

Box 174-2

Box 7

PLAT NO. 73-11

MAP NO. 4846

NAME MILES LAKEWOOD VILLAGE

LOCATION At the Northwest corner of U.S. Highway 54 and
Seville

ENGINEER K. O. Taylor

OWNER Gene Miles

APPLICATION FILED 2/12/73

SKETCH PLAT FILED 2/12/73

PRELIMINARY FILED 8.27.73

S/D ACTION 9.6.73 Approved subj. to conditions

FINAL FILED 9-25-73

S/D ACTION 10-4-73 Appwd. subj. to conds.

MAPC ACTION 10.11.73 Appwd. as recommend.

BCC ACTION 7-2-74 Approved

RECORDED 8-1-74

REMARKS

S/D 73-11 MILES LAKEWOOD VILLAGE
at the NW corner of U.S. Highway
54 and Seville. Gene Miles.
K. O. Taylor

ACTION

	DATE
S/D COMMITTEE (quidem) Approved	9.6.73
(acts to conditions)	
S/D (final) Approved only	10.4.73
M.A.P.C. Approved as recommended	10.11.73
B.C.C. Approved Approved	7-2-74

Map No. 4846
Sec. No. 29
Twp. No. 27S
Range 1W

Subdivision Report and Progress
S/D No.: 73-11

Name: MILES LAKEWOOD VILLAGE

General Location: At the Northwest corner of U.S. Highway 54 and Seville

Owner: Gene Miles
Address: 10711 W. Kellogg Phone: 722-6630
~~Special Agent: Robert E. [redacted]~~
Address: 114 West 10th St. Kansas City, Mo. Phone: 816/431-4338 *Tamm Wood Attorney*
Engineer/Surveyor: K. O. Taylor 64105
Address: 1542 S. St. Francis Phone: 264-4072

Application Received 2/12/73
Conf. with Applicant
Sketch Plat Received 2/12/73
Present Zoning R-1
Proposed Zoning R-1-51C
Letter of Intent None

PREL. PLAT RECEIVED 8-27-73
S/D Comm. Action 9-6-73
Approved sub to Conditions
Dept. Report on Prel. 9-8-73

TRACING PROGRESS:
Received
Released
Received
Released

FINAL PLAT RECEIVED 9-25-73
S/D Comm. Action 10-4-73 *Approved*
Subj. to Conditions
Dept. Report on Final 10-5-73
M.A.P.C. ACTION 10-11-73 *Approved*
Dept. Report on Final 10-12-73 *precomm.*
Letter on Irons Received N/A
Title/Taxes Rec'd & Reviewed 4/10/74
Final Review 6-27-74
Referral to B.C.C. 6-27-74
B.C.C. ACTION 7-2-74 *Approved*
Recorded 8-1-74

Comments:

MILES LAKEWOOD VILLAGE

Gilbert Wilkerson, Trustee
Delano Township
549 Keith
Wichita, Ks. 67209

Irvin H. Myers, Superintendent
USD #265
231 North Walnut
Goddard, Kansas 67052

6-5-74 print for MFL
7-23-74 called K.O. Taylor to
pick up tracing for recording

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

2
8-13-74

MILES LAKEWOOD VILLAGE ADDITION was
filed for record on August 1, 1974.

John Hale
Register Of Deeds

T9-328

SCS-CONS-24
270
FILE CODE CONS-14-9



Miles Lakewood Addition *Jack [unclear]*

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

4100 Maple Street
Wichita, Kansas 67209

INVENTORY & EVALUATION

* INDIVIDUAL
 GROUP
 UNIT OF GOVERNMENT

REQUESTED BY W-SC Metropolitan Area Planning Commission
ASSISTED BY Guy Moorefield, District Conservationist

LOCATION IN E¹ SW¹ 19-27-1W

DATE 9/10/73

SITUATION: Soils are Norge and Wanoss silt loams. Drainage will present problems on much of the area. The east fringe is sloping and will present moderate erosion and sediment hazards.

SOLUTIONS: 1. Disturb only the area needed for construction.

2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.

3. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.

4. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.

5. Permanently stabilize areas as work on the land is completed.

~~SUGGESTED SOLUTIONS~~
Permanent stabilization practices are to be installed according to Sedgwick County Conservation District standards and specifications

Adapted perennial grasses for seeding are bluestem species, bluegrass species, and tall fescue species. Seed at the rate of

2 pounds per 1,000 square feet. Have soil tested for plant nutrient needs and apply fertilizer accordingly. Adapted perennial

grasses for sodding are bermuda species, bluegrass species and zoysia.

6. Loose-pile material that is excavated for building

* Circle appropriate category.

Cont

SGS-CONS-5*
2-70
FILE CODE CONS-14-5

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

INVENTORY & EVALUATION

* { INDIVIDUAL
GROUP
UNIT OF GOVERNMENT

REQUESTED BY _____ LOCATION _____

ASSISTED BY _____ DATE _____

SOLUTIONS CON'T
SITUATION

construction purposes. Keep it loose-piled until it is used for foundation backfill or until the lot is ready for final grading and permanent vegetation.

7. Stabilize each lot within 2 months after work starts on home or other building construction.

8. Backfill, compact, seed, and mulch trenches within 30 days after they are opened.

9. Discharge water from outlet structures at nonerosive velocities.

10. Stockpile topsoil and cover reservoir dikes with it after reservoir is completed. Prepare seedbed on the reservoir dikes and seed to permanent grass cover as described under paragraph 5.

SUGGESTED SOLUTION(S):

If on site assistance is needed, call this office, 943-9471.

#####

* Circle appropriate category.

July 3, 1978

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Release of letter of credit for Miles Lakewood
Village Addition

We have been notified by the Water Department that water lines have now been installed to serve Miles Lakewood Village Addition. The \$30,000 letter of credit issued by Wichita State Bank for the account of Gene Miles Development, Inc. as guarantee for these water lines may now be released. This letter of credit was "received and filed" by the Board of City Commissioners May 18, 1976. It is our understanding that release of this letter of credit requires no action by the City Commission.

If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

JHG:LO:el

cc: Gene Miles, 10711 W. Kellogg, 67209
Wm. Glea Rittgers, Sr. Vice President,
Wichita State Bank, 711 W. Douglas, 67213

THE CITY OF WICHITA

OFFICE OF WATER DEPARTMENT

DATE July 3, 1978

TO Louise Olivarez, Planning Analyst

FROM Ralph L. Hull, Civil Engineer II

SUBJECT Miles Lakewood Village
Letter of Credit

The plattors of Miles Lakewood Village Addition have submitted a valid petition for a water benefit district to serve this plat. Therefore, our requirements for water service to this area have been fulfilled.

This petition was approved by the City Commission during their scheduled meeting of May 3, 1977.

The water mains have been installed and water service is now available. The letter of credit, the subject of the attached letter, may now be released.

