corner of the Northeast Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence North along the East line of said Northeast Quarter on an assumed bearing of N 1°49'22" East, a distance of 165 feet; thence S 89°46'10" West, 1,455.98 feet; thence S 1°49'22" West, 165 feet; thence N 89°46'10" East along the South line of said Northeast Quarter, 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less.

EXHIBIT "B"

Basis for application for special permit:

Applicant, Rural Water District #4, Sedgwick County, Kansas is a quasi-municipal entity formed pursuant to Kansas Statutes Annotated 82a-612 et seq. by the Sedgwick County Commission after receipt of a petition from 50%+ of the landowners within a given geographical area requesting the formation of a Rural Water District in such area. The District exists for the purpose of constructing, installing, maintaining and operating ponds, reservoirs, pipelines, wells, check dams, pumping installations or other facilities for the storage, transportation or utilization of water and such appurtenant structures and equipment necessary to carry out the purposes of its organization.

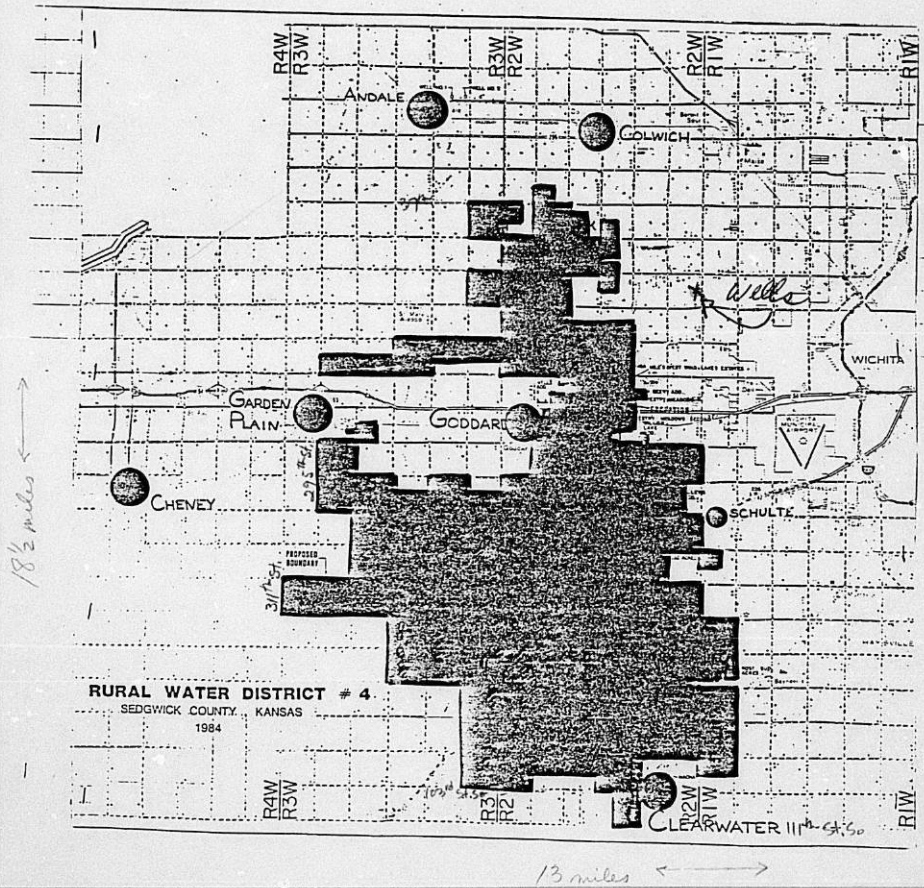
With regard to the subject property, the Rural Water District proposes to use such property as a site for two or more wells for the production of potable water. It is anticipated that the wells shall be sealed and shall have no above surface structures. It is anticipated that a small (20' x 20' or less) single story structure will be constructed to house pumps and other telemetry and instruments to produce the water from the wells and to transmit it to an elevated tank to be located at a site not yet determined. The exact location of the wells and the pump station on the land has not yet been specifically determined. However, four test holes have been drilled upon the subject property to confirm that there is a sufficient quantity of good potable water available on the site and it is anticipated that the initial wells will be located in the immediate vicinity of several of these test holes. The pump station will be constructed upon a portion of the property which is above the existing flood plain. With the exception of the above ground pump station, all other installations (wells and pipelines) will be beneath ground level. Water produced from the site will be pumped through buried pipelines to an elevated storage tank to be located at an as yet undetermined higher site in the District and thereafter distributed through the 110 square mile area of the District. A copy of the existing boundaries of the District is attached to evidence the area where service will be provided.

Applicant, Rural Water District #4, has obtained an option on the subject property and has applied for an appropriation of water rights from the State of Kansas. A special permit is being sought to confirm the District's ability to install its wells and pump station on this site in the event such appropriation is approved and the property purchased by the District. As a result, such special permit should be applicable only to the Rural Water District.

Applicant, Sam G. Eberly and Judy A. Eberly, have executed this application as the legal title owners of the real property for the purpose of subjecting such property to the terms and conditions of such special permit in the event such property is acquired by Rural Water District #4, Sedgwick County, Kansas.

M.A.P.D.

# - PROPOSED BOUNDARIES -



RURAL WATER DISTRICT # 4  
SEDGWICK COUNTY, KANSAS  
1984

13 miles

Jack -

RE: RWD #4

- ① Wyakong has not been contacted by RWD #4 within the last few months, but they did contact him back in October 1915 asking for City water. They were told that Wichita could supply only under existing policies ~~and~~ which limit supply to rural residents on 70 acres or more. RWD #4 decided to put down their own wells.
- ② The proposed wells are not under the jurisdiction of the Ogawa Beds Groundwater Management District.
- ③ I see no reason to deny this application.

W.S.

P.S. When finished we'd like the attached information for our file.  
(Copy furnished to Stockwell 3-10-86<sup>+</sup>)

OWNERSHIP LIST

<u>Tract Description</u>	<u>Property Owner</u>
<p>Beginning at a point in the East line and 565.0 feet North of the SE/c of the NE<math>\frac{1}{4}</math> of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; th. North 89°31'30" West parallel with the South line of said NE<math>\frac{1}{4}</math>, a distance of 542.00 feet; th. North 00°28'30" East, a distance of 400.22 feet; th. South 89°29'12" East parallel with the North line of the S<math>\frac{1}{2}</math> of said NE<math>\frac{1}{4}</math>, a distance of 556.18 feet to a point in the East line of said NE<math>\frac{1}{4}</math>; th. South 02°30'30" West, a distance of 400.10 feet to the point of beginning. The South 35.0 feet and the East 50.0 feet of the above described tract being reserved for road purposes.</p>	<p>Countryside Pentecostal Holiness Church ✓ c/o Rodney H. Busey 814 Centruy Plaza Bldg. Wichita, KS 67202</p>
<p>From the SE/c of the NE<math>\frac{1}{4}</math> of Section 12, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, N02°30'20" East along the East line of said NE<math>\frac{1}{4}</math>, a distance of 565.00 feet; th. N89°31'30" West, parallel with the South line of said NE<math>\frac{1}{4}</math>, a distance of 742.00 feet to the point of beginning; th. North 89°31'30" West, a distance of 290.00 feet; th. North 00°28'30" East, a distance of 757.83 feet to a point in the North line of the S<math>\frac{1}{2}</math> of said NE<math>\frac{1}{4}</math>; th. South 89°29'12" East along the North line of the S<math>\frac{1}{2}</math> of said NE<math>\frac{1}{4}</math>, a distance of 290.00 feet; th. South 00°28'30" West, a distance of 757.64 feet to the point of beginning. The South 35.0 feet of the above described tract being reserved for road purposes.</p>	<p>✓ Danny C. Ward Janet A. Ward 1230 N. Mt Carmel Cr. Wichita, KS 67203</p>
<p>From the SE/c of the NE<math>\frac{1}{4}</math> of Section 12, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, N02°30'20" East, along the East line of said NE<math>\frac{1}{4}</math>, a distance of 165.00 feet; th. North 89°31'30" West, parallel with the South line of said NE<math>\frac{1}{4}</math> a distance of 1087.83 feet to the point of beginning; th. North 89°31'30" West a distance of 818.67 feet; th. North 02°30'20" East, parallel with the East line of said NE<math>\frac{1}{4}</math>, a distance of 50.0 feet; th. North 60°42'58" East, a distance of 536.48 feet; th. North 08°35'18" East, a distance of 35.00 feet to a point on a curve to the left having a radius of 65.00 feet; th. SE'ly along said curve to the left and through a central angle of 08°06'48", a distance of 9.20 feet to the P.T. of said curve; th. South 89°31'30" East, a distance of 330.00 feet; th. South 00°28'30" West, a distance of 399.75 feet to the point of beginning.</p>	<p>✓ John B. Didier Betty R. Didier 6729 Loconia Cr. Wichita, KS 67209</p>

