

S/D 74-81 - ARBOR LAKES, generally located on the south side of Harry, west of 159th St. East - by Oblinger-Smith Corporation (Gary Wiley) P.E.C.

*Post 150  
8-10-76  
H*

ACTION

	DATE
S/D COMMITTEE (MELVIN-NEM)	1-22-76
M.A.P.C.	5-12-77
B.C.C. / <del>B.C.C.</del>	7-5-77
S/D (Review Prelim)	1-27-77
S/D (Final)	5-5-77

Map No. 6445  
Sec. No. 36  
Twp. No. 27S  
Range 2E

Subdivision Report and Progress

S/D No.: 74-81  
(assoc. SCZ-0313)

Name: ARBOR LAKES

General Location: south side of Harry, west of 159th Street East

Owner: Frank J. Kutilek, M.D.  
Address: 8937 W. Central, 67212 Phone: 722-5301  
Subdivider: Doug Castleberry and Associates  
Address: 786 North Ridge Road, 67212 Phone: 943-2237  
Engineer/Surveyor: Ohlinger-Smith Corporation (Gary Wiley)  
Address: 625 First National Bank Building, 67202 Phone: 262-0451

Application Received 8-6-76  
Conf. with Applicant None  
Sketch Plat Received 8-6-76  
Present Zoning R-1 & AA (SCZ-0313)  
Proposed Zoning AA  
Letter of Intent 9-14-76

FINAL PLAT RECEIVED 4-25-77  
S/D Comm. Action 5-5-77 Approved  
Dept. Report on Final 5-9-77  
M.A.P.C. ACTION 5-12-77 Approved  
Dept. Report on Final 5-11-77  
Letter on Irons Received N/A  
Title/Taxes Rec'd & Reviewed 6-27-77  
Final Review 6-27-77  
Referral to B.C.C. 6-27-77

PREL. PLAT RECEIVED 9-13-76/1477  
S/D Comm. Action 9-23-76 approve  
Revised Appl. 1-27-77 approved  
Dept. Report on Prel. \_\_\_\_\_

B.C.C. ACTION 7-5-77 Approved  
Recorded August 12, 1977

TRACING PROGRESS:  
Received 6-17-77  
Released \_\_\_\_\_  
Received \_\_\_\_\_  
Released \_\_\_\_\_

Comments:

8-9-76 Sketch plat sent to Hamilton, McKinley, Sallins, Mitchell  
8-13-76 Committee requested by 8-16-76  
Hamilton: (Shades street plans, utility easements, & S  
sewer plan (discharge). Permit lot 24  
Blk 112. May need another structure  
above lot 10 Blk 14

7-12-77: revised copies of sheet 1 (some easements changed)  
sent to: Chip Brunnestubbe,  
W.S. Mitchell,  
Dean Sallins,  
Engineering Division (4 copies)  
R.G.E.  
S.W. Bell  
Has Source Co

ARBOR LAKES

Minneha Township

S/D 74-81 n  
S02-0363 n  
S02-0313 n

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

9-16-77

ARBOR LAKES ADDITION \_\_\_\_\_ ADDITION was  
filed for record on \_\_\_\_\_ AUGUST 12, 1977

*Bruce J. McCall*  
Register Of Deeds

T9-328

26

NO. CU-152 townhouses

DESC. South side of Harry approximately one-half mile east of 143rd St.

BY Wichita Veterans Memorial Assoc., et. al.

DOA	BODY	ACTION	NOTICES
7-26-73	MAPC	<i>no quorum</i>	
8-3-73	MAPC	<i>Approved with conditions</i>	
8-15-73	BdqCoC	<i>Approved as recommended</i>	

10-5-76:  
"Closed" at request of applicant  
Resolution No. \_\_\_\_\_ Published \_\_\_\_\_

Book 3  
NO. SCZ-0363 (map H-14-A) "R-1" to "AA"

DESC. west side of 159th St. East, 1/4 mile south of Harry Street

BY Frank J. Kutilek, etal  
D.O.A. BODY ACTION

9-2-76	MAPC	<i>appr. sub to platting</i>	
9-22-76	BdqCoC	<i>appr. as recommended</i>	

Closed  
Aug 18, 1977 Resolution Published  
T9-202

NO. SCZ-0313 "R-1" to "AA"

DESC. South side of Harry approximately 1/4 mile east of 143rd Street

BY Wichita Veterans Memorial Assoc., Inc. et.al  
D.O.A. BODY ACTION

7-26-73	MAPC	<i>no quorum</i>	
8-3-73	MAPC	<i>Approved with platting</i>	
8-15-73	BdqCoC	<i>Approved as recommended</i>	

Closed  
Aug 18, 1977 Resolution Published  
T9-202

NO. S/D 74-81 (Assoc. SCZ-0363) Ohlinger-Smith Corp.  
(map 6445) P.C.C.  
DESC. ARBOR LAKES - south side of Harry, west of  
159th Street East

BY: Frank J. Kutilek, M.D.

D.O.A.	BODY	ACTION
<u>1-27-77</u>	<u>Map</u>	<u>approved</u>
<u>5-5-77</u>	<u>S/D (Assoc)</u>	<u>approve</u>
<u>5-12-77</u>	<u>MAPC</u>	<u>approve</u>
<u>7-5-77</u>	<u>BCC</u>	<u>approve</u>

RECORDED Aug 12 1977

NO. S/D 74-81 P.C.C.  
DESC. ARBOR LAKES FIRST ADD. - South side of Harry in  
an area west of 143rd St. East

BY: Investment Ventures

D.O.A.	BODY	ACTION
<u>8-15-74</u>	<u>S/D</u>	<u>Approve subject to conditions</u>

RECORDED \_\_\_\_\_

NO. CU-153 Institutional Home  
Desc. South side of Harry approximately one-fourth  
mile west of 159th St.

BY: Frank J. Kutilek, M.D.

DOA	BODY	ACTION	NOTICES
<u>7-26-73</u>	<u>MAPC</u>	<u>no business</u>	
<u>8-3-73</u>	<u>MAPC</u>	<u>Approve sub to conditions</u>	
<u>8-15-73</u>	<u>Bd of C</u>	<u>Approved as recommended</u>	
<u>10-5-76</u>		<u>"Closed" at request of applicant</u>	

Resolution No. \_\_\_\_\_ Published \_\_\_\_\_  
79-203

No. CU-159 Townhouses or condominium

Description: On the South side of Harry and between  
143rd St. E. and 159th St. E.

By: Investment Ventures by John Baird

DOA	BODY	ACTION
<u>1-24-74</u>	<u>MAPC</u>	<u>Approved subject to conditions</u>
<u>2-6-74</u>	<u>Bd of C</u>	<u>Approved</u>
<u>10-5-76</u>		<u>"Closed" at request of applicant</u>

79-508

## Legal Publication

R #170-1977  
(First Published In The Daily Reporter,  
August 5, 1977)  
BEFORE THE BOARD OF COUNTY COM-  
MISSIONERS OF SEDGWICK COUNTY,  
KANSAS

### IN THE MATTER OF ARBOR LAKES ADDITION TO SEDGWICK COUNTY, KAN- SAS, STREET IMPROVEMENTS.

#### RESOLUTION AND ORDER

WHEREAS, There has been presented to the Board of County Commissioners of Sedgwick County, Kansas, a petition, pursuant to the provisions of KSA 68-728, signed by the owners of 100% of the lots abutting the streets in Arbor Lakes Addition to Sedgwick County, Kansas, said addition being a plat of the following described real estate, to-wit:

The Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, and the South half of the Northeast Quarter of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas,

which said petition requests the Board to cause the curbing, guttering and paving, including drainage, of the streets in said addition; and

WHEREAS, said Arbor Lakes Addition lies totally outside the limits of any incorporated city; and

WHEREAS, said petition has been set for hearing before the Board on this date, and upon due consideration of the matter, the Board, meeting in regular session with the following members present, to-wit:

Tom Scott  
John Hale  
Everett Patrick,

being fully advised in the premises, all members voting in the affirmative, make the following findings and order.

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

1. That the petition above referred to is in due and regular form and has been signed by 100% of the owners of the lots abutting the streets in Arbor Lakes Addition to Sedgwick County, Kansas.

2. That the following street improvements shall be made to the streets in said Arbor Lakes Addition, to-wit:  
Curb, gutter and pave, including necessary drainage, the streets as hereinafter provided.

3. That all said improvements shall not be done at once, but shall be done in phases and each phase shall be done under separate contract. The phases shall be as follows:

#### PHASE I

The following street improvements shall constitute Phase I:

a. Woodbine Drive from south line of Harry to South line or Arboretum.

b. Arboretum from East line of Woodbine Drive southeast to and including cul-de-sac.

c. Tamarisk from the south line of Harry Street and southwest to east line of Arboretum.

d. Tamarisk Court from east line of Tamarisk east to and including cul-de-sac.

e. Sweetgum from west line of Tamarisk west and southwest to the east line of Arboretum.

f. Sweetgum Court from north line of Sweetgum northwest to and including cul-de-sac.

g. Sweetgum Circle from west line of Arboretum southwest to and including cul-de-sac.

h. Tamarisk Circle from west line of Arboretum southwest to and including cul-de-sac.

#### PHASE II

The following street improvements shall constitute Phase II:

a. Woodbine Drive from south line of Ar-

boretum to south line of Arbor Lakes Addition.  
b. Woodbine Court from southeast line of Woodbine, southeast to and including cul-de-sac.  
c. Woodbine Court from east line of Woodbine, east to and including cul-de-sac.  
d. Bower Drive from north line of Woodbine Drive, northwest, west and south to north line of Woodbine Drive.  
e. Bower Court from south line of Bower, south to and including cul-de-sac.

#### PHASE III

The following street improvements shall constitute Phase III:

a. Woodcreek from west line of 159th Street East, to east line of Arboretum.

b. Woodcreek Circle from west line of Arboretum, southwest to and including cul-de-sac.

c. Arboretum from south line of Woodcreek, northwest and west to west line of Lot 1, Block 9, Arbor Lakes Addition.

d. Woodcreek Court from south line of Woodcreek south and including cul-de-sac.