Ralph L. Hull

Ralph L. Hull, Eng. Tech. II
ENGINEERING DIVISION

RLH:sd



Wichita State Bank

... where the Customer is King

RECEIVED			
OFFICE OF CITY CLERK			
JUN 29 1978			
<input type="checkbox"/> DG	<input type="checkbox"/> DR		
<input type="checkbox"/> Agenda	<input type="checkbox"/> JE		
<input type="checkbox"/> File			

June 28, 1978

City of Wichita
Wichita, Kansas

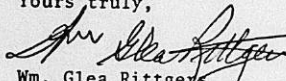
ATTENTION: City Clerk

Gentlemen:

On May 1, 1978, our Letter of Credit issued in behalf of Mr. Gene Miles of Gene Miles Development, Inc., in the amount of \$30,000.00, expired.

Would you please cancel this Letter of Credit, number 191, and return it to us for our files.

Yours truly,


Wm. Glea Rittgers
Senior Vice President

*With honor
done to Miles Development
Center.*

WGR:s1s

*6-29-78
Mr. Rittgers indicated that this Letter of Credit was filed
writing for note to get a water line available to Miles Development Center. Ltr
of Credit was filed May, 1976.*

LAW OFFICES

THOMAS A. WOOD
HARRY L. NAJIM

300 W. DOUGLAS, SUITE 616 - WICHITA, KANSAS 67202
516 263-7228

March 8, 1977



Mr. Jack H. Galbraith
Chief Planner
Wichita-Sedgwick County Metropolitan
Area Planning Department
455 North Main
Wichita, Kansas 67202

Re: Miles Lakewood Village

Dear Mr. Galbraith:

This follows your letter of February 11, 1977, and the conference on February 16, 1977, between Mr. Lakin, Mr. Grey Dressie, Mr. K. O. Taylor, Mr. Gene Miles, and myself.

In July 1973, an application was made for this property for a conditional use permit under R-1 zoning to permit construction of a skilled nursing home and a retirement center.

The conditional use permit was approved subject to platting of the property. A plat was therefore submitted and approved in which the property was platted as a single lot.

In connection with the issuance of the conditional use permit and approval of the plat, a sketch plan was submitted showing the intended development of the property by the construction of a skilled nursing home and construction of a multiple number of residential structures to be served by private roads throughout the area.

Certain conditions were required in connection with the platting including appropriate drainage improvements and provision for municipal sewer and water to serve the area.

To comply with these conditions, levees were constructed upon the property at the developer's cost. At the time of platting,

Mr. Jack H. Galbraith
Page Two
March 8, 1977

Re: Miles Lakewood Village

the developer petitioned for municipal sewer and water and has been required to furnish for the four years, which have since elapsed, a letter of credit at annual expense to him to guarantee payment of the cost of extending a water main to the area.

Based upon the conditional use permit which was granted and upon the plat which was submitted and the sketch plan submitted with the plat, roads and bridges have been constructed throughout the area at the developer's cost. Construction of a skilled nursing home, approved by the State and County, has commenced and is 60% completed.

With the exception of the skilled nursing home, the developer proposes to develop this property under the provisions of the Kansas Townhouse Ownership Act (K.S.A. 58-3701 et seq.) adopted in 1975. This Act authorizes the development of a townhouse complex consisting of units each occupied by a single family with common areas including streets, drives, parking areas, open spaces, etc. owned by the Townhouse Owners Association and contemplates the sale of these units by unit description with reference to the plat of survey filed under the Townhouse Ownership Act rather than by platted lot.

The drawing to which you refer in your letter of February 11 is therefore not a re-survey of the plat of Miles Lakewood Village Addition but a draft of a survey under the Townhouse Ownership Act.

Development under the Townhouse Ownership Act requires the incorporation of a Home Owners Association and the preparation and filing of a plat of survey showing the location of the townhouse units and describing the common areas together with a Declaration of Protective Covenants submitting the property to the Townhouse Ownership Act. The Home Owners Association for Miles Lakewood Village has been formed. The plat of survey and the Townhouse Declarations have been substantially completed and will be filed with the Register of Deeds within the next few days.

It is our position that development under the Townhouse Ownership Act does not require a re-platting of the area because

Mr. Jack H. Galbraith
Page Three
March 8, 1977

Re: Miles Lakewood Village

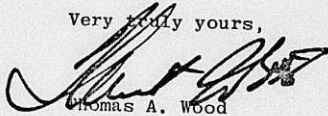
the Townhouse Ownership Act is a specific State statute which overrides any provision in the Subdivision Regulations which may be inconsistent.

We have been advised that the property in question will be annexed by the City of Wichita in the immediate future. You required the developer to consent to annexation before he could obtain the conditional use permit. You cannot now take the position that the conditional use permit will be extinguished by annexation.

I have advised the developer that the Townhouse Ownership Act provides a complete alternative procedure to platting under the Subdivision Regulations and that he has the right to proceed under the Townhouse Ownership Act without regard to the Subdivision Regulations.

The developer has advised me that he is willing to work with you to make this another outstanding development of which the community can be proud.

Very truly yours,



Thomas A. Wood

TAW/jdc

Copies to: ✓ Mr. Robert A. Lakin, Director
of Planning
Mr. H. R. Kuhn, Esquire
Mr. Gene Miles
Mr. K. O. Taylor
Mr. Grey Dressie, Esquire

July 6, 1976

Mr. Dale Wallace
1311 Seville
Wichita, Kansas 67209

Re: Miles Lakewood Village plat

Dear Mr. Wallace:

Enclosed herewith is a copy of the original letter sent to you concerning the street vacation and a copy of the certified ownership list from the associated conditional use case reflecting the address listed for you and a copy of the City Commission agenda sheet indicating the County Fire Department's request for a fire-lane emergency access which was later confirmed by a phone call from the Fire Department.

Also you might note that the county zoning resolution provides for a minimum building setback from the property line of 10% of the total lot width but not to exceed 25 feet. I am sorry I was out of the office when you called last week and I hope this information will be of use to you.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

WICHITA-SEDGWICK COUNTY

DATE

May 21, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File
FROM Curtis L. Newby, Junior Planner
SUBJECT Replacement of guarantee for water line extension.

On May 18, 1976, the Board of City Commissioners accepted a new irrevocable letter of credit for \$30,000 guaranteeing the extension of a water main to serve the plat on or before May 1, 1978. This matter was considered on the City Clerk's agenda.

Curtis L. Newby
Curtis L. Newby
Junior Planner

CLN:rme

May 12, 1976

Robert Finch, City Manager (Interim)

Jack H. Galbraith, Chief Planner

S/D 73-11, MILES LAKEWOOD VILLAGE -
Irrevocable Letter of Credit for
Water Main Extension Guarantee

The above referred to plat was approved by the Metropolitan Area Planning Commission on October 11, 1973 and by the Board of City Commissioners on June 2, 1974. One of the conditions of the plat approval was that the applicant guarantee the extension of a water main to serve the plat. The applicant submitted an irrevocable letter of credit in the amount of \$30,000 from the Wichita State Bank, letter of credit NO. 151, guaranteeing the water main extension within two years.

The main extension has not been done and this letter of credit has now expired and the applicant has submitted a new letter of credit in the amount of \$30,000 guaranteeing the extension of the water main on or before May 1, 1978. This new letter of credit should be placed on the agenda for formal acceptance by the Board of City Commissioners at their regular meeting of May 18, 1976, with the recommended action being to "receive and file the letter of credit."