Tract DescriptionProperty Owner

From the SE/c of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; th. North 02°30'20" East, along the East line of said NE $\frac{1}{4}$ , a distance of 1322.60 feet to the NE/c of the S $\frac{1}{2}$  of said NE $\frac{1}{4}$ ; th. North 89°29'12" West along the North line of the S $\frac{1}{2}$  of said NE $\frac{1}{4}$ , a distance of 1058.84 feet to the point of beginning; th. North 89°29'12" West along the North line of the S $\frac{1}{2}$  of said NE $\frac{1}{4}$  a distance of 913.00 feet to a point 580.61 feet East of the NW/c of the S $\frac{1}{2}$  of said NE $\frac{1}{4}$ ; th. South 47°31'15" East, a distance of 602.88 feet; th. North 61°56'28" East, a distance of 529.29 feet; th. North 00°28'30" East, a distance of 150.00 feet to the point of beginning. That part within a 75.0 foot radius of the Southern most corner of said tract, being reserved for Cul-de-Sac r/o/w.

Mark Schrock  
 ✓ Jonell Schrock  
 2023 Woodland Ave.  
 Wichita, KS 67203

From the SE/c of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; th. North 02°30'20" East along the East line of said NE $\frac{1}{4}$ , a distance of 165.00 feet; th. North 89°31'30" West, parallel with the South line of said NE $\frac{1}{4}$ , a distance of 539.83 feet to the point of beginning; th. North 89°31'30" West, a distance of 548.00 feet; th. North 00°28'30" East, a distance of 399.75 feet; th. South 89°31'30" East a distance of 548.00 feet; th. South 00°28'30" West, a distance of 399.75 feet to the point of beginning. The North 35.00 feet of the above described tract being reserved for road purposes.

✓ Harold R. Cary  
 Patricia W. Cary  
 1752 N. Richmond  
 Wichita, KS 67203

From the SE/c of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, th. North 02°30'20" East along the East line of said NE $\frac{1}{4}$ , a distance of 565.00 feet; th. North 89°31'30" West, parallel with the South line of said NE $\frac{1}{4}$ , a distance of 1032.00 feet to the point of beginning; th. North 89°31'30" West, a distance of 400.00 feet to the P.C. of a curve to the right having a radius of 65.00 feet; th. NW'ly along said curve to the right and through a central angle of 90°00'00", a distance of 102.10 feet to the P.T. of said curve; th. North 00°28'30" East, a distance of 290.00 feet; th. North 61°56'28" East, a distance of 529.29 feet; th. South 00°28'30" West, a distance of 607.83 feet to the point of beginning, except the South 35.0 feet, and the West 35.0 feet, and also that part within a 75.0 foot radius of the NW/c of said tract being reserved for road and Cul-de-Sac r/o/w.

✓ Robert L. Overman  
 Linda J. Overman  
 11505 W. Texas  
 Wichita, KS 67209

Tract DescriptionProperty Owner

From the NW/c of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; th. South 89°29'12" East, a distance of 580.61 feet to the point of beginning; th. South 47°31'15" East, a distance of 602.88 feet; th. South 00°28'30" West, a distance of 110.00 feet; th. North 83°52'15" West, a distance of 844.97 feet; th. North 00°46'31" East, a distance of 430.46 feet to a point in the North line of the S $\frac{1}{2}$  of said NE $\frac{1}{4}$ ; th. South 89°29'12" East, a distance of 390.61 feet to the point of beginning. The East 35.0 feet and also that part within a 75.0 foot radius of the North end of the East line of said tract, being reserved for road and Cul-de-Sac r/o/w.

M. D. Engelbrecht  
Mary M. Engelbrecht  
✓ 4117 N. Farmstead  
Wichita, KS 67220

The West 167.5 feet of: Beginning 130 feet South of the NE/c of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 East; th. West 335 feet; th. South 130 feet; th. East 335 feet; th. North 130 feet to point of beginning.

Roland R. Leap  
✓ Kay M. Leap  
1943 N. 119th St. West  
Wichita, KS 67212

AND

Beginning at a point 260 feet South of the NE/c of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West; th. West 335 feet; th. South 97.5 feet; th. East 335 feet; th. North 97.5 feet to point of beginning, except the East 30 feet.

The South 165 feet of the East 1906.25 feet of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West.

*dup* Sam G. Eberly  
Judy A. Eberly  
12807 W. 21st St. North  
Wichita, KS 67235

Tract beginning 130 feet South of the NE/c of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West; th. West 167.5 feet; th. South 130 feet; th. East 167.5 feet; th. North along section line 130 feet to beginning.

*dup* Roland R. Leap  
✓ Kay M. Leap  
1943 N. 119th St. West  
Wichita, KS 67212

The S $\frac{1}{2}$  or the NE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West EXCEPT the foregoing 11 tract descriptions.

✓ Merle Melvin Eberly  
Dixie Jane Eberly  
13111 W. 21st North  
Wichita, KS 67235

Tract DescriptionProperty Owner

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West lying generally between the centerline of Cowskin Creek and Lot 11, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of said Lot 11, Block A, th. NW'ly on a projection of the lot line common to Lots 11 and 12, Block A, bearing N67°59'28.3"W a distance of 31.43 feet to point of intersection on a curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve N43°55'39.9"E; th. on said curve to the left having a delta angle of 08°35'51.5" and a radius of 238.96 feet a distance of 35.86 feet to point of compound curve; th. along said curve to the left having a delta angle of 44°41'08.6" and a radius of 104.21 feet a distance of 81.25 feet to a point of intersection on said curve and the projection of the lot line common to Lots 10 and 11, said point being the approximate centerline of Cowskin Creek, said last two courses being the approximate centerline of Cowskin Creek; th. E'ly bearing S89°51'14.9"E a distance of 32.80 feet to the NW/c of said Lot 11; th. SW'ly along a curve to the right having a delta angle of 49°07'19.3" and a radius of 149.82 feet a distance of 128.44 feet; chord bearing of said curve S24°42'25.5"W, to the point of beginning, said last course being the W'ly line of said Lot 11.