#### PHASE IV

The following street improvements shall constitute Phase IV:

a. Arboretum from south line of Woodcreek to south line of Basswood.

b. Basswood from west line of Arboretum, southwest, west and north and northeast to west line of Lot 1, Block 9, Arbor Lakes Addition.

c. Weeping Willow Drive from west line of Arboretum to east line of Basswood.

d. Basswood Court southeast to and including cul-de-sac.

e. Weeping Willow Drive from west line of Basswood to west line of Arbor Lakes Addition.

#### PHASE V

The following street improvements shall constitute Phase V:

a. Arboretum from west line of 159th Street East, west and northwest to south line of Basswood.

b. Arboretum Court from north line of Arboretum north to and including cul-de-sac (Lots 19-25, Incl., Block 14).

c. Arboretum Court from north line of Arboretum north to and including cul-de-sac (Lots 26-32, Incl., Block 14).

d. Arrow Wood from south line of Woodcreek south and east to south line of Basswood.

e. Basswood from east line of Arboretum to west line of Arrow Wood.

f. Arrow Wood Court from east line of Arrow Wood northeast to and including cul-de-sac.

g. Arrow Wood Circle from south line of Basswood southeast and east to and including cul-de-sac.

h. Brookhaven from south line of Arboretum to south line of Arbor Lakes Addition.

4. The cost of all such improvements, including but not limited to, engineering, construction costs, which shall include street shall, when ascertained, be assessed to the lots abutting on the streets improved, and such assessments shall be determined and made as provided by the terms of KSA 22-566, all as authorized by the terms of KSA 68-728(b).

5. In order to temporarily finance construction of the improvements, temporary improvement notes shall be issued, and upon completion of said improvements, improvement bonds shall issue, to mature over a period not to exceed twenty (20) years from the date of issue.

6. This resolution shall be published for three (3) consecutive weeks in the official paper of Sedgwick County, and if the owners of more than one-half of the property liable for taxation for such improvements shall not, within twenty (20) days from the last publication thereof, file with the County Clerk their protest against such improvements, such improvements shall be contracted for and such improvements made.

BE IT FURTHER RESOLVED That in the event no proper protest is filed within the time above provided, Board is authorized to contract for the services of Professional Engineering Consultants, P.A., a firm of registered engineers to plan and superintend the construction of the streets for Phase I, above described, such engineer to prepare a preliminary survey and determine the cost of construction and such plans and specifications as are required, the same to be approved by the County Commissioners.

BE IT FURTHER RESOLVED, that the compensation or fee of the engineer shall be conditioned upon and contingent upon such work being actually done, and that the cost of such preliminary survey and other work shall be and become a part of the completed project as shall all other engineering work and services performed in connection therewith, and that as such construction is performed that upon completion thereof the said engineer shall be paid from a part of special assessments levied to pay for such construction in conformity with the statutes in such cases made and provided.

ADOPTED the 15th day of June, 1977.

/s/ Tom Scott  
/s/ John Hale  
/s/ Everett Patrick

#### ATTEST:

/s/ Dorothy K. White  
County Clerk of Sedgwick County, Kansas.

APPROVED AS TO FORM ONLY:

/s/ Theodore H. Hill  
County Counselor

(A5, 12, 19)

## Legal Publication

R 4170-1977

(First Published in The Daily Reporter, August 5, 1977)  
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF ARBOR LAKES ADDITION TO SEDGWICK COUNTY, KANSAS, STREET IMPROVEMENTS.

### RESOLUTION AND ORDER

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which said petition requests the Board to cause the curbing, guttering and paving, including drainage, of the streets in said addition; and

WHEREAS, said Arbor Lakes Addition lies totally outside the limits of any incorporated city; and

WHEREAS, said petition has been set for hearing before the Board this date, and upon due consideration of the matter, the Board, meeting in regular session with the following members present, to-wit:

Tom Scott

John Hale

Everett Patrick,

being fully advised in the premises, all members voting in the affirmative, make the following findings and order.

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

1. That the petition above referred to is in due and regular form and has been signed by 100% of the owners of the lots abutting the streets in Arbor Lakes Addition to Sedgwick County, Kansas.

2. That the following street improvements shall be made to the streets in said Arbor Lakes Addition, to-wit:

Curb, gutter and pave, including necessary drainage, the streets as hereinafter provided.

3. That all said improvements shall not be done at once, but shall be done in phases and each phase shall be done under separate contract. The phases shall be as follows:

#### PHASE I

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b. Arboretum from East line of Woodbine Drive southeast to and including cul-de-sac.

c. Tamarisk Court from the south line of Harry Street and southwest to east line of Arboretum.

d. Tamarisk Court from east line of Tamarisk east to and including cul-de-sac.

e. Sweetgum Court from west line of Tamarisk west and southwest to the east line of Arboretum.

f. Sweetgum Court from north line of Sweetgum northwest to and including cul-de-

sac.

g. Sweetgum Circle from west line of Arboretum southwest to and including cul-de-sac.

h. Tamarisk Circle from west line of Arboretum southwest to and including cul-de-sac.

#### PHASE II

The following street improvements shall constitute Phase II:

a. Woodbine Drive from south line of Arboretum to south line of Arbor Lakes Addition.

b. Woodbine Court from southeast line of Woodbine, southeast to and including cul-de-sac.

c. Woodbine Court from east line of Woodbine, east to and including cul-de-sac.

d. Bower Drive from north line of Woodbine Drive, northwest, west and south to north line of Woodbine Drive.

e. Bower Court from south line of Bower, south to and including cul-de-sac.

#### PHASE III

The following street improvements shall constitute Phase III:

a. Woodcreek from west line of 159th Street East, to east line of Arboretum.

b. Woodcreek Circle from west line of Arboretum, southwest to and including cul-de-sac.

c. Arboretum from south line of Woodcreek, northwest and west to west line of Lot 1, Block 9, Arbor Lakes Addition, and northeast to

d. Woodcreek Court from south line of Woodcreek south and including cul-de-sac.

#### PHASE IV

The following street improvements shall constitute Phase IV:

a. Arboretum from south line of Woodcreek to south line of Basswood.

b. Basswood from west line of Arboretum, southwest, west and north and northeast to west line of Lot 1, Block 9, Arbor Lakes Addition.

c. Weeping Willow Drive from west line of Arboretum to east line of Basswood.

d. Basswood Court southeast to and including cul-de-sac.

e. Weeping Willow Drive from west line of Basswood to west line of Arbor Lakes Addition.

#### PHASE V

The following street improvements shall constitute Phase V:

a. Arboretum from west line of 159th Street East, west and northwest to south line of Basswood.

b. Arboretum Court from north line of Arboretum north to and including cul-de-sac (Lots 13-25, incl., Block 14).

c. Arboretum Court from north line of Arboretum north to and including cul-de-sac (Lots 26-32, incl., Block 14).

d. Arrow Wood from south line of Woodcreek south and east to south line of Basswood.

e. Basswood from east line of Arboretum to west line of Arrow Wood.

f. Arrow Wood Court from east line of Arrow Wood northeast to and including cul-de-sac.

g. Arrow Wood Circle from south line of Basswood, southeast and east to and including cul-de-sac.

h. Brookhaven from south line of Arboretum to south line of Arbor Lakes Addition.

4. The cost of all such improvements, including but not limited to, engineering, con-

struction costs, which shall include street intersections and temporary note interest, shall, when ascertained, be assessed to the lots abutting on the streets improved, and such assessments shall be determined and made as authorized by the terms of KSA 12-608, all as provided by the terms of KSA 68-728(b).

5. In order to temporarily finance construction of the improvements, temporary improvement notes shall be issued, and upon completion of said improvements, improvement bonds shall issue, to mature over a period not to exceed twenty (20) years from the date of issue.

6. This resolution shall be published for three (3) consecutive weeks in the official paper of Sedgwick County; and if the owners of more than one-half of the property liable for taxation for such improvements shall not, within twenty (20) days from the last publication thereof, file with the County Clerk their protest against such improvements, such improvements shall be contracted for and such

protest shall be deemed a consent to the same.

BE IT FURTHER RESOLVED That in the event no proper protest is filed within the time above provided, Board is authorized to contract for the services of Professional Engineering Consultants, P.A., a firm of registered engineers to plan and superintend the construction of the streets for Phase I, above described, such engineer to prepare a preliminary survey and determine the cost of construction and such plans and specifications as are required, the same to be approved by the County Commissioners.

BE IT FURTHER RESOLVED, that the compensation or fee of the engineer shall be conditioned upon and contingent upon such work being actually done, and that the cost of such preliminary survey and other work shall be and become a part of the completed project as shall all other engineering work and services performed in connection therewith, and upon completion thereof the said engineer shall be paid from a part of special assessments levied to pay for such construction as made and provided.

ADOPTED the 15th day of June, 1977.  
/s/ Tom Scott  
/s/ John Hale  
/s/ Everett Patrick

ATTEST:  
/s/ Dorothy K. White  
County Clerk of Sedgwick County, Kansas.  
APPROVED AS TO FORM ONLY:  
/s/ Theodore H. Hill  
County Counselor  
(A5, 12, 19)



NOV 275 729

NOV 7 1977

3 57307

DECLARATION OF COVENANTS

3 51753

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, F C V, Inc., a Kansas corporation, being the owner of all the following described real estate, to-wit:

Lots 1 - 19, inclusive, Block 1; Lots 1 - 19, incl., Block 2; Lots 1 - 29, incl., Block 3; Lots 1 - 15, incl., Block 4; Lots 1 - 11, incl., Block 5; Lots 1 - 9, incl., Block 6; Lots 1 - 14, incl., Block 7; Lots 1 - 26, incl., Block 8; Lots 1 - 57, incl., Block 9; Lots 1 - 14, incl., Block 10; Lots 1 - 31, incl., Block 11; Lots 1 - 9, incl., Block 12; Lots 1 - 12, incl., Block 13; Lots 1 - 23, incl., Block 14; Lots 1 - 11, incl., Block 15, Arbor Lakes Addition to Sedwick County, Kansas;

Original Compared With Record

do hereby impose the following protective restrictions and covenants upon the above described real estate and they shall be filed for record in the office of the Register of Deeds of Sedwick County, Kansas; and each and every one of these covenants, conditions, reservations and restrictions is and all are for the benefit of each owner of land, or any interest therein, and shall inure to and pass with each and every building lot, and shall bind the respective successors in interest of the present owners thereof. These covenants, conditions, reservations and restrictions are and each thereof is imposed upon the lots and blocks above described, and all are to be construed as restrictive covenants running with the title to such lots.