The original letter of credit is being held in the City Clerk's Office and at such time as the governing body has acted upon the new letter of credit the original letter of credit may be released to the applicant, Gene Miles, or to the bank.

If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

JHG:CLN:ber
Attachment

cc: Wichita State Bank, 711 West Douglas 67213
Gene Miles, 10711 West Kellogg 67209
Bill Otten, Water Department
Don Glsick, City Clerk

IRREVOCABLE LETTER OF CREDIT

WICHITA STATE BANK
(Name of bank)

Date: May 1, 1976
Letter of Credit #191

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 30,000.00 for the account of Gene Miles Development, Inc.

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before May 1, 1978

(Insert date two years from MAPC approval of plat)
or until properly signed petition is presented to City of Wichita lieu of this Letter of Credit, approximately 90 days.

1. GUARANTEE FOR WATER MAIN TO SERVE THE PLAT.
2. N/A
3. N/A

in Miles Lakewood Village, a subdivision ~~of the~~
~~City of Wichita, Kansas~~ in Sedgwick County, Kansas.

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

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____

Wichita State Bank, Credit No. 191, dated May 1, 1976.
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before May 1, 1978.

Very truly yours,



WICHITA STATE BANK
(Name of bank)

By: Wm. Glea Rittgers
(Authorized signature)
Wm. Glea Rittgers, Senior Vice President

April 6, 1976

Mr. Gene Miles
Gene Miles Development, Inc.
10711 West Kellogg
Wichita, Kansas 67209

Re: S/D 73-11 - Miles Lakewood
Village (letter of credit
#151)

Dear Mr. Miles:

The above captioned plat was approved by the Metropolitan Area Planning Commission on October 11, 1973 and by the Board of City Commissioners on July 2, 1974. One of the conditions of approval was that the applicant guarantee the installation of municipal water to serve the property. I have been advised by the Water Department that water lines have not yet been extended to this area.

Our files indicate that you submitted a letter of credit in the amount of \$30,000.00, naming Wichita State Bank as creditor, guaranteeing the extension of water lines on or before May 1, 1976. Since the time limit is about to expire, we would appreciate your contacting our office as to your intent to fulfill this requirement. We are anxious to assist you in any way we can.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:LO:rme

cc: Wichita State Bank, 711 West Douglas, 67213

State Highway Commission of Kansas

Curt
St
ROBERT B. DOCKERTY, Governor

A. J. "ANDY" CRAY, Director of Highways
JOHN IVAN, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

STATE HIGHWAY COMMISSIONERS

KEN PHELPS, Manhattan
CLARENCE L. KING, JR., Salina
RICHARD M. DRISCOLL, Russell
KARL A. BRUECK, Paola
NESTOR R. WEIGAND, JR., Wichita
LOUIS KAMPSCHROEDER, Garden City

August 22, 1974



Mr. Robert A. Lakin
Director of Planning
Wichita-Sedgwick County Metropolitan Area
Planning Department
City Building Annex
Wichita, Kansas 67202

Dear Mr. Lakin:

Thank you for the information regarding the filing of the plat with the provisional setback in the Miles Lakewood Village Addition.

Your cooperation in holding the line on the numerous developments in this area is appreciated. We will make every effort to firm up the right of way requirements in this area within the specified time.

Very truly yours,

John D. McNeal, P.E.
State Highway Engineer

J. G. Adams
J. G. Adams, P.E.
Assistant State Highway Engineer

JDM:JOA:lmh

cc: Glenn Anschutz, Engineer of Design



August 19, 1974

John D. McNeal
State Highway Engineer
State Highway Department
State Office Building
Topeka, Kansas 66612

Re: S/D 73-11 - Miles Lakewood
Village Addition. Generally
located on the northwest
corner of West U. S. 54
Highway and Seville Avenue
(SW 1/4 Section 29, T27S,
RLW of the 6th P.M.).

Dear Mr. McNeal:

On October 3, 1973, Mr. Curtis Newby of our office sent a copy of the above referred to plat together with a letter referring to a proposed provisional setback line, to Mr. J. O. Adams of your office. The plat was approved with one of the conditions of approval being that a provisional setback line to coincide with the proposed future highway right-of-way line for U. S. 54 and further that the provisional setback was to remain in effect for a period of one year from the date of recording of the plat.

This is to advise you that the plat was filed of record with the Register of Deeds on August 1, 1974, and therefore the provisional setback line to allow for acquisition of the highway right-of-way will expire on August 1, 1975.

Should you desire more information or wish to discuss this matter in greater detail, please let me know.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:CLN:rme

cc: Professional Engineering Consultants
Attn: Ron Pletcher
1440 East English, 67211

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING MILES LAKEWOOD VILLAGE ADDITION

THIS DECLARATION made this 3rd day of January,
1974, by Gene Miles Development, Inc. and Gene Miles and Marie
Miles, husband and wife, hereinafter called Grantors;

WITNESSETH:

WHEREAS, Grantors are owners of Miles Lakewood Village,
Sedgwick County, Kansas, which property is located in or near
an area subject to possible future highway improvements; and

WHEREAS, the City of Wichita, in connection with approval
of the plat of said Addition, considers it to be in the public
interest to require that no permanent structures or buildings be
constructed on a portion of said Addition which is being considered
for future highway right-of-way use for reconstruction of U. S.
54 Highway.

NOW, THEREFORE, Grantors hereby declare that Miles Lakewood
Village shall be and the same is subjected to the following
restrictive covenant, to-wit:

No permanent structures or buildings shall be
constructed upon that portion of the Addition described
in "Exhibit A", herewith attached, until expiration
of one year from and after the recording of the plat
of Miles Lakewood Village or until final right-of-way
plans for said reconstruction have been approved by
the appropriate agencies, whichever shall first
occur. This covenant shall run with the land
and shall bind the successors and assigns thereof;
and shall remain in full force and effect for the
length of time and under the conditions heretofore
specified. Upon the fulfillment of the conditions
heretofore described, this covenant shall become
automatically and without further notice, null and
void.

Certificate No.
207911

SCHEDULE "A"

A tract in the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Commencing at the intersection of the East line of the West 560 feet of said Southwest Quarter and the Northerly right of way line of U.S. Highway 54 (Case A-38302); thence North parallel to the West line of said Southwest Quarter, 415 feet; thence East parallel to the South line of said Southwest Quarter, 855.8 feet to a point of beginning; thence North with an angle to the left of $89^{\circ}44'$, a distance of 850.3 feet; thence West with an angle to the left of $90^{\circ}28'30''$, a distance of 347 feet; thence North with an angle to the right of $90^{\circ}00'$, a distance of 521 feet to the South line of the North 20 acres of the West Half of said Southwest Quarter; thence East along the South line of the North 40 acres of said Southwest Quarter, said South line being 661.08 feet South of and parallel to the North line of said Southwest Quarter, a distance of 1,578.75 feet to the East line of said Southwest Quarter; thence South on said East line of said Southeast Quarter, 1072.8 feet to the North right of way line of U.S. Highway 54 as condemned in Case A-38302; thence Southwesterly on said North right of way line of said U.S. Highway 54 as condemned in said Case A-38302, 730.6 feet to the intersection of the North line of the property described in Deed Book 1106 on Page 521 and said North right of way line of said Highway, said intersection being 1,975.7 feet, more or less, East of the West line of said Southwest Quarter; thence West parallel to the South line of said Southwest Quarter, 559.9 feet to the point of beginning.