Earl G. Powell  
 Evelyn E. Powell  
 2001 Wassall  
 Wichita, KS 67216

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, lying generally between the centerline of Cowskin Creek and Lot 13, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of said Lot 13; th. NW'ly on a projection of the lot line common to Lots 13 and 14, Block A, bearing N81°30'17.3"W a distance of 83.27 feet to point of intersection on curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve N07°49'31.1"E; th. on said curve to the left having a delta angle of 19°14'25.3" and a radius of 101.77 feet a distance of 34.18 feet to point of tangency; th. on said line of tangency bearing N01°47'41.6"W a distance of 24.25 feet to point of curve; th. on said curve to the right having a delta angle of 55°07'08.8" and a radius of 51.33 feet a distance of 49.38 feet to point of compound curve; th. on said curve to the right having a delta angle of 23°56'21.4" and a radius of 166.13 feet a distance of 69.41 feet to point of tangency; th. on said line of tangency bearing N77°15'48.7"E a distance of 63.56 feet to point of curve; th. on said curve to the left

Jack W. Snyder  
 Deborah K. Snyder  
 6934 El Robelais Cir.  
 Wichita, KS 67209

(Cont'd on Pg. 5)

Tract DescriptionProperty Owner

(Cont'd from Pg. 4)

having a delta angle of  $15^{\circ}38'21.1''$  and a radius of 238.96 feet a distance of 65.23 feet to point of intersection on said curve and the projection of lot line common to Lots 12 and 13, said point being at the approximate centerline of Cowskin Creek, the last six courses being the approximate centerline of Cowskin Creek; th. SE'ly bearing  $S33^{\circ}45'30''E$  a distance of 33.68 feet to the NW/c of said Lot 13; th. SW'ly bearing  $S49^{\circ}16'04.4''W$  a distance of 123.91 feet to point of curve; th. SW'ly on a curve to the left having a delta angle of  $24^{\circ}40'44.7''$  and a radius of 204.30 feet a distance of 88 feet to point of beginning, said last two courses being the W'ly line of said Lot 13.

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, lying generally between the centerline of Cowskin Creek and Lot 3, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the W'ly corner of said Lot 3, Block A; th. NW'ly on a projection of the lot line common to Lots 3 and 4, Block A, bearing  $N24^{\circ}57'37.1''W$  a distance of 26.51 feet to point of intersection on a curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve  $N46^{\circ}41'42.7''E$ ; th. along said curve to the left having a delta angle of  $66^{\circ}07'42.2''$  and a radius of 36.12 feet a distance of 41.69 feet to point of tangency; th. on said line of tangency bearing  $N13^{\circ}38'51.6''E$  a distance of 36.01 feet to point of curve; th. on said curve to the left having a delta angle of  $05^{\circ}53'42.5''$  and a radius of 195.80 feet a distance of 20.15 feet to point of tangency; th. on said line of tangency bearing  $N07^{\circ}45'09.1''E$  a distance of 38.89 feet to point of curve; th. on said curve to the left having a delta angle of  $02^{\circ}33'19.4''$  and a radius of 157.62 feet a distance of 7.03 feet to point of intersection on said curve and the projection of the north line of said Lot 3, said point being the approximate centerline of Cowskin Creek, said last five courses being the approximate centerline of Cowskin Creek; th. on tangent bearing  $N88^{\circ}26'37''E$  a distance of 42.17 feet to the NW/c of said Lot 3; th. South bearing  $S02^{\circ}46'12.8''W$  a distance of 59.83 feet to point of curve; th. along said curve to the right having a delta angle of  $72^{\circ}24'44.6''$  and a radius of 100.98 feet a distance of 127.63 feet to the point of beginning, said last two courses being the W'ly lot line of said Lot 3.

✓ John E. Lanning  
 Carol A. Lanning  
 1636 OldWick Rd.  
 Wichita, KS 67235

Tract DescriptionProperty Owner

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West, lying generally between the centerline of Cowskin Creek and Lot 4, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of said Lot 4, Block A; th. NW'ly on a projection of the lot line common to Lots 4 and 5, Block A, bearing N71°30'47.3"W a distance of 71.62 feet to point of intersection on the approximate centerline of Cowskin Creek; th. on a tangent NW'ly bearing N02°17'17.5"W a distance of 88.52 feet to a point of curve; th. on said curve to the right having a delta angle of 59°55'50.3" and a radius of 77.54 feet a distance of 81.11 feet to the point of compound curve; th. on said curve to the right having a delta angle of 31°47'13.9" and a radius of 64.40 feet a distance of 35.73 feet to point of tangency; th. on said line of tangency bearing N89°25'45.6"E a distance of 31.90 feet to point of curve; th. on said curve to the right having a delta angle of 34°15'01.7" and a radius of 86.29 feet a distance of 51.58 feet to point of tangency; th. on said line of tangency bearing S56°19'12.6"E a distance of 43.98 feet to point of curve; th. along said curve to the left having a delta angle of 23°35'32.5" and a radius of 140.94 feet a distance of 58.03 feet to point of reverse curve; th. along said curve to the right having a delta angle of 13°16'47.8" and a radius of 170.86 feet a distance of 39.60 feet to point of reverse curve; th. along said curve to the left having a delta angle of 26°59'49.5" and a radius of 124.02 feet a distance of 58.44 feet to point of compound curve; th. along said curve to the left having a delta angle of 06°35'39.3" and a radius of 36.12 feet a distance of 4.16 feet to point of intersection of said curve and the projected lot line common to Lots 3 and 4, chord bearing N83°04'42.2"E, said point being at the approximate centerline of Cowskin Creek, said last ten courses being the approximate centerline of Cowskin Creek; th. SE'ly bearing S24°57'37.1"E a distance of 26.51 feet to the NW/c of said Lot 4; th. W'ly on a curve to the right having a delta angle of 15°52'13.8" and a radius of 100.98 feet a distance of 27.97 feet, chord bearing S83°07'05.2"W to point of tangency; th. on said line of tangency bearing N88°56'48.8"W a distance of 80.05 feet to a point of curve; th. on said curve to the left having a delta angle of 48°36'16.9" and a radius of 208.16 feet a distance of 176.59 feet to point of tangency; th. on said line of tangency bearing S42°26'54.3"W a distance of 20.86 feet to point of beginning; said last four courses being the W'ly lot line of said Lot 4.

✓ James L. McMillan  
1646 Old Wick Road  
Wichita, KS 67235

Tract DescriptionProperty Owner

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West, lying generally between the centerline of Cowskin Creek and Lot 5, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of Lot 5, Block A; th. SW'ly on a projection of lot line common to Lots 5 and 6, Block A, bearing S61°56'02.6"W a distance of 37.80 feet to point of intersection of approximate centerline of Cowskin Creek; th. on tangent bearing N49°41'36.4"W a distance of 96.66 feet to point of curve; th. on said curve to the right having a delta angle of 48°52'36.3" and a radius of 152.83 feet a distance of 130.37 feet to point of compound curve; th. on said curve to the right having a delta angle of 32°39'46.9" and a radius of 90.09 feet a distance of 51.36 feet to point of compound curve; th. along said curve to the right having a delta angle of 27°24'11.9" and a radius of 271.40 feet a distance of 129.91 feet to point of reverse curve; th. on said curve to the left having a delta angle of 19°59'41.6" and a radius of 78.24 feet a distance of 27.30 feet to point of tangency; th. on said line of tangency bearing N39°15'17"E a distance of 20.10 feet to point of curve; th. on said curve to the left having a delta angle of 41°32'34.5" and a radius of 45 feet a distance of 32.63 feet to point of tangency; th. on said line of tangency bearing N02°17'17.6"W a distance of 17.95 feet to point of intersection of the approximate centerline of Cowskin Creek and the projected lot line common to Lots 4 and 5, said last eight courses being the approximate centerline of Cowskin Creek; th. SE'ly bearing S71°30'47.3"E a distance of 71.62 feet to the NW/c of said Lot 5; th. SW'ly bearing S42°26'54.2"W a distance of 199.22 feet to point of curve; th. on said curve to the left having a delta angle of 84°50'09.4" and a radius of 90.84 feet a distance of 134.50 feet to point of tangency; th. on said line of tangency bearing S42°23'15.2"E a distance of 118.07 feet to point of beginning, said last three courses being the W'ly lot line of said Lot 5.