1. Definition of Terms: (a) "Residential building lot", or "building lot" shall mean any lot, or two or more contiguous lots, upon which a dwelling unit, with appurtenances, may be erected in conformance with these covenants.

(b). "Detached single family dwelling unit", or "dwelling unit", shall mean and include one integral unit, with appurtenant structures, designed and constructed for use as a residence for one family.

(c) "Accessory structure" shall mean any enclosed, covered structure not directly attached to a dwelling unit to which it is

Handwritten notes at bottom left.

appurtenant. Such shall not be defined to mean a carport, which structures are expressly prohibited.

(d) "Improvements" shall mean and include a new dwelling unit as herein defined, accessory structures, fences, walls, hedges, and other usual appurtenances now common to dwelling usage.

(e) "Front and side street building set-back line or lines", shall mean the minimum distance which a dwelling unit must be set back from the front and/or side street lines, respectively.

(f) "Side lot building line", shall mean the boundary or property line dividing two adjoining lots.

(g) "Side lot building set-back line", shall mean the minimum distance which a dwelling unit must be set back from the side building lot line.

(h) "Common area", shall mean and include all Reserves A, B, C, D, E, F, and G, Arbor Lakes Addition to Sedwick County, Kansas.

(i) "Homeowners Association" shall refer to Arbor Lakes Homeowners' Association, a Kansas non-profit corporation and the By-Laws thereof and all rules and regulations promulgated pursuant to said Articles and By-Laws.

2. All lots are for residential purposes only. It is hereby provided that no retail, wholesale, manufacturing or repair business of any kind, nor so-called home occupations, nor any other business or profession shall be maintained, practiced or permitted on any building lot or in any detached single-family dwelling or appurtenant structure erected on any lot, nor in any other out-building, even though it does not include the employment of any additional persons in the performance of such business, trade or profession. No activity which may be or become an annoyance or nuisance to the neighborhood shall be carried on upon any building lot or in any dwelling unit or appurtenant structure or accessory structure erected therein.

3. No garage or basement may be converted into apartments or living quarters.

4. No previously constructed building, dwelling unit or accessory structure may be moved onto a building lot. No dwelling

unit, or any part thereof, nor any appurtenant structure to be used in conjunction with a dwelling unit may be occupied in any manner while in the course of construction, nor at any time prior to its being fully completed. No temporary house, temporary dwelling, temporary garage, temporary out-building, trailer home, or other temporary structure shall be placed or erected upon any lot, provided however, temporary construction sheds or the like may be utilized during the period of construction of a dwelling unit or units upon any lot or lots.

5. Set-backs. (a) Front and side street set-back lines are shown on the plat of Arbor Lakes Addition and the minimum front and side street set-backs shall be the same as the distances shown on said plat.

(b) There shall be a six foot (6') side yard building set-back line from each side lot building line.

(c) Accessory structures shall be located in compliance with the side yard requirements for each building lot, however, an accessory structure shall not be required to be set back more than three feet (3') from a side lot building line when all parts of the accessory structure are located more than one-half of the depth of the lot behind the front set-back line, provided, however, no accessory structure shall be located on any platted or recorded easement, or over any known utility.

6. Tanks. No elevated tanks of any kind shall be erected, placed or permitted on any part of any building lot subject to these covenants.

7. Livestock and Pets. No livestock, chickens, fowls, or other animals, except the usual and ordinary number of family pets, shall be kept by the occupants of any dwelling unit constructed upon a building lot.

8. Utility Lines and Cable Television. All electrical service, telephone lines and cable television service shall be placed under ground and no overhead outside service to any dwelling unit shall be

permitted, provided however, overhead electric lines may be permitted to serve lighting of the streets and common area. Any part or all of this restriction may be waived by the undersigned.

9. Signs, etc. No signs, advertisements, billboards or advertising structures of any kind may be erected or maintained on any of the building lots herein restricted, provided, however, permission is hereby granted for the erection and maintenance of not more than one signboard on each building lot, which signboard shall not be more than five (5) square feet in size and may be used for the sole and exclusive purpose of advertising for sale or lease the building lot upon which it is erected.

10. Nuisance. No lot or any of the common area shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot or common area to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any lot or common area that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property.

11. Mining. No derrick or other structure designed for use on boring for oil or natural gas shall be erected, placed, or permitted upon any part of such premises, nor shall any oil, natural gas, petroleum, asphaltum or other hydrocarbon products or minerals of any kind be produced or extracted therefrom.

12. Construction. All dwelling units or structures upon any of the lots subject to these restrictions must be constructed by a licensed contractor licensed by the City of Wichita, Kansas, and no used building materials may be incorporated in any improvement. No evaporative-type cooler shall be used in conjunction with any improvements.

13. Drainage. Drainage ways shall conform to the requirements of all lawful public authorities.

14. Commercial vehicles. No commercial vehicles, construction vehicles or like equipment or mobile or stationary trailers of any kind shall be permitted on any lot unless the same is kept completely enclosed.

15. Homeowners' Association. For the purpose of maintaining the common area and any community facilities, of every kind and nature required or desired within the area, for the general use and benefit of all the building lot owners whose building lots are subject to these covenants, each and every building lot owner, in accepting a deed or contract for any building lot, agrees to and shall be a member of and be subject to the obligations and duly enacted By-Laws and rules of Arbor Lakes Homeowners' Association, a Kansas non-profit corporation. The Articles of Incorporation and By-Laws of such corporation shall be filed for record and the same are specifically incorporated herein by reference.

16. Fences, screening, and television antennas. No fences or other screening shall be allowed in the front set-backs of any of the lots and no television antennas shall be attached to the exterior of any dwelling unit. No vehicles, vehicles being herein defined to include automobiles, motor homes, trailers, motorcycles, boats, tractors or other means of conveyance, shall be parked or stored in either the front, side street or side yard set-backs except on driveways leading directly from the public street to an attached garage or other accessory structure.

17. Architectural Control. In lieu of restrictions heretofore commonly used governing minimum cost or square foot area of dwelling units, both of which have proven inadequate in protecting existing or future property owners because of the fluctuating value<sup>s</sup> of the dollar and the changing designs, customs and trends in home building, these covenants shall and do hereby provide that no dwelling unit or other improvements, including fences, as herein defined, shall be erected, placed or altered on any building lot in said Addition until the building or other improvements plans, specifications and plot plat showing the location of such improvements on the particular building lot have been submitted to and approved in writing as to conformity and harmony for external design, including the height of

said improvements, with existing structures in the Addition, and as to location of the improvements with respect to topography, grade and finished ground elevation by the Architectural Control Committee as hereinafter provided. The Architectural Control Committee, its successors or assigns, shall not be liable in damages to anyone so submitting plans for approval, or to any other owner or owners of building lots covered by this instrument by reason of mistaken judgment, negligence or non-feasance of themselves arising out of or in connection with the approval or disapproval, or failure to approve any such plans. In the event the Architectural Control Committee fails to approve or disapprove such design, height and location within thirty (30) days after said plans and specifications have been submitted, this covenant will be deemed to have been fully complied with. If construction or alteration of original improvements or any subsequent additional improvements are begun in violation of the terms and conditions of this paragraph or without the written approval required, and no suit to enjoin the erection, establishment or alteration of such improvements has been commenced prior to the completion thereof, this covenant will be deemed to have been fully complied with.

The Architectural Control Committee is composed of the following persons, to-wit:

- Douglas L. Castleberry
- Randall J. Voth
- Frank J. Kutilek

A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, a majority of the remaining members shall have full authority to designate a successor. Neither the members of the Committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

18. Term of Restriction. These restrictive covenants shall run with the land and be binding upon all persons using, occupying or

owning such property and their respective heirs, successors and assigns thereof until the 30th day of June, 2002, at which time these restrictive covenants shall be automatically extended for successive periods of ten (10) years each unless by a vote of a majority in number of the then owners of the building lots subject to these restrictions, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, it is agreed to change said restrictions or covenants in whole or in part. If any building lot is owned by more than one person, the owners of such a building lot shall be collectively entitled to one vote.

19. Violations. If any person shall violate or attempt to violate any of the restrictions herein set forth it shall be lawful for any other person or persons holding any building lot in said Addition to prosecute in any court of competent jurisdiction, any proceeding at law or in equity against the person or persons so violating or attempting to violate any such restriction, either for the purposes of preventing him or them from doing so, or to recover damages for such violation. Any waiver of the enforcement of any of the restrictions herein set forth at the time of its violation shall in no event be deemed to be a waiver of the right to do so thereafter nor shall such waiver be deemed to be a waiver of any future or successive violation.

20. Invalidity. In the event any one or more of the foregoing covenants, conditions, reservations or restrictions shall be declared for any reason, by a court of competent jurisdiction, to be null and void, such judgment or decree shall not in any manner whatsoever affect, modify, change, abrogate, or nullify any of the covenants, conditions, reservations and restrictions not so declared to be void, but all of the remaining covenants, conditions, reservations and restrictions not so expressly held to be void shall continue unimpaired and in full force and effect.

IN WITNESS WHEREOF, we, the undersigned, have caused this instrument to be executed this 10th day of August, 1977.

K C V, INC.  
a Kansas Corporation

ATTEST:

Ronald L. Hill  
Secretary

By Frank J. Ristole  
President

STATE OF KANSAS )  
                  ) ss:  
SEDGWICK COUNTY )

PM 275 736

BE IT REMEMBERED, That on this 10th day of August, 1977,  
before me, the undersigned, a Notary Public in and for the County and  
State aforesaid, came FRANK J. KUTILEK, personally known to  
me to be the same person who executed the within instrument of writing  
and such person duly acknowledged the execution of the same for and  
on behalf of K C V, Inc., a Kansas corporation.

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



La Veda J. McElwain  
Notary Public  
La Veda J. McElwain

My Appointment Expires: October 26, 1979

BY - LAWS

OF

ARBOR LAKES HOMEOWNERS' ASSOCIATION

ARTICLE I.

Government

Section 1. The government of the corporation shall be vested in a Board of Directors consisting of seven (7) Directors. Director's fees shall be determined by a majority vote of the members of the corporation.