Security

Certificate No.
207911

SCHEDULE "B"

TRACT #1

Beginning at a point on the East line of the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the 6th Principal Meridian, and the North line of U.S. Highway #54, thence Southwesterly along the North line of said Highway for a distance of 530 feet, thence North parallel to East line of said Southwest Quarter a distance of 250 feet; thence Northeasterly parallel to said North line of said Highway to a point on the East line of said Southwest Quarter, 250 feet North of North line of said Highway; thence South along the East line of said Southwest Quarter to place of beginning, except the East 10 feet thereof, Sedgwick County, Kansas.

Security

TRACT #2

A tract in the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows: Commencing at the intersection of the east line of the west 560 feet of said Southwest Quarter and the Northerly right of way line of U. S. Highway 54 (Case #A-38302); thence North parallel to the West line of said Southwest Quarter, 415 feet; thence East parallel to the South line of said Southwest Quarter, 855.8 feet to a point of beginning; thence North with an angle to the left of $89^{\circ}44'$, a distance of 850.3 feet; thence West with an angle to the left of $90^{\circ}28'30''$, a distance of 347 feet; thence North with an angle to the right of $90^{\circ}00'$, a distance of 521 feet to the south line of the north 20 acres of the West Half of said Southwest Quarter; thence East along the South line of the North 40 acres of said Southwest Quarter, said South line being 661.08 feet South of and parallel to the North line of said Southwest Quarter, a distance of 1318.75 feet to a point 260 feet West of the East line of said Southwest Quarter; thence South parallel to the East line of said Southwest Quarter and on the West line of Verda Valley, Sedgwick County, Kansas, a distance of 938.33 feet to a point 250 feet North of the Northerly right of way line of said U. S. Highway 54 (Case #A-38302); thence Southwesterly parallel to said Northerly right of way line of said U. S. Highway 54, a distance of 245.3 feet to a point 530 feet Westerly of the East line of said Southwest Quarter, measured parallel to said Northerly right of way line of said U. S. Highway 54; thence South parallel to said East line of said Southwest Quarter, a distance of 250 feet to said Northerly right of way line of said U.S. Highway 54; thence Southwesterly on said Northerly right of way line of said U.S. Highway 54, a distance of 200.6 feet to the intersection of the North line of the property described in Deed Book 1106 on Page 521 and said Northerly right of way line of said Highway, said intersection being 1975.7 feet, more or less, east of the west line of said Southwest Quarter, thence West parallel to the South line of said Southwest Quarter, 559.9 feet to the point of beginning, AND

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 1, Verda Valley, Sedgwick County, Kansas.

July 26, 1974

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

S/D 73-11 - Miles Lakewood Village Addition -
Restrictive Covenant.

Attached herewith is a restrictive covenant which was required as a condition of approval of the above referred to plat. Said plat was approved by the Board of City Commissioners on July 2, 1974, subject to the applicant completing all conditions of the plat approval.

This covenant provides for a temporary building setback on the plat to allow room for possible future highway improvement on West U. S. 54 Highway and the covenant should be placed on the Manager's agenda for formal acceptance by the Board of City Commissioners. The cost of recording the covenant with the Register of Deeds shall be billed to the applicant, Mr. Gene Miles, 10711 West Kellogg, 67209.

If you have any questions concerning this matter, please call.

JHG:CLN:rme
Attachment

cc: Mr. Gene Miles

Ass't. Supt. of Public
Works Maint.

July 19, 1974

Ralph Wulz, City Manager

M. S. Mitchell

- Cowskin Creek - levees west of
Miles Lakewood Estates.

Reference is made to inquiry by the Mayor concerning
plans for subject levees.

Cowskin Creek Stream Maintenance is under the direction
of the County Engineer who assures me that the work the Mayor
saw is in conformance with plans approved by the Division of
Water Resources of the Kansas Department of Agriculture.

If further information or discussion is desired, please
advise.

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

APPROVED:

G. H. Wilton, Supt. of Public Works Maint.

APPROVED:

R. W. Bruggeman, Director of Public Works

cc: Jack Galbraith, MAFD
Mr. G. C. McLure, Sedgwick County Eng.
City Manager File
Cowskin Creek File



CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, Gene Miles, owner and plat-
tor of Miles Lakewood Village Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

1. Pavement
2. Sanitary Sewers
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Miles Lakewood Village Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 1st day of May, 1974.

Gene Miles

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 1st day of May,
1974, before me, a notary public in and for said County and State,
came Gene Miles, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.

Virginia R. Green

Notary Public

My Commission Expires:

TS-128

VIRGINIA R. GREEN
NOTARY PUBLIC
Sedgwick County, Kansas
My Com. E.p. April 28, 1976

July 2, 1974

M. S. Mitchell, Maintenance/Flood Control

Jack H. Galbraith, Chief Planner

S/D 73-11 - Miles Lakewood Village

The Board of City Commissioners at their meeting of July 2, 1974 considered the above captioned plat. In the discussion of this plat several questions were raised about the area being in a flood plain. The plat was approved, however, Mayor Porter requested information on a levee that he observed on the west side of the Cowskin Creek and questioned whether or not it was constructed in conformance with the drainage plans for this area.

Would you please respond to this question directly to the City Manager with a copy to me. If you have any questions concerning this matter, please call me.

JHG:js

cc: Ralph Wulz, City Manager
Ray Bruggeman, Director of Public Works

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSSUBDIVISION APPROVAL

S/D Number 73-11 Name MILES LAKEWOOD VILLAGE
 Application & Sketch Filed: 2-12-73
 Preliminary Plat Filed: 8-27-73 Approved by S/D: _____
 Final Plat Filed: 9-25-73 Approved by S/D: 9-7-73
 Approved by Metropolitan Area Planning Commission: 10-11-73

DESCRIPTION

General Location: Northwest corner of
U.S. 54 and Seville

Surveyor or Engineer: Kenneth O. Taylor
 Owner: Gene Miles
 Address: 10711 West Kellogg 67209

- | | | |
|--|-----------------------|--------------------|
| 1. Gross Acreage of Plat <u>39.7</u> | 6. Access Control | |
| 2. Number of Lots: | St. _____ | No. Openings _____ |
| Residential <u>1</u> | St. _____ | No. Openings _____ |
| Commercial _____ | St. _____ | No. Openings _____ |
| Industrial <u>1</u> | 7. Req'd Improvements | |
| Other _____ | St. Paving <u>x</u> | Water <u>x</u> |
| Total Number of Lots: <u>2</u> | Sidewalk _____ | Drainage _____ |
| 3. Minimum Lot Area: <u>6</u> Acres | Sewer _____ | Other _____ |
| 4. Existing Zoning <u>"TC" "R-1" & "R"</u> | | |
| 5. Special Problems Discussed <u>None</u> | | |

Valid petitions have been submitted guaranteeing the paving of Seville and the extension of sanitary sewer to serve subject property. An irrevocable letter of credit in the amount of \$30,000 has been submitted to guarantee the extension of water.