✓ John B. Dopps  
Mary Beth Dopps  
1635 Old Wick Road  
Wichita, KS 67235

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, lying generally between the centerline of Cowskin Creek and Lot 7, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of Lot 7, Block A; th. SW'ly on a projection of the lot line common to Lots 7 and 10, Block A, bearing S53°55'41.3"W a distance of 35.76 feet to point of intersection of said lot line and the approximate centerline of Cowskin Creek; th. NW'ly bearing N13°32'30.7"W a distance of 23.72 feet to point of curve; th. on said curve to the left having a delta angle of 59°54'37" and a radius of 116.64 feet a distance of 121.97 feet to point

✓ Dwight Tjaden  
Carolyn Tjaden  
1617 Old Wick Road  
Wichita, KS 67235

(Cont'd on Pg. 8)

Tract DescriptionProperty Owner

(Cont'd from Pg. 7)

of intersection on said curve and the projected lot line common to Lots 6 and 7, said point being the approximate centerline of Cowskin Creek, chord bearing of said curve N43°29'49.2"W, said last two courses being the approximate centerline of Cowskin Creek; th. NE'ly bearing N20°13'32.3"E a distance of 53.62 feet to the NW/c of said Lot 7; th. SE'ly along a curve to the right, chord bearing S46°03'25.2"E, having a delta angle of 28°36'35.4" and a radius of 94.51 feet a distance of 47.19 feet to point of tangency; th. on said line of tangency bearing S31°45'09.3"E a distance of 98.34 feet to point of curve; th. along said curve to the right having a delta angle of 08°57'06.6" and a radius of 149.82 feet a distance of 23.41 feet to point of beginning, said last three courses being the W'ly lot line of said Lot 7.

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West, lying generally between the centerline of Cowskin Creek and Lot 6, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SE/c of said Lot 6, Block A; th. SW'ly on a projection of the lot line common to Lots 6 and 7, bearing S20°13'32.3"W a distance of 53.62 feet to point of intersection on curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve N77°39'24.2"W; th. on said curve to the left having a delta angle of 08°24'33.1" and a radius of 116.64 feet a distance of 17.12 feet to point of compound curve; th. along said curve to the left having a delta angle of 75°52'13.9" and a radius of 53.78 feet a distance of 71.22 feet to point of tangency; th. along said line of tangency bearing S22°16'05.4"W a distance of 39.36 feet to point of curve; th. along said curve to the right having a delta angle of 58°20'30" and a radius of 101.30 feet a distance of 103.15 feet to point of tangency; th. on said line of tangency bearing S80°36'35.4"W a distance of 26.95 feet to point of curve; th. along said curve to the right having a delta angle of 90°37'03.8" and a radius of 76.04 feet a distance of 120.26 feet to point of reverse curve; th. along said curve to the left having a delta angle of 40°55'15.7" and a radius of 161.31 feet a distance of 115.21 feet to point of tangency; th. on said line of tangency bearing N49°41'36.4"W a distance of 27.65 feet to point of intersection of the projection of lot line common to Lots 5 and 6, said point being the approximate centerline of Cowskin Creek, said last eight courses being the approximate centerline of Cowskin Creek; th. N61°56'02.6"E a distance of 37.80 feet to the NW/c of said Lot 6; th. SE'ly bearing S42°23'15.2"E a distance of 61.26 feet to point of curve; th. on said curve to the left having a delta angle of 88°01'34.9" and a radius of 113.86 feet a distance of 174.92 feet to point of tangency; th. on said line of tangency bearing N49°35'09.9"E a distance

(Cont'd on Pg. 9)

David L. McCall  
 ✓ Mary K. McCall  
 1629 Old Wick Road  
 Wichita, KS 67235

Tract Description	Property Owner
(Cont'd from Pg. 8) of 45.31 feet to point of curve; th. on said curve to the right having a delta angle of 70°03'05.3" and a radius of 94.51 feet a distance of 115.55 feet to point of beginning, said last four courses being the S'yly lot line of said Lot 6.	
A tract of land in the SE $\frac{1}{4}$ of Section 12, Township 27 South, Range 2 West, lying generally between the centerline of Cowskin Creek and Lot 10, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the SW/c of said Lot 10, Block A, th. W'yly on a projection of the lot line common to Lots 10 and 11, Block A, bearing North 89°51'14.9" a distance of 32.80 feet to point of intersection on curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve N09°17'57.6"W; th. on said curve to the left having a delta angle of 08°29'06.3" and a radius of 104.21 feet a distance of 15.43 feet to point of tangency; th. on said line of tangency bearing N13°32'30.7"W a distance of 22.71 feet to point of intersection of said line of tangency and the projected lot line common to Lots 7 and 10, said point being at the approximate centerline of Cowskin Creek, the last two courses being the approximate centerline of Cowskin Creek; th. NE'yly bearing N53°55'44.3" East a distance of 35.76 feet to the NW/c of said Lot 10; th. S'yly along a curve to the right, chord bearing S11°19'38.8"E, having a delta angle of 22°56'47.8" and a radius of 149.82 feet a distance of 60 feet to the p.o.b., said last course being the W'yly line of said Lot 10.	Cedar Park Inc. ✓ 505 S. Broadway Wichita, KS
A tract of land in the SE $\frac{1}{4}$ of Section 12, Township 27 South, Range 2 West, lying generally between the centerline of Cowskin Creek and Lot 12, Block A, Cedar Park Chateaux, Wichita, Sedgwick County, Kansas, described as: Beginning at the W'yly corner of said Lot 12, Block A, th. NW'yly on a projection of the lot line common to Lots 12 and 13, Block A, bearing N33°45'30"W a distance of 33.68 feet to point of intersection on curve, said curve being the approximate centerline of Cowskin Creek, chord bearing of said curve N54°55'31.6"E; th. on said curve to the left having a delta angle of 13°23'52.1" and a radius of 238.96 feet a distance of 55.88 feet to point of intersection on said curve and the projection of lot line common to Lots 11 and 12, said point being the approximate centerline of Cowskin Creek, said last course being the approximate centerline of Cowskin Creek; th. SE'yly bearing 67°59'28.3" East a distance of 31..43 feet to the NW/c of said Lot 12; th. SW'yly bearing S49°16'04.5"W a distance of 73.96 feet to the p.o.b., said last course being the NW'yly line of said Lot 12.	Same As Above