Section 2. Election of Directors shall be conducted at the annual members' meeting. A nominating committee of five (5) members shall be appointed by the Board of Directors not less than thirty (30) days prior to the annual members' meeting. The committee shall nominate one (1) person for each Director then serving. Additional nominations for Directorships and Directors may be made from the floor. The election shall be by ballot (unless dispensed with by unanimous consent) and by plurality of the votes cast, each person voting being entitled to cast his or her vote for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

Section 3. Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by the remaining Directors.

Section 4. Any Director may be removed by concurrence of two-thirds of the votes of the entire membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by the members of the corporation at the same meeting.

Section 5. Notwithstanding the provisions of Sections 1, 2 and 6 of this Article 1, until the developer, such developer being K C V, Inc. of Arbor Lakes Addition to Sedgwick County, Kansas, has completed and sold all the lots in said Addition, or until December 31, 1984, or until the developer elects to terminate control of the corporation, whichever occurs first, the first Directors of the corporation, named in the Articles of Incorporation, shall serve, and in the event of a vacancy, the remaining Directors shall fill the vacancy, and if there are no remaining Directors the vacancies shall be filled by the developer.

Section 6. The term of each Director's service shall extend until the next annual meeting of the members and thereafter until his successor is duly elected and qualified or until he is removed in the manner herein provided.

ARTICLE II.

Offices and Resident Agent

Section 1. The principal offices of the corporation shall be in the City of Wichita, Sedawick County, Kansas, and the registered office is 786 North Ridge Road, Wichita, Kansas 67212. The name of the Resident Agent in charge thereof from and after the effective date of these By-Laws shall be Douglas L. Castleberry.

ARTICLE III.

Conveyances.

Section 1. Any and all instruments of conveyance, deeds, assignments, mortgages, pledges, releases, trust indentures or other instruments of conveyance, transfer, mortgage or pledge shall be deemed to be valid and sufficient when the same are signed and executed in the name of the corporation (and acknowledged where required) by the President or Vice-President, and when the same are attested by the Secretary of the corporation.

ARTICLE IV.

Members Meetings

Section 1. Subject to the provisions of Article I, Section 5, the annual members' meetings shall be held at the office of the corporation, or such other place as may be determined by the Board of Directors, at 7:30 p.m., central time, on the first Monday in May of each year for the purpose of electing Directors and transacting any other business authorized to be transacted by the members. If that date is a legal holiday, the meeting shall be held at the same hour on the next day.

Section 2. Special members' meetings may be held whenever called by the President or Vice President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast one-third of the votes of the entire membership.

Section 3. Notice of all members' meetings, stating the time and place and the objects for which the meeting is called, shall be given by the President or Vice President or Secretary, unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the corporation and shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before or after meetings.

Section 4. A quorum at members' meetings shall consist of persons

entitled to cast a majority of the votes of the entire membership. If any meeting of the members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting for at least ten (10) days, and adequate notice of the new date shall be given as described in Section 3 of this Article.

Section 5. In any meeting of members, the owners of lots shall be entitled to cast one vote for each lot owned. If a lot is owned by one person, his right to vote shall be established by the record title to his lot. If a lot is owned by more than one person, or is under lease, the person entitled to cast a vote for the lot shall be designated by a certificate signed by all record owners of the lot and filed with the Secretary of the corporation. If a lot is owned by a corporation, partnership or trust, the person entitled to cast a vote for the lot shall be designated by a certificate of appointment signed by the president or vice president, and attested by the secretary or assistant secretary of the corporation, or signed by the partners or trustee, and filed with the Secretary of this corporation. Such certificate shall be valid until revoked, or until superseded by a subsequent certificate, or until a change in the ownership of the lot concerned. A certificate designating a person entitled to cast a vote for a lot may be revoked by any owner thereof. In the event the owners of a lot are unable to agree upon who shall cast the vote, the owners of such lot shall not be entitled to vote.

Section 6. Votes may be cast in person or by proxy. Proxies may be made by any person entitled to vote. They shall be valid only for the particular meeting designated and must be filed with the secretary before the appointed time of the meeting.

#### ARTICLE VI

##### Directors Meetings

Section 1. The organization meeting of the first Board of Directors shall be held within ten (10) days of the filing of the Articles of Incorporation, and shall be held at such place and time as shall be fixed by the Directors, and no further notice of the organizational meeting shall be necessary providing a quorum shall be present.

Section 2. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time, by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail or telephone at least three (3) days prior to the day named for such meeting.

Section 3. Special meetings of the Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Notice of the meeting shall be given personally or by mail or telephone at least three (3) days prior to the day named for such meeting, which notice shall state the time, place, and purpose of the meeting.

Section 4. Any Director may waive notice of a meeting before or

after the meeting and such waiver shall be deemed equivalent to the giving of notice.

Section 5. A quorum at Directors' meeting shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors. If at any meeting of the Board of Directors less than a quorum is present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business which might have been transacted at the meeting as originally called may be transacted without further notice. The joinder of a Director in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such Director for the purpose of determining a quorum.

Section 6. All of the powers and duties of the corporation existing under the Articles of Incorporation of this corporation and these By-Laws shall be exercised exclusively by the Board of Directors, its agents, contractors, or employees, subject only to the approval by lot owners when such is specifically required. Compensation of employees of the corporation shall be fixed by the Directors. A director may be an employee of the corporation, and a contract for management of the corporation may be entered into with a Director.

ARTICLE VI.

Officers

Section 1. The officers of the corporation shall be chosen by the Board of Directors, and shall be a President, Vice President, Secretary and Treasurer. The President and Vice President shall be chosen from among the Directors. All officers shall be elected annually by the Board of Directors and they may be removed by vote of the Directors at any meeting. Any person may hold two or more offices except that the President shall not also be the Secretary. The Board of Directors may from time to time elect other officers to exercise such powers and duties as the Board shall find to be required to manage the affairs of the corporation. Compensation of officers shall be fixed by the Board of Directors.

Section 2. The President shall be the chief executive officer of the corporation; he shall preside at all meetings of the members and directors; he shall have general and active management of the business of the corporation, and shall see that all orders and resolutions of the Board of Directors are carried into effect. He shall further have power to appoint committees from among the members from time to time, as he may in his discretion determine appropriate, to assist in the conduct of the affairs of the corporation. He shall execute contracts, bonds, mortgages, deeds, and other instruments requiring the signature of the corporation.

**Section 3.** The Vice President shall, in the absence of or disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the Board of Directors may prescribe.

**Section 4.** The Secretary shall attend all meetings of the Board of Directors and all meetings of the members, and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He shall give, or cause to be given, notice of all meetings of the members and of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or the President.

**Section 5.** The Treasurer shall have custody of all the funds of the corporation, including securities and evidences of indebtedness. He shall keep the books of the corporation in accordance with good accounting practices and shall perform all other duties incident to the office of Treasurer. He shall give bond indemnifying the corporation against larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, willful misapplication, or other act of fraud or dishonesty, if required by the Board of Directors, in such sum and with such sureties as the Board of Directors may determine.

**Section 6.** In the event of vacancies occurring as to any officer, one or more, by reason of death, resignation, retirement, disqualification, removal from office or otherwise, the Board of Directors by a majority vote, may choose a successor or successors, who shall hold office for the unexpired term in respect to which such vacancy occurred.

ARTICLE VII.

Accounting

**Section 1.** The funds and expenditures of the corporation shall be credited and charged to accounts under the following classifications as shall be appropriate, all of which expenditures shall be common expenses:

a) "Current Expenses", which shall include all funds and expenditures to be made within the year for which the funds are budgeted, including a reasonable allowance for contingencies and working funds, except expenditures chargeable to reserves, to additional improvements, or to operations. The balance of this fund at the end of each year shall be applied to reduce the assessments for current expense for the succeeding year.

b) "Reserve for Deferred Maintenance", which shall include the funds for maintenance items which occur less frequently than annually.

c) "Reserve for Replacement", which shall include funds for repair or replacement required because of damage, depreciation or obsolescence.

d) "Additional Improvements", shall include the funds to be used for capital expenditures for additional improvements or additional personal property which will be part of the common area.

**Section 2.** The Board of Directors shall adopt a budget for each calendar year which shall include the estimated funds required to defray common expenses and to provide funds for the accounts listed above in these By-Laws. The budget shall take into account the following items:

a) "Current Expense", the amount for which shall not exceed 105% of the budget for this account for the prior year.

b) "Reserve for Deferred Maintenance", the amount for which shall not exceed 105% of the budget for this account for the prior year.

c) "Reserve for Replacement", the amount for which shall not exceed 105% of the budget for this account for the prior year.

d) "Additional Improvements", the amount for which shall not exceed \$10,000.00, provided, however, that in the expenditure of this fund no sum in excess of \$1,000.00 shall be expended for a single item or purpose without approval of the members of the corporation.

e) "Operations", the amount of which may be to provide a working fund or to meet losses.

The amount for each budgeted item may be increased over the foregoing limitations when approved by lot owners entitled to cast not less than 75% of the votes of the entire membership of the corporation. Until the developer has completed and sold all of the lots in Arbor Lakes Addition, or until December 31, 1984, or until the developer elects to terminate control of the corporation, whichever shall first occur, the Board of Directors may omit from the budget all allowances for contingencies and reserves. Copies of the budget and proposed assessments shall be transmitted to each member on or before December 1 preceding the year for which the budget is made. If the budget is subsequently amended, a copy of the amended budget shall be furnished to each member. Until the developer has completed and sold all of the lots in Arbor Lakes Addition, or until December 31, 1984, or until the developer elects to terminate control of the corporation, whichever shall first occur, the Board of Directors shall have authority to increase or decrease the assessments notwithstanding the provisions of Subparagraphs a, b, and c hereof.

**ARTICLE VIII.**

**Assessments**

**Section 1.** Assessments against the lot owners for their share of the items of the budget shall be made on or before December 20

preceding the year for which the assessments are made. Such assessment shall be due in twelve (12) equal payments on the 1st day of each month of the year for which the assessments are made. If an annual assessment is not made as required, an assessment shall be presumed to have been made in the amount of the last prior assessment. In the event the annual assessment proves to be insufficient, the budget and assessments therefor may be amended at any time by the Board of Directors if the items of the amended budget do not exceed such limitations thereon for that year. Any item which does exceed such limitations shall be subject to the approval of the membership of the corporation as provided in Article VII of these By-Laws or Section 3 of this Article if an emergency assessment. The unpaid assessment for the remaining portion of the calendar year for which the amended assessment is made shall be due upon the date of the assessment.