Planning Commission Recommendation:

That this plat be approved subject to:

- OK* The applicant shall submit by separate instrument a covenant assuring that the provisional temporary building setback line agreed to for subject property, will be maintained for a period of one year from the date of approval of the plat by the M.A.P.C. or until final right-of-way plans for the reconstruction of U.S. 54 highway near said property have been approved by the State and local agencies, whichever shall first occur.
- OK Gary Nichols called to say he had approved plan.*
OK The applicant's engineer shall contact the City and County Fire Departments relative to providing emergency access to subject property.
- OK* The applicant shall contact Bill McKinley of the Traffic Engineering Department relative to parking requirements for the applicant's proposed development plan.
- OK* The applicant shall contact the Soil Conservation Service relative to taking appropriate measures to protect subject property from soil erosion by wind and water during development.
- OK* The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.

- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Hill moved, Kamen seconded and it carried unanimously. (Rising absent.)

NOTES:

Appropriate notices have been sent by the City Engineer to affected property owners concerning the paving petition for Seville which is only an 89.4% petition.

The associated conditional use Case CU-146 for single-family and low density multi-family dwellings has been approved by the Board of County Commissioners on September 5, 1973, subject to platting.

The associated zone Case SCZ-0302 from "R-1" to "LC"; and from "R-1" and "R" to "AA", has been approved by the Board of County Commissioners on September 5, 1973, subject to platting.

ACTION: Accept the easement, receive and file the irrevocable letter of credit and approve the petitions, instruct the Director of Law to prepare the necessary resolutions, and the City Clerk to file the easement and covenant with the Register of Deeds, the publication and filing cost of which shall be billed to the applicant, approve the plat as approved by the Metropolitan Area Planning Commission, authorize the Mayor to sign, and instruct the Planning Department to withhold the plat tracing from recording until the applicant has submitted a certificate and items B, C, and D listed above have been satisfied.

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, that Gene Miles Development, Inc. and Gene Miles and Marie Miles, husband and wife, do hereby grant a permanent Avigational Easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of the following described real estate, to-wit:

MILES LAKEWOOD VILLAGE

By virtue of this easement, the grantors, for and on behalf of themselves and all successors in interest to any and all of the real property above described, waives as to the public authority only any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U. S. Code 1301, and shall include air space needed to insure safety in take-off and landing of aircraft.

To have and to hold said easement forever.

IN WITNESS WHEREOF: The grantors have signed these presents the day and year first written.

GENE MILES DEVELOPMENT, INC.

BY Gene Miles
GENE MILES, PRESIDENT

Gene Miles
GENE MILES

Marie Miles
MARIE MILES



STATE OF KANSAS)
SEDGWICK COUNTY) ss

The foregoing instrument was acknowledged before me this 3rd day of January, 1974, by Gene Miles, President of Gene Miles Development, Inc., a Kansas corporation, on behalf of the corporation.

VIRGINIA R. GREEN
NOTARY PUBLIC
Sedgwick County, Kansas
My Com. Exp. April 23, 1973

Virginia R. Green
NOTARY PUBLIC

STATE OF KANSAS)
SEDGWICK COUNTY) ss

The foregoing instrument was acknowledged before me this 3rd day of January, 1974, by Gene Miles and Marie Miles, husband and wife.

VIRGINIA R. GREEN
NOTARY PUBLIC
Sedgwick County, Kansas
My Com. Exp. April 23, 1973

Virginia R. Green
NOTARY PUBLIC

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING MILES LAKEWOOD ADDITION

THIS DECLARATION made this 3rd day of January, 19 74
by Gene Miles Development, Inc. and Gene Miles and Marie Miles,
husband and wife, hereinafter called Grantors.

WITNESSETH

WHEREAS, Grantors are owners of Miles Lakewood Addition
to Sedgwick County, Kansas, which property is located near
Midcontinent Airport and is accordingly subject to considerable
noise from the operation of aircraft, and is located near U. S.
Highway 54 and is subject to noise from the highway.

WHEREAS, the City of Wichita in connection with approval
of the plat of said addition considers it to be in the public
interest to require any buildings constructed on said addition
to be designed and constructed giving proper consideration to
nois pollution in the area:

NOW THEREFORE, Grantors, hereby declare that Miles Lakewood
Addition, shall be and the same is subjected to the following
restrictive covenant, to-wit:

Any building constructed on the premises shall
be so designed and constructed as to minimize noise
pollution in any such structure, giving due
consideration to the use for which such structure
is designed and built. This covenant is for the
benefit of said property and shall run with the land
and shall inure to the benefit of and pass with
said property and shall apply to and bind the
successors in interest and any owner thereof.

EXECUTED the day and year first above written.

GENE MILES DEVELOPMENT, INC.

BY

Gene Miles
GENE MILES, PRESIDENT

Gene Miles
GENE MILES

Marie Miles
MARIE MILES



RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING MILES LAKEWOOD VILLAGE ADDITION

THIS DECLARATION made this 3rd day of January,
1974, by Gene Miles Development, Inc. and Gene Miles and Marie
Miles, husband and wife, hereinafter called Grantors;

WITNESSETH:

WHEREAS, Grantors are owners of Miles Lakewood Village,
Sedgwick County, Kansas, which property is located in or near
an area subject to possible future highway improvements; and

WHEREAS, the City of Wichita, in connection with approval
of the plat of said Addition, considers it to be in the public
interest to require that no permanent structures or buildings be
constructed on a portion of said Addition which is being considered
for future highway right-of-way use for reconstruction of U. S.
54 Highway.

NOW, THEREFORE, Grantors hereby declare that Miles Lakewood
Village shall be and the same is subjected to the following
restrictive covenant, to-wit:

No permanent structures or buildings shall be
constructed upon that portion of the Addition described
in "Exhibit A", herewith attached, until expiration
of one year from and after the recording of the plat
of Miles Lakewood Village or until final right-of-way
plans for said reconstruction have been approved by
the appropriate agencies, whichever shall first
occur. This covenant shall run with the land
and shall bind the successors and assigns thereof;
and shall remain in full force and effect for the
length of time and under the conditions heretofore
specified. Upon the fulfillment of the conditions
heretofore described, this covenant shall become
automatically and without further notice, null and
void.

GENE MILES DEVELOPMENT, INC.

BY Gene Miles
GENE MILES, PRESIDENT

Gene Miles
GENE MILES

Marie Miles
MARIE MILES

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me this 3rd day of January, 1974, by Gene Miles, President of Gene Miles Development, Inc., a Kansas corporation, on behalf of the corporation.

VIRGINIA R. GREEN
NOTARY PUBLIC
Sedgwick County, Kansas
My Com. Exp. April 23, 1976

Virginia R. Green
NOTARY PUBLIC

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

The foregoing instrument was acknowledged before me this 3rd day of January, 1974, by Gene Miles and Marie Miles, husband and wife.