Tract DescriptionProperty Owner

A tract of land in the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West, lying West of the centerline of Cowskin Creek described as: Beginning at the SW/c of said SE $\frac{1}{4}$ ; th. N'ly bearing N00°09'06.2"E a distance of 1,968.07 feet to the NW/c of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said SE $\frac{1}{4}$ ; th. E'ly bearing N88°26'36.9"E a distance of 882.09 feet to point on curve, said curve being the existing centerline of Cowskin Creek; th. on said curve to the right having a delta angle of 02°33'19.4", chord bearing S06°28'29.4"W and a radius of 157.62 feet a distance of 7.03 feet to point of tangency; th. on said line of tangency bearing S07°45'09.1"W a distance of 38.89 feet to point of curve; th. on said curve to the right having a delta angle of 05°53'42.5" and a radius of 195.80 feet a distance of 20.15 feet to point of tangency; th. on said line of tangency bearing S13°38'51.6"W a distance of 36.01 feet to point of curve; th. on said curve to the right having a delta angle of 72°43'21.5" and a radius of 36.12 feet a distance of 45.84 feet to point of compound curve; th. on said curve to the right having a delta angle of 26°59'49.5" and a radius of 124.02 feet a distance of 58.44 feet to point of reverse curve; th. along said curve to the left having a delta angle of 13°16'47.8" and a radius of 170.86 feet a distance of 39.60 feet to point of reverse curve; th. along said curve to the right having a delta angle of 23°35'32.5" and a radius of 140.94 feet a distance of 58.03 feet to point of tangency; th. on said line of tangency bearing N56°19'12.6"W a distance of 43.98 feet to point of curve; th. on said curve to the left having a delta angle of 34°15'01.7" and a radius of 86.29 feet a distance of 51.58 feet to point of tangency; th. on said line of tangency bearing S89°25'45.6"W a distance of 31.91 feet to point of curve; th. on said curve to the left having a delta angle of 31°47'13.9" and a radius of 64.40 feet a distance of 35.73 feet to point of compound curve; th. on said curve to the left having a delta angle of 59°55'50.3" and a radius of 77.54 feet a distance of 81.11 feet to point of tangency; th. on said line of tangency bearing S02°17'17.5"E a distance of 106.47 feet to point of curve; th. along said curve to the right having a delta angle of 41°32'34.5" and a radius of 45 feet a distance of 32.63 feet to point of tangency; th. on said line of tangency bearing S39°15'17"W a distance of 20.10 feet to point of curve; th. along said curve to the right having a delta angle of 19°59'41.6" and a radius of 78.24 feet a distance of 27.30 feet to point of reverse curve; th. along said curve to the left having a delta angle of 27°24'11.9" and a radius of 271.40 feet a distance of 129.81 feet to point of compound curve; th. along said curve to the left having a delta angle of 32°39'46.9" and a radius of 90.09 feet a distance of 51.36 feet to point

Reserve Savings &  
 Loan Association  
 255 N. Main  
 Wichita, KS 67202

(Cont'd on Page 9)

Tract DescriptionProperty Owner

(Cont'd from Pg. 10)

of compound curve; th. on said curve to the left having a delta angle of 48°52'36.3" and a radius of 152.83 feet a distance of 130.37 feet to point of tangency; th. on said line of tangency bearing S49°41'36.4"E a distance of 124.32 feet to point of curve; th. along said curve to the right having a delta angle of 40°55'15.7" and a radius of 161.31 feet a distance of 115.21 feet to point of reverse curve; th. along said curve to the left having a delta angle of 90°37'03.8" and a radius of 76.04 feet a distance of 120.26 feet to point of tangency; th. along said line of tangency bearing N80°36'35.4"E a distance of 26.95 feet to point of curve; th. along said curve to the left having a delta angle of 58°20'30" and a radius of 101.30 feet a distance of 103.15 feet to point of tangency; th. along said line of tangency bearing N22°16'05.4"E a distance of 39.36 feet to point of curve; th. along said curve to the right having a delta angle of 75°52'13.9" and a radius of 53.78 feet a distance of 71.22 feet to point of compound curve; th. along said curve to the right having a delta angle of 68°19'10.1" and a radius of 116.64 feet a distance of 139.08 feet to point of tangency; th. along said line of tangency bearing S13°32'30.7"E a distance of 46.43 feet to point of curve; th. along said curve to the right having a delta angle of 53°10'14.9" and a radius of 104.21 feet a distance of 96.70 feet to point of compound curve; th. along said curve to the right having a delta angle of 37°38'04.6" and a radius of 238.96 feet a distance of 156.96 feet to point of tangency; th. along said line of tangency bearing S77°15'48.7"W a distance of 63.57 feet to point of curve; th. along said curve to the left having a delta angle of 23°56'21.4" and a radius of 166.13 feet a distance of 69.41 feet to point of compound curve; th. along said curve to the left having a delta angle of 55°07'08.8" and a radius of 51.33 feet a distance of 49.38 feet to point of tangency; th. along said line of tangency bearing S01°47'41.6"E a distance of 24.25 feet to point of curve; th. along said curve to the right having a delta angle of 24°33'17" and a radius of 101.77 feet a distance of 43.62 feet to point of compound curve; th. along said curve to the right having a delta angle of 48°59'56.8" and a radius of 115.90 feet a distance of 99.12 feet to point of tangency; th. along said line of tangency bearing S71°45'32.2"W a distance of 47.36 feet to point of curve; th. along said curve to the left having a delta angle of 108°39'11.8" and a radius of 115.69 feet a distance of 219.39 feet to point of tangency; th. along said line of tangency bearing S36°53'39.6"E a distance of 115.59 feet to point of curve; th. on said curve to the left having a delta angle of 89°57'40.8" and a radius of 50.19 feet a distance of 78.80 feet to point of reverse curve; th. along said curve to the right having a delta angle of 139°57'09.8" and a radius of 44.56 feet a distance of 108.84 feet to point of tangency; th. on said line of tangency

(Cont'd on Page 12)

Tract DescriptionProperty Owner

(Cont'd on Pg. 11)

bearing S13°05'49.5"W a distance of 35.41 feet to point of curve; th. along said curve to the left having a delta angle of 95°51'25.5" and a radius of 34.39 feet a distance of 57.53 feet to point of compound curve; th. along said curve to the left having a delta angle of 02°37'45.1" and a radius of 1954.89 feet a distance of 89.71 feet to point of tangency; th. on said line of tangency bearing S85°23'21.7"E a distance of 40.60 feet to point of curve; th. on said curve to the left having a delta angle of 57°15'05.5" and a radius of 168.20 feet a distance of 168.07 feet to point of reversed curve; th. on said curve to the right having a delta angle of 59°59'26.4" a radius of 124.48 feet a distance of 130.34 feet to point of compound curve; th. on said curve to the right having a delta angle of 61°20'31.3" and a radius of 56.21 feet a distance of 60.18 feet to point of reverse curve; th. along said curve to the left having a delta angle of 25°22'23.5" and a radius of 215.29 feet a distance of 95.34 feet to point of reverse curve; th. along said curve to the right having a delta angle of 46°43'28.4" and a radius of 79.90 feet a distance of 65.16 feet to point of tangency; th. on said line of tangency bearing S00°13'09.8"E a distance of 39.61 feet to point of curve; th. along said curve to the left having a delta angle of 35°38'06.3" and a radius of 107.32 feet a distance of 66.75 feet to point of tangency; th. on said line of tangency bearing S35°51'16.1"E a distance of 34.42 feet to point of curve; th. along said curve to the right having a delta angle of 23°05'21.7", chord bearing S24°18'35.3"E and a radius of 151.41 feet a distance of 61.01 feet to point of intersection of the centerline of Cowskin Creek and the South line of said SE $\frac{1}{4}$ , the last 55 described courses being the approximate centerline of existing Cowskin Creek; th. W'ly bearing S83°42'43.3"W a distance of 1273.94 feet to the point of beginning.

Beginning 200 feet West of the NE/c of the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 1 West; th. South 30 feet; th. West 450 feet; th. North 30 feet; th. East 450 feet to p.o.b.

The N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West, EXCEPT above described tract.

The North 31 acres of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West.

✓ Joyce Shelton  
1805 N. 119th West  
Wichita, KS 67235

Sam G. Eberly  
Judy A. Eberly  
12807 W. 21st North  
Wichita, KS

7 Lyle D. Eberly  
Address Unknown

Tract DescriptionProperty Owner

Beginning at a point 1319.2 feet East of the NW/c of the NW $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West; th. South 561.92 feet; th. West 387.6 feet; th. South to the South line of the N $\frac{1}{2}$  of said NW $\frac{1}{4}$ ; th. East to a point 1100 feet West of the East line of said NW $\frac{1}{4}$ ; th. South to the South line of said NW $\frac{1}{4}$ ; th. East to the SE/c of said NW $\frac{1}{4}$ ; th. North to the South line of the N $\frac{1}{2}$  of said NW $\frac{1}{4}$ ; th. West to the SW/c of the East 20 acres of the N $\frac{1}{2}$  of said NW $\frac{1}{4}$ ; th. North to the North line of said NW $\frac{1}{4}$ ; th. West to the p.o.b.