**Section 2.** If a lot owner shall be in default in the payment of an installment upon an assessment, the Board of Directors may accelerate the remaining installments of the assessment upon notice thereof to the lot owner, and thereupon the unpaid balance of the assessment shall come due upon the date stated in the notice, but not less than ten (10) days after delivery thereof to the lot owner, or not less than twenty (20) days after the mailing to him of such notice by registered or certified mail, whichever shall first occur.

**Section 3.** If any assessment remains unpaid after notice thereof as provided in Section 2, such unpaid assessment shall become a lien upon the real estate of the defaulting lot owner and such lien shall be subject to foreclosure in the same manner as are mechanic's liens and in any such foreclosure the owner of the lot subject to the lien shall be required to pay a reasonable rental for the real estate, if improved, and the corporation shall be entitled to the appointment of a receiver to collect such rental. In lieu of foreclosing on the lien herein provided for, the corporation may waive such lien and sue for the amount of the assessment.

**Section 4.** Assessment for common expense emergencies which cannot be paid from the annual assessments for common expenses or which would cause a deficit in the annual budget, shall be made only after notice of the need therefor to the members. After such notice and upon approval by members entitled to cast more than one-half of the votes of the members at a meeting called pursuant to Article IV, Section 2, the assessment shall become effective, and it shall be due after thirty (30) days' notice thereof in such manner as the Board of Directors may require, provided, however, the Board of Directors may expend not to exceed \$1,000.00 without member approval to protect the property of the corporation from damage caused by an emergency.

**Section 5.** The depository of the corporation shall be such bank or banks as shall be designated from time to time by the Directors in which the monies of the corporation shall be deposited. Withdrawal of monies from such accounts shall be only by check signed by such persons as are authorized by the Directors.

Section 6. An audit of the accounts of the corporation shall be made annually by a certified public accountant and a copy of the report shall be furnished to each member not later than April 1 of the year following the year for which the report is made.

Section 7. Assessments on each improved lot in Arbor Lakes Addition shall be equal, provided however, unimproved or vacant lots shall be assessed at a rate equal to ten (10%) percent of the assessment on improved lots.

ARTICLE IX.

Amendments

Section 1. These By-Laws may be amended in the following manner:

a) Notice of the subject matter of the proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

b). A resolution adopting a proposed amendment may be proposed by either the Board of Directors or by the members of the corporation. Directors and members not present in person nor by proxy at the meetings considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the mailing. Except as elsewhere provided, such approvals must be by at least 75% of the entire membership of the Board of Directors and by not less than 75% of the votes of the entire membership of the association. Until the first election of Directors, all Directors must approve any amendment.

Section 2. No amendment shall discriminate against any lot owner or against any lot or class or group of lots unless the lot owners so affected shall consent.

Section 3. A copy of each amendment shall be certified by the President and Secretary of the corporation as having been duly adopted and shall be effective when recorded in the office of the Register of Deeds of Sedgwick County, Kansas.

ARTICLE X.

Miscellaneous

Section 1. The order of business at annual members' meetings, and as far as practical at all other members' meetings, shall be as follows:

- a) Calling of the roll and certifying of proxies.
- b) Proof of notice of meeting or waiver of notice.
- c) Reading and disposal of any unapproved minutes.

- d) Reports of officers.
- e) Reports of committees.
- f) Election of judges of election
- g) Election of Directors (if necessary)
- h) Unfinished business
- i) New business
- j) Adjournment

provided, however, that the order of business may be changed by an affirmative vote of a majority of the members present.

Section 2. The order of business at any meeting of the Board of Directors shall be substantially as follows, so far as is consistent with the purposes of the meeting.

- a) Calling of roll.
- b) Proof of notice of meeting.
- c) Reading and disposal of any unapproved minutes
- d) Reports of officers and committees
- e) Election of officers
- f) Unfinished business
- g) New business
- h) Adjournment

Section 3. The fiscal year of the corporation shall be the calendar year.

Section 4. Robert's Rules of Order (Latest Edition) shall govern the conduct of the corporation meetings when not in conflict with the Declaration, the Articles of Incorporation or these By-Laws.

FILM 275 PAGE 746

The foregoing were adopted as the By-Laws of Arbor Lakes Homeowners' Association, a corporation NOT for profit under the laws of the State of Kansas, at a meeting of the Board of Directors held on August 10, 1977.

*Russell J. Chiff*  
Secretary

APPROVED:

*Frank J. Lutich*  
President

ARTICLES OF INCORPORATION

We, the undersigned, incorporators, hereby associate ourselves together to form and establish a corporation NOT for profit under the laws of the State of Kansas.

FIRST: The name of the corporation is ARBOR LAKES HOMEOWNERS' ASSOCIATION.

SECOND: The location of its registered office in Kansas is 786 North Ridge Road, Wichita, Sedgwick County, Kansas, 67212, and the Resident Agent in charge thereof at such address is Douglas L. Castleberry.

THIRD: The corporation is organized NOT for profit and the nature of its business and purposes to be conducted or promoted is to provide an entity for the preservation, maintenance and improvement of the following described real estate, to-wit:

- (a) Reserves A, B, C, D, E, F & G, Arbor Lakes Addition to Sedgwick County, Kansas,

which said real estate is to become a common area for the exclusive and mutual benefit of the owners of the following described real estate, to-wit:

- (b) Lots 1 - 19, inclusive, Block 1; Lots 1 - 19, Block 2; Lots 1 - 20, Block 3; Lots 1 - 15, Block 4; Lots 1 - 11, Block 5; Lots 1 - 9, Block 6; Lots 1 - 14, Block 7; Lots 1 - 26, Block 8; Lots 1 - 57, Block 9; Lots 1 - 14, Block 10; Lots 1 - 31, Block 11; Lots 1 - 9, Block 12; Lots 1 - 18, Block 13; Lots 1 - 23, Block 14; Lots 1 - 11, Block 15, all in Arbor Lakes Addition to Sedgwick County, Kansas.

FOURTH: There shall be no distribution of income to the members, directors or officers of the corporation, however, this shall not preclude the payment of salaries and compensation to the officers, directors and employees of the corporation, even though they may be members thereof.

FIFTH: The corporation shall not have authority to issue capital stock.

SIXTH: The first Board of Directors, appointed herein, shall have authority to adopt By-Laws for the government of the

Corporation, and thereafter, such By-Laws may be altered, amended or repealed as provided in said By-Laws.

The affairs of the corporation will be managed by a Board of Directors consisting of the number of directors as shall be determined by the By-Laws, but not less than three (3) directors and in the absence of such determination, shall consist of three (3) directors. The first election of directors shall not be held until all of the lots described in Paragraph Third (b) hereof have been sold by the developer of Arbor Lakes Addition, or until after December 31, 1984, or until such developer elects to terminate control of the corporation, whichever shall first occur. The directors, hereinafter named shall serve until the first election of directors, and any vacancies in their number occurring before the first election shall be filled by the remaining directors.

All directors of the corporation must be members of the Homeowners' Association hereby established.

SEVENTH: The corporation shall have all of the common law and statutory powers of a corporation NOT for profit which are not in conflict with the terms of these Articles.

The corporation shall have, but not be limited to, the following additional powers:

- (A) To make and collect assessments against members to defray the costs, expenses and losses of the Corporation.
- (B) To use the proceeds of assessments in the exercise of its powers and duties.
- (C) To maintain, repair, replace and operate the common areas and facilities described in Paragraph Third (a) hereof.
- (D) To purchase insurance as required for the protection of the Corporation and its members.
- (E) To reconstruct improvements after casualty loss and to further improve the property.

(F) To make and amend the reasonable regulations respecting the use of the property of the Corporation; provided however, that all such regulations and amendments thereto shall be approved by not less than seventy-five (75%) percent of the votes of the entire membership of the Corporation before such shall become effective.

(G) To contract for the management of the corporate property, if required, and to delegate to such contractor all powers and duties of the Association, except such delegation of authority shall be subject to the approval of seventy-five percent (75%) of the membership of the Association.

(H) To employ personnel to perform the services required for proper operation of the corporate property.

(I) All funds and the titles of all properties acquired by the Corporation and the proceeds thereof shall be held in trust for the members in accordance with the provisions of these Articles and the By-Laws.

(J) The powers of the Corporation shall be subject to and shall be exercised in accordance with the provisions of the By-Laws.

EIGHTH: The members of the corporation shall consist of all the record owners of the lots described in Paragraph Third (b), hereof.

Change of membership in the Corporation shall be established by the recording in the office of the Register of Deeds of Sedgwick County, Kansas, of a deed establishing record title to a lot and the delivery to the President of the corporation a certified copy of such deed, the owner designated by such instrument thereby becoming a member of the Corporation. The membership of the prior owner shall then be terminated as to the lot thereof conveyed.

The share of a member in the funds and assets of the Corporation cannot be assigned, hypothecated or transferred in any manner except as an appurtenant to his or her lot.

If any lot is owned by more than one party, either as joint tenants or tenants in common, the owners, collectively, of said lot shall be entitled to one (1) vote only. The manner of exercising of voting rights shall be determined by the By-Laws of the Association.

NINTH: The names and mailing addresses of each of the incorporators are as follows:

Douglas L. Castleberry, 14 Lakeview Court,  
Goddard, Kansas;

Randall J. Voth, 3223 South Edwards,  
Wichita, Kansas;

Frank J. Kutilek, 8937 East Central,  
Wichita, Kansas.

TENTH: The names and mailing addresses of each person who is to serve as a director until the first election of directors by the members, and until their successors are elected and qualified, are as follows:

Douglas L. Castleberry, 14 Lakeview Court,  
Goddard, Kansas;

Randall J. Voth, 3223 South Edwards,  
Wichita, Kansas;

Frank J. Kutilek, 8937 East Central,  
Wichita, Kansas

ELEVENTH: The term for which this Corporation is to exist is in perpetuity.