VIRGINIA R. GREEN
NOTARY PUBLIC
Sedgwick County, Kansas
My Com. Exp. April 23, 1976

Virginia R. Green
NOTARY PUBLIC

LAW OFFICES
WOOD & GRAGERT

THOMAS A. WOOD
MICHAEL D. GRAGERT

300 W. DOUGLAS, SUITE 616 - WICHITA KANSAS 67202
316 263-7228

October 24, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission
104 S. Main
Wichita, Kansas

Re: See attached Schedule "A"
and Schedule "B"

Gentlemen:

I have examined the abstracts of title to the property described in Schedule "A" and Schedule "B" attached hereto. These abstracts consist of a base abstract to the property described as Tract 1 on Schedule "B", a base abstract to the property described as Tract 2 on Schedule "B" and a supplemental abstract to the combined properties as described in Schedule "A". The date of last certification is October 18, 1973 at 7:00 A.M. by Security Abstract and Title Co., Inc.

Title to Tract 1 on Schedule "B" is in:

GENE MILES

Title to Tract 2 on Schedule "B" is in:

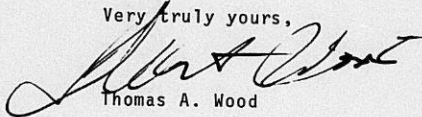
GENE MILES DEVELOPMENT, INC.

1. At Entry No. 3 of the supplemental abstract appears a mortgage to the Wichita State Bank, executed June 27, 1972 and recorded in Book 22, Page 159. This mortgage is in the principal amount of \$40,000 and in my opinion constitutes a valid first and prior lien upon the property described as Tract 2 on Schedule "B" attached hereto.

Wichita-Sedgwick County Metropolitan
Area Planning Commission
October 23, 1973
Page Two

2. Taxes for the year 1972 and prior years are shown paid.
3. This opinion is submitted for the purpose of complying with the requirements of the Wichita-Sedgwick County Metropolitan Planning Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tom Wood", written in dark ink.

Thomas A. Wood

TAW:bs

LAW OFFICES
WOOD & GRAGERT

THOMAS A. WOOD
MICHAEL D. GRAGERT

300 W. DOUGLAS, SUITE 616 - WICHITA KANSAS 67202
316 263-7228

June 12, 1974

Wichita-Sedgwick County Metropolitan
Area Planning Commission
104 S. Main
Wichita, Kansas

Re: Miles--Lakewood Village

Gentlemen:

This will supplement my letter of October 24, 1973 expressing my opinion regarding title to the above property. Since that opinion, taxes for the year 1973 have been paid.

Very truly yours,



Thomas A. Wood

TAW:dh
cc: Gene Miles





THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maint.

DATE May 15, 1974

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT - Final Plat - Miles Lakewood
Village Addition -SD 73-11

I am enclosing a copy of a letter from the applicant describing his guarantee for construction of a dike in connection with development of subject plat.

I trust this information is sufficient to permit final processing of the plat; however, if further information or discussion is desired, please advise.

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/elm

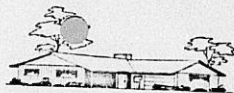
cc: G. H. Wilton
Miles Lakewood Village Adn. Plat File

Enc.



GENE MILES

May 8, 1974



Builder - Developer

GENE MILES CONSTRUCTION, INC.
GENE MILES DEVELOPMENT, INC.

10711 WEST KELLOGG • WICHITA, KANSAS 67209
TELEPHONE (316) 722-6630

Mr. M. S. Mitchell
Flood Control Division
City of Wichita
City Building Annex
104 S. Main
Wichita, Kansas 67202

Re: Miles Lakewood Village plat

Dear Mr. Mitchell:

Use this letter as your guarantee that the proposed flood control dike required in the subject plat will be built and paid for at my expense.

You may feel assured that the project will not be sold or disposed of until the dike is built and paid for by my corporation.

Mr. Mitchell, I was present at the Metropolitan Area Planning Commission meeting when you made this a requirement, so I am trusting that this letter of guarantee signed by me will be sufficient so that the plat may be recorded and we may begin construction and the completion of another fine Miles development.

Very truly yours,

GENE MILES DEVELOPMENT, INC.

Gene Miles

President

GM:vg

newly File



ON SAFETY
PHASE II

THE CITY OF WICHITA

OFFICE OF WATER DEPARTMENT

DATE April 16, 1974

TO Jack H. Galbraith, Chief Planner

FROM Bill H. Otten, Design & Planning Supt.

SUBJECT Miles Lakewood Village

Attached is an Irrevocable Letter of Credit guaranteeing the extension of a water main to serve this plat. Therefore, all of the Water Department requirements for platting have been fulfilled.

Bill H. Otten

Bill H. Otten
Design & Planning Supt.

BHO:ab

Attachment

cc: John D. Wynkoop
Director of Water



IRREVOCABLE LETTER OF CREDIT

WICHITA STATE BANK

(Name of bank)

Date: April 10, 1974

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 30,000.00 for the account of Gene Miles Development, Inc.

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before when petition is signed or by May 1, 1976

(Insert date two years from MAPC approval of plat)
or until properly signed petition is presented to City of Wichita lieu of this Letter of Credit, approximately 90 days.

- 1.
- 2.
- 3.

in Miles Lakewood Village, a subdivision of ~~the City of Wichita, Kansas~~ in Sedgwick County, Kansas.

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

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____

Wichita State Bank, Credit No. 151, dated April 10, 1974
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before May 1, 1976

Very truly yours,

WICHITA STATE BANK
(Name of bank)

By: [Signature]
(Authorized Signature)



October 16, 1973

Mr. Dale Wallace
550 South Westfield
Wichita, Kansas 67209

Subject: S/D 73-11 - Miles
Lakewood Village at the northwest
corner of U. S. Highway 54 and
Seville.

Dear Mr. Wallace:

This is to advise you that the above referred to plat has been submitted and tentatively approved on property subject to a recent zone change approval of which you have been previously notified. The reason for our writing is to advise you that the subject plat as submitted and approved proposes to vacate a portion of the dedicated street right-of-way called Irving Street. Said street is located entirely on property being platted, however, your property located on the west side of Seville adjoins the north side of the street being vacated. We are therefore in accordance with the adopted procedure and we notifying you of this street vacation as you are an adjoining property owner.

The street in question has never been opened or used and runs for a distance of some 200 feet west from Seville. Should you have any questions pertaining to the plat or the street vacation, please do not hesitate to call me.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

October 12, 1973

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 73-11 - Final Plat of
MILES LAKEWOOD VILLAGE

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on October 11, 1973, the above-captioned plat was considered. It was the action of the Commission to recommend approval of the plat as recommended by the Subdivision Committee, subject to the conditions stated in our letter of October 5, 1973, with the exception that the following sentence was added to Condition D:

Said provisional setback shall be in effect for one year from the date of recording of the plat.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- ✓ Certification by an attorney that fee title is vested in the platlor.
- ✓ Certification that all taxes due and payable for 1973 and prior years have been paid.