*duf*  
Merl Melvin Everly  
Dixie Jane Eberly  
13111 W. 21st North  
Wichita, KS 67235

The North 30 acres of the SW $\frac{1}{4}$  of Section 12, Township 27, Range 2 West described as beginning at a point 130 rods North of the SW/c of Section 12; th. North 30 rods; th. East 160 rods; th. South 30 rods; th. West 160 rods to p.o.b.

✓ Mildred T. Diefenbach,  
Trustee  
120 Baird St.  
Kechi, KS 67067

70 acres more or less of the SW $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West described as, Beginning at a point 60 rods North of the SW/c of Section 12; th. North 70 rods; th. East 160 rods; th. South 70 rods; th. West 160 rods to p.o.b.

✓ Marie Nicholson  
Address Unknown

A tract in the SW $\frac{1}{4}$  of Section 12, Township 27 South, Range 2 West described as beginning at a point on the South line of said SW $\frac{1}{4}$ , 2210 feet East of the SW/c of said SW $\frac{1}{4}$ ; th. North parallel to the West line of said SW $\frac{1}{4}$  60 rods; th. East parallel to the South line of said SW $\frac{1}{4}$  424 feet more or less to the East line of said SW $\frac{1}{4}$ ; th. South 60 rods to the SE/c of said SW $\frac{1}{4}$ ; th. West 434.7 feet more or less to p.o.b.

✓ Dorothy Marie Matthew  
3108 W. 13th  
Wichita, KS 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block A	Cedar Park Chateaux	Sanchez Development Corp. c/o Wayne L. Sanchez 225 N. Market Wichita, KS 67202
Lot 2	Block A	"	✓ Douglas V. Oxler Anne E. Oxler 1628 Old Wick Road Wichita, KS 67235
Lot 3	Block A	"	✓ John E. Lanning Carol A. Lanning 1636 Old Wick Road Wichita, KS 67235
Lot 4	Block A	"	(Toni) James L. McMillan Toni D. McMillan 1646 Old Wick Road Wichita, KS 67235

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block A	Cedar Park Chateaux	John B. Dopps Mary Beth Dopps <i>dup</i> 1635 Old Wick Road Wichita, KS 67235
Lot 6	Block A	"	<i>dup</i> David L. McCall Mary K. McCall 1629 Old Wick Road Wichita, KS 67235
Lot 7	Block A	"	<i>dup</i> Dwight Tjaden Carolyn Tjaden 1617 Old Wick Road Wichita, KS 67235
Lot 8	Block A	"	<i>dup</i> Cedar Park, Inc. 505 S. Broadway Wichita, KS 67202
Lot 9	Block A	"	Floyd D. DeWitt Marie J. DeWitt ✓ 12320 Huntersview Wichita, KS 67235
Lot 10	Block A	"	✓ Harry D. Bledsoe 2055 Porter #220 Wichita, KS 67203
Lot 11	Block A	"	<i>dup</i> Earl G. Powell Evelyn E. Powell 2001 Wassal Wichita, KS 67216
Lot 12	Block A	"	<i>dup</i> Cedar Park, Inc. 505 S. Broadway Wichita, KS 67202
Lot 13	Block A	"	<i>dup</i> Jack W. Snyder Deborah K. Snyder 6934 El Robelais Cir. Wichita, KS 67209
Lots 7, 8, 9 & 10	Block B	"	<i>dup</i> Cedar Park, Inc. 505 S. Broadway Wichita, KS 67202
Lot 11	Block B	"	<i>dup</i> Reserve Savings & Loan Association 255 N. Main Wichita, KS 67202
Lot 2	Block E	"	? Daniel L. Jablonski Jane L. Jablonski Address Unknown
Lot 3	Block E	"	<i>dup</i> Scott A. Riffel Sandra J. Riffel 1956 JoAnn Wichita, KS 67203
Lot 4	Block E	"	✓ Ernest M. Green Juanita M. Green 2626 Classen Wichita, KS 67216

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block E	Cedar Park Chateaux	✓ Dwayne I. Rumsey Marilyn A. Rumsey 12309 Huntersview Wichita, KS 67235
Lot 6	Block E	"	✓ Larry R. Taylor Deborah D. Taylor 12321 Huntersview Wichita, KS 67235
Lot 7	Block E	"	✓ Gary L. Stuber Barbara E. Stuber 12331 Huntersview Wichita, KS 67235
Lot 8	Block E	"	✓ Thomas V. Dewey Joyce D. Dewey 12345 Huntersview Wichita, KS 67235
Lots 11, 12, and 13	Block E	"	<i>dup</i> Cedar Park, Inc. 505 S. Broadway Wichita, KS 67202
Lots 1, 2, 3, 4 & 5	Block 7	Echo Hills 2nd	✓ Inland Investment Co. Inc. 10300 W. Central Wichita, KS 67212
Lots 22 & 23	Block 7	"	Same As Above
Lots 1, 2, 3, 4 & Lot 5 except the South 2'	Block 9	"	Same As Above
Lots 40, 41, 42, 43, 44, 45, 46 & 47	Block 8	"	Same As Above
Lots 1-13, inclusive	Block 1	Echo Hills	✓ Slawson Co. Inc. 10300 W. Central Wichita, KS 67212
Lots 1, 2, 3, 4, 5, 6, 14, 15, 16 and 17	Block 6	"	Same As Above
Lots 1-22, inclusive	Block 7	"	Same As Above
Lots 1-8, inclusive	Block 8	"	Same As Above
Lots 19-24, inclusive	Block 8	"	Same As Above
Lot 1	Block 9	"	✓ John C. Simmons Darlene Simmons 11725 W. 16th Wichita, KS 67212
Lot 2	Block 9	"	✓ Glenn L. Hanna Tama L. Hanna 11715 W. 16th Wichita, KS 67212

Lot	Block	Addition	Property Owner
Lots 1, 2, 3, & 4	Block 1	Country Village	Inland Investment Co. Inc. <i>du</i> 10300 W. Central Wichita, KS 67212
Lots 1-11, inclusive	Block 2	"	Same As Above
Lots 1-11, inclusive	Block 3	"	Same As Above
Lots 16-25, inclusive	Block 3	"	Same As Above
Lots 1-7, inclusive	Block 4	"	Same As Above

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

From the Northeast corner of the Southeast Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence Westerly along the North line of said Southeast Quarter on an assumed bearing of S89°46'10" West, a distance of 1,255.98 feet to the Northeast corner of the North half of the Northwest Quarter of said Southeast Quarter, said point being the point of beginning; thence S89°46'10" West, 200 feet; thence S0°13'50" East, 30 feet; thence S89°46'10" West, 450 feet; thence N0°13'50" West, 30 feet; thence S89°46'10" West, 606.59 feet to the center of said Section 12; thence S0°00'00" West along the West line of said Southeast Quarter, 655.62 feet; thence N88°16'42" East along the South line of the North half of the Northwest Quarter of said Southeast Quarter, 1,239.98 feet; thence N1°34'34" East along the East line of the North half of the Northwest Quarter of said Southeast Quarter, 623.6 feet to the point of beginning.