IN WITNESS WHEREOF, we have hereunto subscribed our names this \_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
Douglas L. Castleberry

\_\_\_\_\_  
Randall J. Voth

\_\_\_\_\_  
Frank J. Kutilek

STATE OF KANSAS )  
                  ) ss:  
SEDGWICK COUNTY )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_,  
1977, before me, the undersigned, a Notary Public in and for the  
County and State aforesaid, came DOUGLAS L. CASTLEBERRY, RANDALL J.  
VOTH and FRANK J. KUTILEK, personally known to me to be the same  
persons who executed the within instrument of writing and such  
persons duly acknowledged the execution of the same.

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

\_\_\_\_\_  
Notary Public

My Appointment Expires: \_\_\_\_\_

HOLMES, MELLOR, SCHAEFER & COMPTON

ATTORNEYS AT LAW  
500 BROWN BUILDING  
WICHITA, KANSAS 67202  
TELEPHONE (316) 263-4403

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

In the Matter of Subdistrict )  
No. 1 of Eastern Sedgwick )  
County Main Sewer District, )  
a/k/a Springdale - Timber Lakes )  
Joint Sewer District )

P E T I T I O N

*sewer  
petition*

TO: THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

1. Petitioner is the owner of one hundred percent (100%) of the real estate which is located within the boundaries of Sub-district No. 1 of Eastern Sedgwick County Main Sewer District, a/k/a Springdale - Timber Lakes Joint Sewer District, to-wit:

The Northeast Quarter (NE/4) of the Northwest Quarter (NW/4), and the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4), and the South Half (S/2) of the Northeast Quarter (NE/4) of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

2. That said real estate is being platted into an addition to be known as Arbor Lakes <sup>addition</sup> Addition to Sedgwick County, Kansas.

3. That petitioner is desirous of obtaining sewer services for the lots in said addition and therefore petitions the Board to create a lateral sewer district within said main sewer district to provide lateral sewer lines and necessary interceptors to furnish sewage service to the lots in said Arbor Lakes Addition.

WHEREFORE, petitioner prays the Board for an order finding said sewer improvements to be necessary and to cause the appointment and employment of engineers to plan and superintend the construction of lateral sewer line improvements, and necessary interceptors, to serve said Arbor Lakes Addition and to provide for the construction of said sewer improvements as required.

K C V, INC.

By: Douglas L. Cartledge  
President

ATTEST:

Randall J. Colth  
Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF )  
 )  
SUB-DISTRICT NO. 1 )  
OF EASTERN SEDGWICK )  
COUNTY MAIN SEWER )  
DISTRICT, a/k/a )  
SPRINGDALE-TIMBERLAKES )  
JOINT SEWER DISTRICT )  
\_\_\_\_\_ )

R-169-1977

*sewer  
resolution + order*

RESOLUTION AND ORDER

NOW on this 15th day of June, 1977, the same being a regular meeting day of the Board of County Commissioners of Sedgwick County, Kansas, this matter comes on upon the petition to form a lateral sewer district to serve the lots in Arbor Lakes Addition to Sedgwick County, Kansas, the same being a part of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District. The following members of the Commission were present:

Tom Scott  
John Hale  
Everett Patrick

Thereupon the matter is presented to the Board, and the Board, by unanimous vote, makes the following findings and order by this resolution.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, IN REGULAR MEETING DULY ASSEMBLED:

1. That the following described real estate, to-wit:

The Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, and the South half of the Northeast Quarter of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas,

is being platted into an addition to be known as Arbor Lakes Addition to Sedgwick County, Kansas, and that the same is a part of Sub-District No. 1 of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District.

2. That a petition, pursuant to the provisions of KSA 19-2704 and 19-2704a, signed by 100% of the landowners of the above described real estate, requesting the creation of a lateral sewer district to serve the lots in the Arbor Lakes Addition has been filed with the Clerk.

3. That no notice of this hearing is necessary or required to be given for the reason that such notice is excused by the provisions of KSA 19-2704a whenever the petition to create a lateral sewer district is signed by the owners of 100% of the area of land subject to assessment within any lateral sewer district sought to be created.

4. That in order to serve all of the lots in Arbor Lakes Addition it will be necessary to construct an interceptor line from the addition to the sewer plant of Sub-District No. 1 of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District and that the cost thereof should be assessed to all of the lots in said addition.

5. That in order to serve the individual lots in Arbor Lakes Addition there is hereby created a lateral sanitary sewer district to be known as Arbor Lakes Lateral Sewer District of Sub-District No. 1 of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District. Said lateral sewer district shall not be developed by the installation of lateral sewers at once but shall be developed in phases. The phases shall be as follows:

PHASE I

Phase I shall consist of installation of lateral sewers to serve the following lots and blocks:

- a. Block 7, Lots 1 - 14, inclusive
- b. Block 6, Lots 1 - 9, inclusive
- c. Block 5, Lots 1 - 11, inclusive
- d. Block 4, Lots 1 - 15, inclusive
- e. Block 8, Lots 1 and 2

PHASE II

Phase II shall consist of installation of lateral sewers to serve the following lots and blocks:

- a. Block 1, Lots 1 - 19, inclusive
- b. Block 2, Lots 1 - 19, inclusive
- c. Block 3, Lots 1 - 20, inclusive

PHASE III

Phase III shall consist of installation of lateral sewers to serve the following lots and blocks:

- a. Block 9, Lots 1 - 31, inclusive
- b. Block 13, Lots 1 - 26, inclusive
- c. Block 12, Lots 1 - 4, inclusive
- d. Block 14, Lots 1 - 18, inclusive
- e. Block 14, Lots 47 - 57, inclusive

PHASE IV

Phase IV shall consist of installation of lateral sewers to serve the following lots and blocks:

- a. Block 8, Lots 3 - 9, inclusive
- b. Block 11, Lots 1 - 23, inclusive
- c. Block 10, Lots 1 - 18, inclusive

PHASE V

Phase V shall consist of installation of lateral sewers to serve the following lots and blocks:

- a. Block 12, Lots 5 - 14, inclusive
- b. Block 14, Lots 19 - 46, inclusive
- c. Block 15, Lots 1 - 11, inclusive
6. The cost of the installation of the lateral sewer lines,

which costs shall include, but not be limited to, engineering, actual construction costs, including materials, and temporary note interest, shall, when ascertained, be assessed to the lots which are served by the individual lateral sewer lines, and such assessments shall be determined and made as provided by KSA 19-2705.

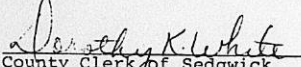
7. The provisions of this resolution shall be subject to all of the terms and conditions of that certain resolution enacted by the Board of County Commissioners the 25th day of May, 1977, concerning the enlargement of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District, (Resolution No. 133-1977 ).

BE IT FURTHER RESOLVED, that Professional Engineering Consultants, P.A., a firm of registered engineers, be employed to plan and superintend the construction of a sewer system for Sub-district No. 1 of Eastern Sedgwick County Main Sewer District, a/k/a Springdale-Timberlakes Joint Sewer District, consisting of an interceptor and lateral sanitary sewers, and such engineers shall prepare preliminary estimates and determine the cost of construction and such plans and specifications are to be approved by the County Commissioners and the Secretary of Health and Environment of the State of Kansas.

BE IT FURTHER RESOLVED that the compensation or fee of the engineer shall be conditioned upon and contingent upon such work being actually done and that the cost of such preliminary estimates and other work shall be and become a part of the completed project as shall all other engineering work and services performed in connection therewith by the said engineers, and that as such construction is performed, the said engineers shall be paid from a part of special assessments levied to pay for such construction in conformity with the statutes in such cases made and provided.

BE IT FURTHER RESOLVED that the Chairman of the Board of County Commissioners and the County Clerk be and they are hereby authorized to execute a contract with said engineers for the work herein provided.

ATTEST:

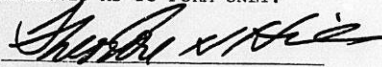
  
Dorothy K. White  
County Clerk of Sedgwick  
County, Kansas

  
Tom Scott

  
John Hale

  
Everett Patrick

APPROVED AS TO FORM ONLY:

  
County Counselor

HOLMES, MELLOR, SCHAEFER & COMPTON  
ATTORNEYS AT LAW  
870 BROWN BUILDING  
WICHITA, KANSAS 67202  
TELEPHONE (316) 282-4402

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN RE: )

ARBOR LAKES ADDITION TO  
SEDGWICK COUNTY, KANSAS )

P E T I T I O N

*Street  
petition*

TO: THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

1. The undersigned is the owner of one hundred percent (100%) of the following described real estate which is being platted into Arbor Lakes Addition to Sedgwick County, Kansas, to-wit:

The Northeast Quarter (NE/4) of the Northwest Quarter (NW/4), and the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4), and the South Half (S/2) of the Northeast Quarter (NE/4) of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

2. That all of said real estate lies outside the limits of any incorporated city.

3. That petitioner is desirous of improving the streets within said addition and therefore petitioned the Board for the curbing, guttering and paving, including drainage, of the streets within said addition as platted.

4. Petitioner further requests the Board to employ and appoint engineers to plan and superintend the construction of said street improvements.

WHEREFORE, petitioner prays that the Board of County Commissioners by resolution, pursuant to K.S.A. 68-728, et seq, declare such work and improvements necessary to be done and cause a resolution thereof to be published for three (3) consecutive weeks in the official paper of Sedgwick County, Kansas, and if the owners of more than one half of the property liable for taxation for such improvements shall not within twenty days (20) from the date of the

last publication, file with the County Clerk their protest against said improvements, that the Board cause such work to be done and contract therefor and levy taxes for the payment thereof as provided by law.

K C V, INC.

By:

Dorinda L. Castberry  
President

ATTEST:

Randall V. Volt  
Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF )  
ARBOR LAKES ADDITION )  
TO SEDGWICK COUNTY, )  
KANSAS, STREET )  
IMPROVEMENTS. )

R-170-1977

*street resolution & order*

RESOLUTION AND ORDER

WHEREAS, there has been presented to the Board of County Commissioners of Sedgwick County, Kansas, a petition, pursuant to the provisions of KSA 68-728, signed by the owners of 100% of the lots abutting the streets in Arbor Lakes Addition to Sedgwick County, Kansas, said addition being a plat of the following described real estate, to-wit:

The Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, and the South half of the Northeast Quarter of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas,

which said petition requests the Board to cause the curbing, guttering and paving, including drainage, of the streets in said addition; and

WHEREAS, said Arbor Lakes Addition lies totally outside the limits of any incorporated city; and

WHEREAS, said petition has been set for hearing before the Board this date, and upon due consideration of the matter, the Board, meeting in regular session with the following members present, to-wit:

- Tom Scott
- John Hale
- Everett Patrick,

being fully advised in the premises, all members voting in the affirmative, make the following findings and order.