If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Gene Miles, 10711 West Kellogg 67209
Tom A. Wood, Attorney, Suite 615, 300 West Douglas 67202
Dean Sellers, Assistant City Engineer

October 5, 1973

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Subject: S/D 73-11 - Final Plat
of MILES LAKEWOOD VILLAGE

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, October 4, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- X. Subject property is located within the designated urban growth area of the Countywide sewer plan. Therefore, the applicant shall provide for municipal sewer and water services to serve subject property.
PETITION
- B. The applicant shall guarantee the paving of Seville Avenue.
IRREV. LETTER-OF-CREDIT
- Z. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution caused by aircraft and/or highway use within any habitable structures to be built on said property.
- D. The applicant shall submit by separate instrument a covenant assuring that the provisional temporary building setback line agreed to for subject property, will be maintained for a period of one year from the date of approval of the plat by the M.A.P.C. or until final right-of-way plans for the reconstruction of U. S. 54 highway near said property have been approved by the State and local agencies, which ever shall first occur.

Page 2
Final Plat of MILES
LAKEWOOD VILLAGE
October 5, 1973

- of* The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to plat dimensions and guaranteeing any drainage improvements necessitated by subject plat.
- F. The applicant's engineer shall contact the City and County Fire Departments relative to providing emergency access to subject property.
- G. The applicant shall contact Bill McKinley of the Traffic Engineering Department relative to parking requirements for the applicant's proposed development plan.
- H. The applicant shall contact Guy Moorefield of the Soil Conservation Service relative to taking appropriate measures to protect subject property from soil erosion by wind and water during development.
- y/* Recording of the plat within 30 days after approval by the Board of County Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, October 11, 1973, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

cc: Gene Miles, 10711 West Kellogg, 67209
Tom A. Wood, Attorney, Garvey Bldg., 67202
Dean Sellers, Assistant City Engineer

October 2, 1973

Mr. J. O. Adams
Assistant Highway Engineer
Kansas State Highway Department
State House
Topeka, Kansas 66612

Subject: S/D 73-11 - Miles
Lakewood Village.
Generally located at the
northwest corner of U. S.
Highway 54 and Seville,
SW $\frac{1}{4}$ Sec. 29-27-1W.

Dear Mr. Adams:

Enclosed for your information is a copy of the above referred to final plat which has been submitted for approval. You should take note of the provisional setback line shown on the plat. This setback line should correspond to the proposed future right-of-way limit for the U. S. 54 reimprovement project.

This plat is the result of a recent zone change and conditional use case which we previously advised your office of. Should you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-11 Name MILES LAKEWOOD VILLAGE
Date Application Rec'd. 8-27-73 Preliminary Approval 9-6-73
Scheduled S/D Meeting 10-4-73

DESCRIPTION

General Location At the northwest corner of U. S. Highway 54 and Seville
Owner Gene Miles
Surveyor/Engineer K. O. Taylor
Address 1542 South St. Francis Phone 264-4072

1. Gross Acreage of Plat <u>39.7</u>	7. Lineal Feet of New Streets:
2. Number of Lots:	a. <u>70-40</u> R/W <u>280</u> ft.
Residential <u>1</u>	b. <u> </u> R/W <u> </u> ft.
Commercial <u>1</u>	c. <u> </u> R/W <u> </u> ft.
Industrial <u> </u>	d. <u> </u> R/W <u> </u> ft.
Other <u> </u>	e. <u> </u> R/W <u> </u> ft.
Total Number of Lots <u>2</u>	TOTAL <u>280</u> ft.
3. Minimum Lot Frontage <u>296</u> ft.	8. Sidewalk adjacent to all streets? <u> </u> yes <u>X</u> no
4. Minimum Lot Area <u>270,000</u> sq.ft.	
5. Existing Zoning <u>LC, R-1, R</u>	
6. Proposed Zoning <u>LC & R-1</u>	
9. Public Water Supply Yes (Yes-No), Name <u>City of Wichita</u>	
10. Public Sanitary Sewers Yes (Yes-No), Name <u>City of Wichita</u>	
11. Health Department Approval (where applicable) <u>No</u> (Yes-No)	
12. City of Wichita <u>Three-Mile Area</u> <u>X</u>	

STAFF COMMENTS:

- A. The associated cases SCZ-0302 from "R-1" to "LC" and "R" to "R-1", and Conditional Use CU-146 to permit the establishment of a skilled nursing home and homes for the aged have been approved by the Board of County Commissioners subject to platting.
- B. Subject property is located within the designated urban growth area of the County wide sewer plan. Therefore the applicant shall provide for municipal sewer and water services to serve subject property.
- C. The applicant's engineer shall contact George Ecknor of the Gas Service Company with regard to indicating appropriate easements on the plat for their facilities.
- D. The applicant shall guarantee the paving of Seville Avenue.
- E. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution caused by aircraft and/or highway use within any habitable structures to be built on said property.
- F. If the provisional setback line is to be indicated on the plat, an explanation of what said line represents, shall be indicated in the plat text.
- G. The applicant shall submit by separate instrument a covenant assuring that the provisional temporary building setback line agreed to for subject property, will be maintained until final right-of-way plans for the reconstruction of U. S. 54 Highway near said property have been approved by the State and local agencies.
- H. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to guaranteeing any drainage improvements necessitated by subject plat.

- I. The applicant shall contact Bill McKinley of the Traffic Engineering Department relative to parking requirements for the applicant's proposed development plan.
- J. The applicant shall contact Guy Moorefield of the Soil Conservation Service relative to taking appropriate measures to protect subject property from soil erosion by wind and water during development.
- K. Recording of the plat within 30 days after approval by the Board of County Commissioners.

September 10, 1973

Mr. K. O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Subject: S/D 73-11 - Preliminary
Plat of MILES LAKEWOOD VILLAGE

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 6, 1973, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. A 10 foot utility easement shall be indicated on the north line of the plat and east of the floodway.
- B. The applicant shall contact George Ecknor of the Gas Service Company with regard to indicating appropriate easements for their facilities.
- C. Subject property is located within the designated urban growth area of the County wide sewer plan. Therefore, the applicant shall provide for municipal sewer and water services to serve subject property.
- D. The applicant shall guarantee the paving of Seville Avenue.
- E. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution caused by aircraft and/or highway use within any habitable structures to be built on said property.
- F. The applicant shall submit by separate instrument a covenant assuring that the provisional temporary building setback line agreed to for subject property, will

Page 2
Preliminary Plat of MILES
LAKEWOOD VILLAGE
September 10, 1973

be maintained until final right-of-way plans for the reconstruction of U. S. 54 Highway near said property have been approved by the State and local agencies.