AND

Beginning at the Southeast corner of the Northeast Quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence North along the East line of said Northeast Quarter on an assumed bearing of N1°49'22" East, a distance of 165 feet; thence S89°46'10" West, 1,455.98 feet; thence S1°49'22" West, 165 feet; thence N89°46'10" East along the South line of said Northeast Quarter, 1,455.98 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of February, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

By  
Sr. Vice-President

Order No: 355778  
nj

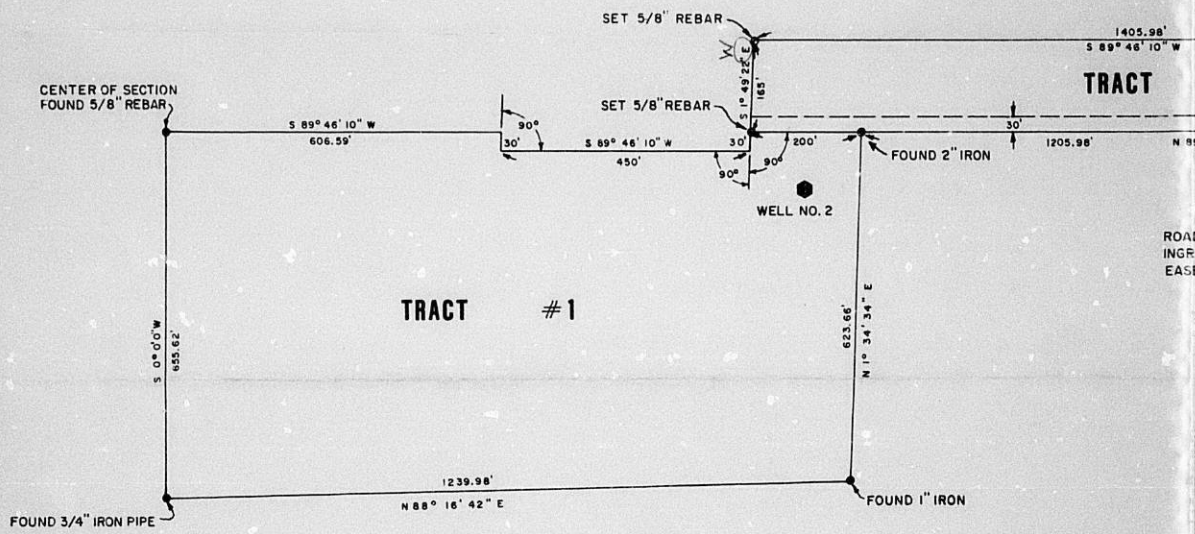
**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 9-021 PAYMENT NOTICE  
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
Special print	150
NAME <i>Richard L. Voth 714</i>	
ADDRESS <i>555 N. Hill St. Ks 67202</i>	
FUND <i>755-170-003</i>	DUE DATE <i>2-28-76</i>
COMMENTS	
DATE <i>2-28-76</i>	BY <i>JK</i>



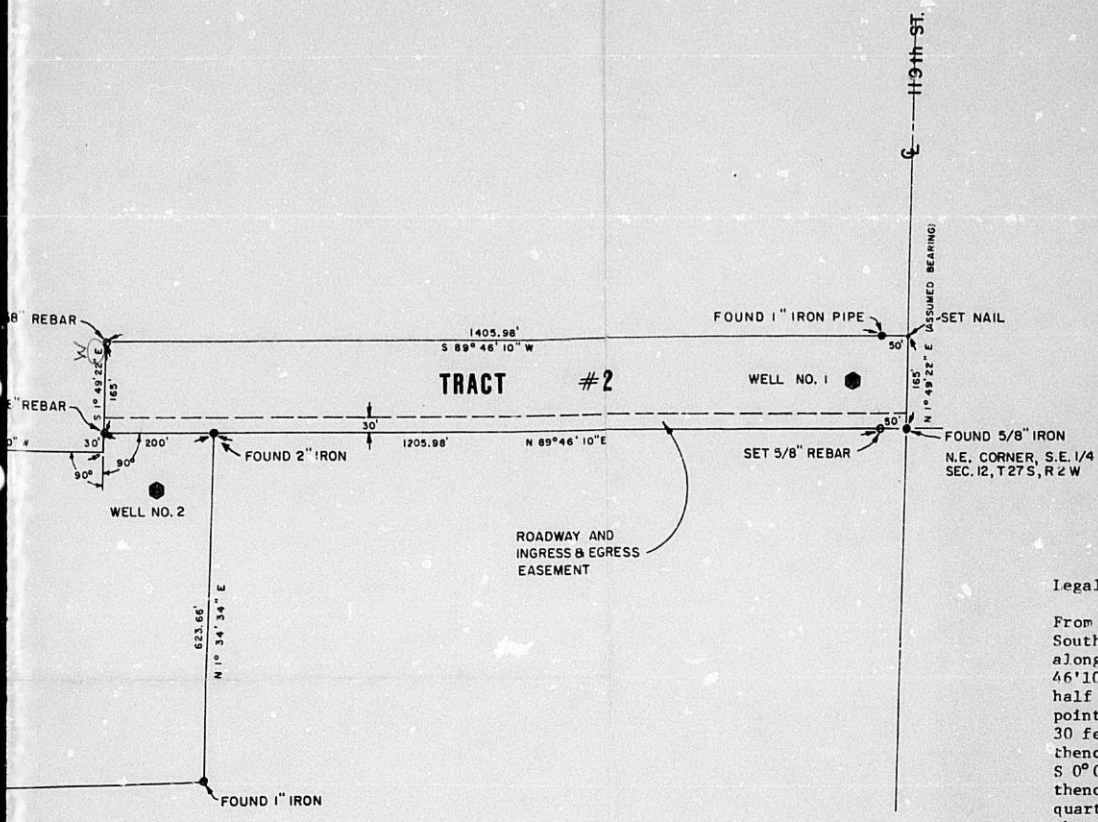
**LEGEND**

- FOUND IRON
- SET 5/8" REBAR
- SET NAIL
- ⊙ PROPOSED WELL SITE

- WELL NO. 1
  - SUB SURFACE DISCHARGE IN WELL NO. 2 BUILDING
  - GROUND ELEVATION 13
- WELL NO. 2
  - LOCATED IN 20' X 20'
  - GROUND ELEVATION
- MAXIMUM RECORDED FLOOD E

**PROPOSED WELL LOCATION**  
**RURAL WATER DISTRICT NO. 4**  
**SEDGWICK COUNTY, KANSAS**

DR 86-5  
 MAPC APPROVED 5-1-86  
 BGC APPROVED 5-28-86



- WELL NO. 1
- SUB SURFACE DISCHARGE TO PUMPS IN WELL NO. 2 BUILDING
  - GROUND ELEVATION 1350.92'
- WELL NO. 2
- LOCATED IN 20' X 20' BUILDING
  - GROUND ELEVATION 1346.22'
- MAXIMUM RECORDED FLOOD ELEV. 1338.27' (1985)

Legal Description - Tract 1:

From the northeast corner of the South, Range 2 West of the 6th along the north line of said 46'10" West, a distance of 1,25 half of the northwest quarter of point of beginning; thence S 89° 30 feet; thence S 89° 46'10" West, 606.59 thence S 0°00'00" West along the west thence N 88°16'42" East along the quarter of said southeast quarter the east line of the north half quarter, 623.66 feet to the pole.

Legal Description - Tract 2:

Beginning at the southeast corner ship 27 South, Range 2 West of north along the east line of said 1° 49'22" East, a distance of 15 thence S 1° 49'22" West, 165 feet of said northeast quarter, 1,4 of land containing 5.51 acres,

STATE OF KANSAS )  
 ) ss.  
 COUNTY OF SEDGWICK )

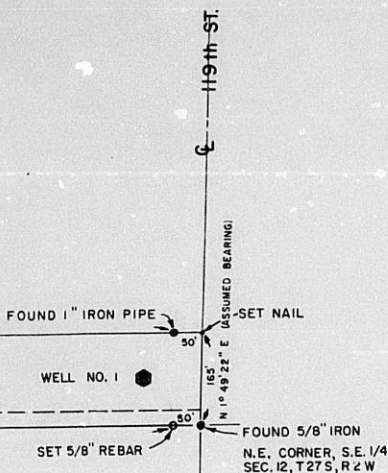
I, Charles M. Goodness, being said County and State, do hereby as set forth in the legal description the accompanying exhibit are the information available.