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

1. That the petition above referred to is in due and regular form and has been signed by 100% of the owners of the lots abutting

the streets in Arbor Lakes Addition to Sedgwick County, Kansas.

2. That the following street improvements shall be made to the streets in said Arbor Lakes Addition, to-wit:

Curb, gutter and pave , including necessary drainage, the streets as hereinafter provided.

3. That all said improvements shall not be done at once, but shall be done in phases and each phase shall be done under separate contract. The phases shall be as follows:

PHASE I

The following street improvements shall constitute Phase I:

- a. Woodbine Drive from south line of Harry to South line of Arboretum.
- b. Arboretum from East line of Woodbine Drive southeast to and including cul-de-sac.
- c. Tamarisk from the south line of Harry Street and southwest to east line of Arboretum.
- d. Tamarisk Court from east line of Tamarisk east to and including cul-de-sac.
- e. Sweetgum from west line of Tamarisk west and southwest to the east line of Arboretum.
- f. Sweetgum Court from north line of Sweetgum northwest to and including cul-de-sac.
- g. Sweetgum Circle from west line of Arboretum southwest to and including cul-de-sac.
- h. Tamarisk Circle from west line of Arboretum southwest to and including cul-de-sac.

PHASE II

The following street improvements shall constitute Phase II:

- a. Woodbine Drive from south line of Arboretum to south line of Arbor Lakes Addition.
- b. Woodbine Court from southeast line of Woodbine, southeast to and including cul-de-sac.
- c. Woodbine Court from east line of Woodbine, east to and including cul-de-sac.
- d. Bower Drive from north line of Woodbine Drive, northwest, west and south to north line of Woodbine Drive.
- e. Bower Court from south line of Bower, south to and including cul-de-sac.

PHASE III

The following street improvements shall constitute Phase III:

- a. Woodcreek from west line of 159th Street East, to east line of Arboretum.
- b. Woodcreek Circle from west line of Arboretum, southwest to and including cul-de-sac.
- c. Arboretum from south line of Woodcreek, northwest and west to west line of Lot 1, Block 9, Arbor Lakes Addition.
- d. Woodcreek Court from south line of Woodcreek south and including cul-de-sac.

PHASE IV.

The following street improvements shall constitute Phase IV:

- a. Arboretum from south line of Woodcreek to south line of Basswood.
- b. Basswood from west line of Arboretum, southwest, west and north and northeast to west line of Lot 1, Block 9, Arbor Lakes Addition.
- c. Weeping Willow Drive from west line of Arboretum to east line of Basswood.
- d. Basswood Court southeast to and including cul-de-sac.
- e. Weeping Willow Drive from west line of Basswood to west line of Arbor Lakes Addition.

PHASE V.

The following street improvements shall constitute Phase V:

- a. Arboretum from west line of 159th Street East, west and northwest to south line of Basswood.
- b. Arboretum Court from north line of Arboretum north to and including cul-de-sac (Lots 19-25, incl., Block 14).
- c. Arboretum Court from north line of Arboretum north to and including cul-de-sac, (Lots 26-32, incl., Block 14).
- d. Arrow Wood from south line of Woodcreek south and east to south line of Basswood.
- e. Basswood from east line of Arboretum to west line of Arrow Wood.
- f. Arrow Wood Court from east line of Arrow Wood northeast to and including cul-de-sac.
- g. Arrow Wood Circle from south line of Basswood, southeast and east to and including cul-de-sac.
- h. Brookhaven from south line of Arboretum to south line of Arbor Lakes Addition.

4. The cost of all such improvements, including but not limited to, engineering, construction costs, which shall include street intersections and temporary note interest, shall, when ascertained, be assessed to the lots abutting on the streets improved, and such assessments shall be determined and made as provided by the terms of KSA 12-608, all as authorized by the terms of KSA 68-728(b).

5. In order to temporarily finance construction of the improvements, temporary improvement notes shall be issued, and upon completion of said improvements, improvement bonds shall issue, to mature over a period not to exceed twenty (20) years from the date of issue.

6. This resolution shall be published for three (3) consecutive weeks in the official paper of Sedgwick County, and if the owners of more than one-half of the property liable for taxation for such improvements shall not, within twenty (20) days from the last publication thereof, file with the County Clerk their protest against such improvements, such improvements shall be contracted for and such improvements made.

BE IT FURTHER RESOLVED That in the event no proper protest is filed within the time above provided, Board is authorized to contract for the services of Professional Engineering Consultants, P.A., a firm of registered engineers to plan and superintend the construction of the streets for Phase I, above described, such engineer to prepare a preliminary survey and determine the cost of construction and such plans and specifications as are required, the same to be approved by the County Commissioners.

BE IT FURTHER RESOLVED, that the compensation or fee of the engineer shall be conditioned upon and contingent upon such work being actually done, and that the cost of such preliminary survey and other work shall be and become a part of the completed project as shall all other engineering work and services performed in connection therewith, and that as such construction is performed

that upon completion thereof the said engineer shall be paid from a part of special assessments levied to pay for such construction in conformity with the statutes in such cases made and provided.

ADOPTED the 15th day of June, 1977.

ATTEST:

Northey K. White  
County Clerk of Sedgwick  
County, Kansas.

Tom Scott  
Tom Scott

John Hale  
John Hale

Everett Patrick  
Everett Patrick

APPROVED AS TO FORM ONLY:

Marion H. Hill  
County Counselor

CERTIFICATE

I Bette S. McCart, Register of Deeds in and for said County and State, do hereby certify that the within and foregoing is a full, true and correct copy of an instrument which was filed for record in my office on the 10<sup>th</sup> day of Aug 19 77, A.D., in Book 259 at Page 1599 File Number 343393.  
Witness my hand and official seal at Wichita, Kansas,  
this 10<sup>th</sup> day of Aug 19 77, A.D.

By Amelia Frail Bette S. McCart  
Deputy Register of Deeds, Sedgwick County, Kansas

*To  
Everett*



July 20, 1978

Mr. Kenneth D. Everett, P.E.  
Professional Engineering Consultants P.A.  
1440 East English  
Wichita, KS 67211

Dear Mr. Everett:

Subject: Arbor Lakes Streets, Phase II  
PEC File 30-78222-024

In reference to your letter dated June 30, 1978, about increasing the intersection radii from 19.5 feet to 24.5 feet. The sub-division regulations adopted by the Metropolitan Area Planning Commission published the proper radii on Page 34, Section 7-201(P). The right-of-way requirements provided in the regulations provide for 14'-6" setback between the curb and property line. On any streets where the intersection curb radii exceeds 20 feet, the right-of-way should be rounded by an arc to accommodate the larger radii.

I would suggest that additional right-of-way be dedicated at locations where the above conditions exist. I also suggest the above design should be incorporated on all future plats and projects.

If additional information is necessary, please advise.

Very truly yours,  
*Sonny G. Seal*  
Sonny G. Seal  
Design Chief Engineer

SGS/dla

cc: Paul Graves, Traffic Engineer  
Jack Galbraith, Planning Division X  
G. C. McLure, Jr., Director of Public Works, Sedgwick County

April 21, 1978

Gary Wiley  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

Re: Street paving widths for streets in Timber Lakes Estates  
2nd and 3rd Addition, Springdale East and Arbor Lakes Estates

Dear Gary:

At their regular meeting of April 20, 1978, the Subdivision Committee of the Planning Commission considered the requested reductions in street paving widths in the above referred to subdivisions. The action of the Committee was to approve the pavement widths as presented on the submitted drawings with the exception of Bower Drive in the Arbor Lakes Addition which shall remain at the 35 foot paving width.

In order for the streets which were approved for the 29 foot paving width to be developed it will be necessary for you to submit 2 copies of a plan designating on which side of the 29 foot streets parking will be permitted since parking is permitted on only one side of the 29 foot street. Also, the property owner will have to submit 2 copies of a restrictive covenant assuring that 4 off street parking spaces will be provided on each lot adjoining the 29 foot street. The plans and covenant will need to be submitted prior to issuance of any building permits or actual street construction. We are taking under advisement your concern regarding use of the front yard setback area for parking on lots in the county. If you have any questions concerning this matter, please call.

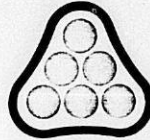
Sincerely,

Curtis L. Newby  
Junior Planner

CLN:et  
cc:  
Dean Sellers

**DIRECTORS**

C. O. KNOP, P.E.  
R. B. FEUGH, P.E.  
C. J. FREUND, P.E.  
W. H. KELTNER, P.E.  
R. D. PLETCHER, P.E.  
F. D. MIDDLETON, JR., P.E.  
J. L. MARTIN, P.E.  
K. R. HORNER, P.E.



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION

March 22, 1978

Mr. Curtis L. Newby  
Junior Planner  
Metropolitan Area Planning Department  
City Hall - 455 North Main Street  
Wichita, Kansas 67202

Re: Street paving width for streets in  
Timber Lakes Estates 2nd and 3rd Addition,  
Springdale East, and Arbor Lakes Estates

Dear Curtis:

In order that we might take advantage of the recently adopted street paving width standards, we would request that you schedule the above mentioned subdivisions before the Subdivision Committee at your earliest convenience.

We would propose street paving widths as shown on the attached drawings, without reduction to existing right-of-way widths.

In addition to the above, we would like to discuss the possibility of an amendment to the Sedgwick County Zoning Regulations to allow required off-street parking to occupy a portion of the front yard setback in residential zoned areas. We believe this amendment should be similar to the one recently approved by the City of Wichita.

If you should have any questions, please call.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P. A.

*Gary L. Wiley*

Gary L. Wiley

GLW:lo

Attachment

1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2591

*Newby*  
*Sub*

March 13, 1978

Mr. Charles S. Brown, P. E.  
Project Engineer  
Professional Engineering Consultants  
1440 East English  
Wichita, KS 67211

Dear Mr. Brown:

Subject: Arbor Lakes Streets

Enclosed are copies of plan sheets No. 7 and 8 of pavement details for  
Arbor Lakes Streets. The plans are approved as submitted.