- G. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to guaranteeing any drainage improvements necessitated by subject plat.
- H. Contact Bill McKinley of the Traffic Engineering Department relative to parking requirements for the applicant's proposed development plan.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- J. The applicant shall contact Guy Moorefield of the Soil Conservation Service relative to taking appropriate measures to protect subject property from soil erosion by wind and/or water during development.
- K. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

cc: Mr. Gene Miles
10711 West Kellogg, 67209

~~Robert L. Bell~~ *Forn Wood, Attorney*
~~Hare & Hare, Inc.~~
~~114 West 10th St.~~
~~Kansas City, Mo., 64104~~

Dean Sellers, Assistant City Engineer

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-11 Name MILES LAKEWOOD VILLAGE
Date Application Rec'd. 8-27-73 Preliminary Approval _____
Scheduled S/D Meeting 9-6-73

DESCRIPTION

General Location At the northwest corner of U. S. Highway 54
and Seville
Owner Gene Miles
Surveyor/Engineer K. O. Taylor Phone 264-4072
Address 1542 South St. Francis

- | | | | |
|---|-----------------------|---|------------------------|
| 1. Gross Acreage of Plat | <u>39.7</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. 70-40 R/W | <u>280</u> ft. |
| Residential | <u>1</u> | b. _____ R/W | _____ ft. |
| Commercial | <u>1</u> | c. _____ R/W | _____ ft. |
| Industrial | _____ | d. _____ R/W | _____ ft. |
| Other | _____ | e. _____ R/W | _____ ft. |
| Total Number of Lots | <u>2</u> | TOTAL | <u>280</u> ft. |
| 3. Minimum Lot Frontage | <u>296</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>270,000</u> sq.ft. | streets? _____ yes <input checked="" type="checkbox"/> no | |
| 5. Existing Zoning | <u>LC, R-1, R</u> | | |
| 6. Proposed Zoning | <u>LC & R-1</u> | | |
| 9. Public Water Supply | <u>Yes (Yes-No)</u> | Name | <u>City of Wichita</u> |
| 10. Public Sanitary Sewers | <u>Yes (Yes-No)</u> | Name | <u>City of Wichita</u> |
| 11. Health Department Approval (where applicable) | _____ | No | _____ (Yes-No) |
| 12. City of Wichita | _____ | Three-Mile Area | <u>X</u> |

STAFF COMMENTS:

- A. Approval of this plat is subject to the approval of associated cases SCZ-0302 from "R-1" to "LC" and "R" to "R-1", and the Conditional Use CU-146 to permit the establishment of a skilled nursing home and homes for the aged.
- B. Subject property is located within the designated urban growth area of the County wide sewer plan. Therefore the applicant shall provide for municipal sewer and water services to serve subject property.
- C. The applicant shall guarantee the paving of Seville Avenue.
- D. The applicant shall submit an Avigational Easement covering all of subject property and a covenant assuring that appropriate construction methods will be utilized to minimize the hazards from noise pollution caused by aircraft and/or highway use within any habitable structures to be built on said property.
- E. The applicant shall submit by separate instrument a covenant assuring that the provisional temporary building setback line agreed to for subject property, will be maintained until final right-of-way plans for the reconstruction of U. S. 54 Highway near said property have been approved by the State and local agencies.
- F. The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to guaranteeing any drainage improvements necessitated by subject plat.
- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- H. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Form 223-071

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

753.00

DESCRIPTION	AMOUNT
-------------	--------

<i>2. ...</i>	
<i>...</i>	

Name

Address

Type

Due Date

Comments:

Date

By *[Signature]*

Map No.: _____
Section No.: _____
Twp. No.: _____
Range: _____

S/D No. 73-11

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Miles Lakewood Village

General Location: NW Corner Seville & U.S. Highway 54

Name of Property Owner: Gene Miles

Address: 10711 West Kellogg Phone: 722-6630

Name of Subdivider: Harry Gregor Phone: 262-0438
Address: agent 227 S. Market

Name of Agent/Surveyor: K.O. Taylor

Address: 1542 S. St. Francis Phone: 264-4072

Date of Application: Aug. 27, 1973

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 39.7 Ac.
2. Number of Lots:
 - Residential 1
 - Commercial 1
 - Industrial _____
 - Other _____
3. Total Number of Lots 2
4. Minimum Lot Frontage 296 ft.
5. Minimum Lot Area 270,000 ft.
6. Existing Zoning LC-R-1 + R
7. Proposed Zoning LC + R-1
7. Lineal Feet of New Streets:
 - a. 70-40 R/W 280 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 280 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) _____
12. City of Wichita Three-Mile Area No (Yes-No)

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Gene Miles, Pres. By Gene Miles, Pres.

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Christa L. Neely
Date 8-27-73
Fee Submitted \$52.00

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 27, 1973

TO Jack Galbraith, Chief Planner
FROM Robert A. Lakin, Director of Planning

SUBJECT SC2-0302 - "R-1" to "LC" and
"R-1" and "R" to "AA" - North-
west corner of Seville and
Kellogg

On Monday, April 23, 1973, I received a call from J. O. Adams, Assistant State Highway Engineer, concerning the above case. He indicated that the line submitted to them as a proposed setback to preserve highway right-of-way was sufficient insofar as it pertains to geometrics.

He indicated, however, that they were still checking on noise levels insofar as they pertain to the highway noise in relation to future development adjacent thereto. He indicated that the results of this would be back later this week.

I suggested to him that if noise were to become a problem that we might take the same approach as we are with areas underlying the approach zones to Municipal Airport. This includes the granting of an avigational easement which could be translated to the granting of a noise easement to the State and local public relative to any noise developed from the highway, saving harmless the public from any damages as a result of such noise. The other alternate is to require the construction of any residential units to be done in such a manner that no more than 60 PMDB levels would occur inside the structure. This would be a modification of the restrictive covenant that we have required relative to heavier construction materials underlying flight cones.

As soon as we have information back on the noise issue, perhaps we should meet with Mr. Miles, his legal counsel, and Mr. Taylor to make sure that we are in agreement concerning the issues relative to highways. As soon as this is done, then we should advertise the case for public hearing and proceed.

RAL:ber

cc: K. O. Taylor, 1542 South St. Francis 67211
Thomas Wood, Attorney, 300 West Douglas 67202
Robert H. Nelson, Attorney, 200 West Douglas 67202
Gene Miles, 10711 West Kellogg 67209
X Curtis Newby, Junior Planner

COPY

(4841)
Map No.: G-1W-8
Section No.: 29
Twp. No.: 27S
Range: 1W

S/D No. _____

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Miles Lakewood Village

General Location: NW corner U.S. Highway 54 +
Sewille

Name of Property Owner: Gang Miles
Address: 10711 W. Kellogg Phone: 722-6630

Name of Subdivider: agent Robert L. Bell, Hare + Hare, Inc.
Address: 114 West 10th St., Kansas City, Mo. Phone: 816-421-4338

Name of Agent/Surveyor: R.D. Taylor 6405
Address: 1542 S. St. Francis Phone: 264-4072

Date of Application: 2-9-73

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 40.48
2. Number of Lots:
 - Residential 162
 - Commercial 1
 - Industrial _____
 - Other _____Total Number of Lots 163
3. Minimum Lot Frontage 25 ± ft.
4. Minimum Lot Area 1400 ± ft.
5. Existing Zoning R-1 + LC
6. Proposed Zoning AA + LC
7. Lineal Feet of New Streets:
 - a. 40 R/W 900 ft.
 - b. 80 R/W 200 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL 1100 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City of Wichita or Goddard
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes/No)
12. City of Wichita Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Gang Miles

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Robert H. Hare
Date 2-12-73
Fee Submitted None