Dated this 27<sup>th</sup> Day of \_\_\_\_\_

*Charles M. Goodness*  
 Charles M. Goodness

D WELL LOCATION  
 ER DISTRICT NO. 4  
 COUNTY, KANSAS

5-1-86  
 5-28-86



Legal Description - Tract 1:

From the northeast corner of the southeast quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said southeast quarter on an assumed bearing of S 89° 46'10" West, a distance of 1,255.98 feet to the northeast corner of the north half of the northwest quarter of said southeast quarter, said point being the point of beginning; thence S 89°46'10" West, 200 feet; thence S 0°13'50" East, 30 feet; thence S 89°46'10" West, 450 feet; thence N 0°13'50" West, 30 feet; thence S 89°46'10" West, 606.59 feet to the center of said Section 12; thence S 0°00'00" West along the west line of said southeast quarter, 655.62 feet; thence N 88°16'42" East along the south line of the north half of the northwest quarter of said southeast quarter, 1,239.98 feet; thence N 1°34'34" East along the east line of the north half of the northwest quarter of said southeast quarter, 623.66 feet to the point of beginning, containing 18.01 acres, more or less.

Legal Description - Tract 2:

Beginning at the southeast corner of the northeast quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said northeast quarter on an assumed bearing of N 1°49'22" East, a distance of 165 feet; thence S 89°46'10" West, 1,455.98 feet; thence S 1°49'22" West, 165 feet; thence N 89°46'10" East along the south line of said northeast quarter, 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less.

STATE OF KANSAS )  
 ) ss.  
 COUNTY OF SEDGWICK )

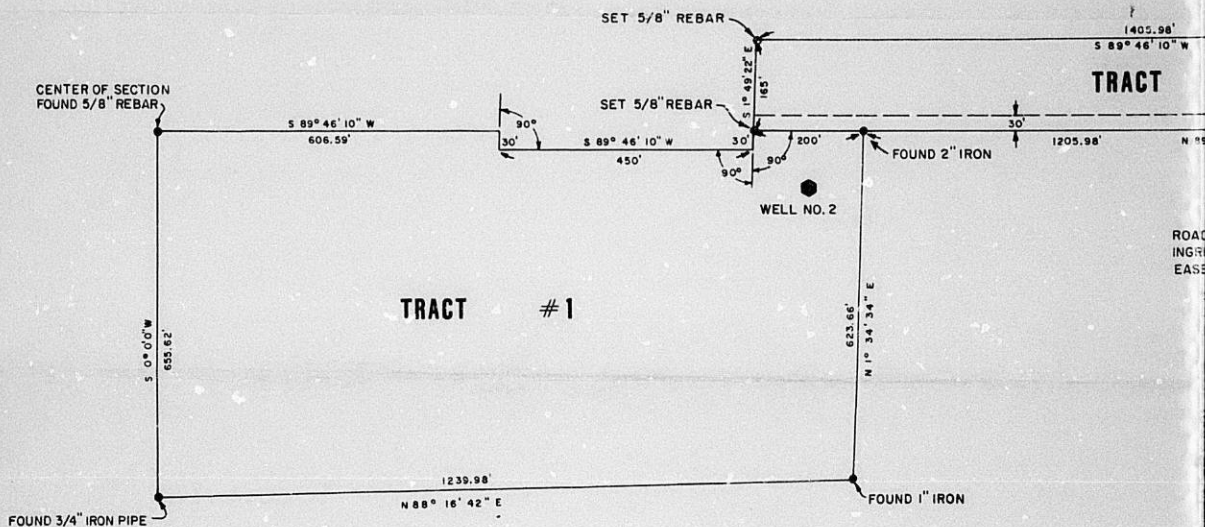
I, Charles M. Goodness, being a duly licensed professional land surveyor in said County and State, do hereby certify that I have caused the tracts of land as set forth in the legal descriptions to be surveyed and that said survey and the accompanying exhibit are true and correct to the best of my knowledge and information available.

Dated this 27<sup>th</sup> Day of January, 1986.

Charles M. Goodness, L.S. 92  
 Charles M. Goodness



27' (1985)



**LEGEND**

- FOUND IRON
- SET 5/8" REBAR
- SET NAIL
- ⦿ PROPOSED WELL SITE

**WELL NO. 1**

- SUB SURFACE DISCHARGE IN WELL NO. 2 BUILDING
- GROUND ELEVATION 13

**WELL NO. 2**

- LOCATED IN 20' X 20'
- GROUND ELEVATION 13

MAXIMUM RECORDED FLOOD E

**PROPOSED WELL LOCATION**  
**RURAL WATER DISTRICT NO. 4**  
**SEDGWICK COUNTY, KANSAS**

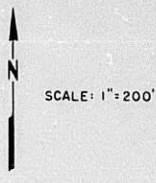
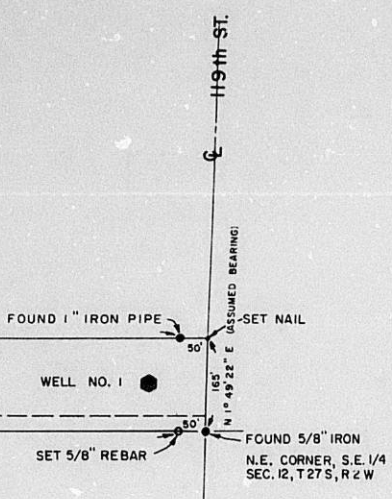
DR 86-5

MAPC APPROVED 5-1-86  
 BCC APPROVED 5-28-86

4649A, B

Posted  
 12/20





Legal Description - Tract 1:

From the northeast corner of the southeast quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence westerly along the north line of said southeast quarter on an assumed bearing of S 89° 46'10" West, a distance of 1,255.98 feet to the northeast corner of the north half of the northwest quarter of said southeast quarter, said point being the point of beginning; thence S 89°46'10" West, 200 feet; thence S 0°13'50" East, 30 feet; thence S 89°46'10" West, 450 feet; thence N 0°13'50" West, 30 feet; thence S 89°46'10" West, 606.59 feet to the center of said Section 12; thence S 0°00'00" West along the west line of said southeast quarter, 655.62 feet; thence N 88°16'42" East along the south line of the north half of the northwest quarter of said southeast quarter, 1,239.98 feet; thence N 1°34'34" East along the east line of the north half of the northwest quarter of said southeast quarter, 623.66 feet to the point of beginning, containing 18.01 acres, more or less.

Legal Description - Tract 2:

Beginning at the southeast corner of the northeast quarter of Section 12, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence north along the east line of said northeast quarter on an assumed bearing of N 1°49'22" East, a distance of 165 feet; thence S 89°46'10" West, 1,455.98 feet; thence S 1°49'22" West, 165 feet; thence N 89°46'10" East along the south line of said northeast quarter, 1,455.98 feet to the point of beginning, said tract of land containing 5.51 acres, more or less.

STATE OF KANSAS )  
 ) ss.  
 COUNTY OF SEDGWICK )

I, Charles M. Goodness, being a duly licensed professional land surveyor in said County and State, do hereby certify that I have caused the tracts of land as set forth in the legal descriptions to be surveyed and that said survey and the accompanying exhibit are true and correct to the best of my knowledge and information available.

Dated this 27<sup>th</sup> Day of January, 1986.

Charles M. Goodness, L.S. 92  
 Charles M. Goodness



7 (1985)