If additional information is necessary please contact me.

Very truly yours,

*R. W. Linn*  
R. W. Linn  
City Engineer

RWL/dla

Encls.

cc: G. C. McLure, Jr., Director of Public Works, Sedgwick County  
Robert Lakin, Director of Planning Department, City of Wichita X



THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
CITY HALL - SEVENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4501

March 6, 1978

Mr. William H. Keltner, P.E.  
Professional Engineering Consultants  
1440 East English  
Wichita, Kansas 67211

Re: Street Improvements - Phase I  
Arbor Lakes Estates

Dear Mr. Keltner:

Preliminary plans for the above referenced project have been submitted to this office for review and approval.

The only major comment on the plans is the pavement standard shown on the typical sections on Sheet Nos. 7 and 8. These typical sections do not conform to the pavement design standards of the City of Wichita.

Article 8-102 of the Subdivision Regulations designates Engineering jurisdiction for improvement standards and specifications. Article 9-104 requires a review by the "appropriate engineer" for conformance to their design standards.

We have a few minor comments and questions on the plans which we will be happy to review with you. The plans are consistent with our design standards and practices with the exception of the afore-mentioned pavement standard.

This issue should be resolved prior to preparation of final plans.

If additional information is desired, please contact me.

Very truly yours,

*R.W. Lipp*  
R.W. Lipp  
City Engineer

RWL:gd

CC: Bob Lakin - Planning Dept.

R.W. Bruggeman - Director of Public Works

G.C. McLure, Jr., - Director of Public Works/ County Engineer

*Note: Checked with Lanny Seal on 3-10-78  
He stated City Engineer's applicant had resolved  
the problem. The plans now agree with City  
spec. for 8" asphalt instead of 6" as originally submitted.  
C.L.A.*



*What is being proposed?*



# KANSAS STATE BOARD OF AGRICULTURE

TOPEKA, KANSAS 66612

*Copy*

DIVISION OF WATER RESOURCES  
GUY E. GIBSON, Chief Engineer  
1720 SOUTH TOPEKA AVENUE  
TOPEKA, KANSAS 66612

W. W. DUITSMAN  
Secretary  
State Office Building

December 2, 1977

Mr. Randall J. Voth  
K.C.V. Incorporated  
786 North Ridge Road  
Wichita, Kansas 67212

Dear Mr. Voth:

Consideration has been given to your application for permit and approval of plans relating to your proposed channel change and site grading project, along Spring Creek and a tributary of Spring Creek, at a location in the North Half (N<sup>1</sup>/<sub>2</sub>), Section 36, Township 27 South, Range 2 East, Sedgwick County, Kansas.

In accordance with the provisions of K.S.A. 82a-301 to 305, the Chief Engineer has approved the plans and issued the enclosed permit authorizing construction of the proposed channel change. In accordance with the provisions of K.S.A. 24-126, the Chief Engineer has approved the plans authorizing the proposed site grading.

The two sheets of plans titled "Arbor Lakes Drainage Concept and Proposed Final Grading Plan" sheet 1 of 1 sheet, received in this office May 12, 1977, sheets 4 to 14 of 14 sheets of the one set of plans received in this office September 30, 1977, and the one sheet 4 of 14 received in this office October 12, 1977, have been endorsed with the Chief Engineer's approval. One set of the approved plans will be retained in our files. We are returning one copy of "Arbor Lakes Drainage Concept and Final Grading Plan" sheet 1 of 1 sheet to you. If you should wish copies of the other plan sheets with the Chief Engineer's approval shown thereon, please submit the required number.

We are enclosing a copy of a letter from Mr. George Todd, CRA, Inc. Bartlesville, Oklahoma, relating to work you may propose to do in the vicinity of the pipeline, for your information.

Very truly yours,

Keller Cordon  
Engineer

Enclosure:  
cc G.C. McLure, Jr. P.E.  
W.H. Keltner, P.E.





# MEMO

*for Newby  
also  
author data*

TO: Technical Advisory Committee  
(See copies to)

PROJECT NO. 30-76067-1-024

PROJECT: Four Mile Creek -

Step 1

DATE: October 31, 1977

COPIES TO:

ATTN:

Jim Aiken, Larry Henry,

FROM: Richard D. Marney

M.S. Mitchell, Dick Linn, Bill

REFERENCE: T.A.C. Meeting of October 28, 1977

Stockwell, Andy Harkness,

Norman Warminski, Robert Dove,

John Wynkoop

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

The First Meeting of The Technical Advisory Committee (TAC) for the above referenced project met October 28, 1977, 10:00AM, at the Wichita-Sedgwick County Metropolitan Area Planning Department Conference Room.

Those in attendance signed the "Attendance List" made available and attached hereto.

The following Committee members were present or represented:

Jim Aiken  
Larry Henry  
M.S. Mitchell  
Dick Linn  
Bill Stockwell  
Andy Harkness (represented by G.C. McLure)  
Norman Warminski (represented by W.E. Cox)

PEC  
W. H. Keltner  
M. D. Schomaker  
R. D. Marney

Committee Members not present were:

Robert Dove  
John Wynkoop

Keltner opened the meeting by presenting some introductory remarks concerning the Four-Mile Creek Project and distributed the Agenda to those present. Keltner stated that two areas that would be dealt with in the study are currently very active and are in the development phases (Arbor Lakes and Crestview). PEC has been advised that these two areas should be reviewed immediately with recommendations submitted to Sedgwick County for orderly development of the basins in which they are occurring. Keltner stated that since these two areas are priority items they will not have the benefit of a completed study.

It was hoped this first meeting could establish the size of the interceptor sewer through Arbor Lakes, a development occurring south of Timber Lakes Estates.

Four Mile Creek - Step 1  
30-76067-1-024  
October 31, 1977  
Page 2

Arbor Lakes is platted and will be improved in phases. PEC currently has enough knowledge about the development to locate the interceptor sewers to service the two major upstream contributing areas. One area has a contributing area limited to about 100 acres. The second area contains approximately 2,790 acres. The primary question is, how much of the area is to be serviced and what kind of densities can be anticipated.

If the entire basin was to be served by an interceptor sewer the required size of the sewer to serve various densities is as follows:

7 DU's/Acre requires 42" Dia. Pipe  
5 DU's/Acre requires 36" Dia. Pipe  
2.5 DU's/Acre requires 30" Dia. Pipe

MAPD projected that the population for year 2000 for the entire 4 Mile Creek area would be approximately 30,000 of which approximately 27,000 would reside in Sedgwick County. By spreading this evenly over the basin on an acreage basis, the Arbor Lakes Basin would have 4,500 people assigned to it. The current Arbor Lakes Development averages 1.86 DU's per acre (gross), which includes streets, open space, floodway, etc.. By utilizing a development density of 2.5 DU's/Acre and looking at various diameter pipes (12 inch to 21 inch) PEC generated several possible service areas.

Keltner pointed out that in "The Next 30 Years" the urbanizing area had been limited to a location just south of Harry. Currently there are developments and land zoned for development beyond the south urbanizing line shown in that 1970 report.

The question that TAC was asked to resolve is, what pipe diameter should be installed.

PEC supported either the 21" or 18" diameter sewer which could service the area around Pawnee.

MAPD recommended the 15 inch diameter sewer which would support current population forecasts which are not projected to reach Pawnee but indicated that an 18 inch diameter would be acceptable.

The developer of Arbor Lakes stated he would accept the costs to construct the 18 inch diameter pipe if the interceptor costs could be spread over all his lots.

TAC agreed to recommend to the County Commissioners that the 18 inch line be constructed.

One item that was on the agenda but not discussed due to lack of time was a discussion on the role of TAC for the project. This will be presented at the next meeting.

TIME 10:00 A.M.

PURPOSE Technical Advisory Committee Meeting  
Four Mile Creek - Step I

ATTENDANCE LIST

File No. 2000-7-1-009

NAME	ORGANIZATION	ADDRESS
1. William E Cox	County Extension Sec	9800 W. Central Wichita
2. DAVID J. WYNER	WSCMAPD	<del>455 N. Main</del> 455 N. Main
3. Chris Reive	"	
4. Fred May	"	
5. Don Schneider	City of Wichita	455 N. Main
6. Andrew Ditt	Castberry Assoc	786 N. Ridge Rd
7. James R. Schaefer	Lounge	800 Brown Blvd
8. Michael O. Kiser	KOHFE	411 S. Harrison
9. Jim Aiken	WSCDTH	1900 E 9th
10. Mike Schomaker	PEC	1440 E. English
11. Rich Hamey	PEC	" " "
12. Bill Stockwell	MAPD	455 N. Main
13. Curt Newby	MAPD	455 N. MAIN
14. Larry L. Henry	SCS	4100 Maple
15. Dick Linn	City Engineer Wichita	455 N. Main
16. ROBERT A. HAKIN	MAPD	455 N. MAIN
17. G.C. McLURE, JR.	SEDGWICK COUNTY	1015 STILLWELL
18. M.S. MITCHELL	CITY-COUNTY FLOOD CONTROL	455 N. MAIN
19. DOUG CASTLEBERG	CASTLEBERG ASSOC	786 N. Ridge Rd
20. Ed Keller		1440 E. English
21.		
22.		
23.		
24.		

WICHITA-SEDGWICK COUNTY

DATE

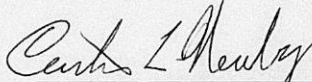
August 11, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** The File  
**FROM** Curtis L. Newby, Junior Planner  
**SUBJECT** Sidewalk guarantees associated with S/D 74-81 -  
ARBOR LAKES.

On August 4, 1977, Bob Lakin, Director of Planning met with Jim Schaefer, Attorney, representing Arbor Lakes to discuss the possibility of phasing the required sidewalk construction on the Arbor Lakes plat the same as has been approved for the street construction. Lakin indicated that the sidewalk guarantees could be done in phases provided the County Counselor would agree and provided a covenant assuring that sidewalk guarantees would be provided for each phase of development could be submitted with the sidewalk guarantee for phase one of the development.

On August 10, 1977, Ted Hill, County Counselor, advised Jack Galbraith, Chief Planner, that he was agreeable to phasing of the sidewalk guarantees.



Curtis L. Newby

Curtis L. Newby, Junior Planner

CLN:rme

*Resume maintenance*

FILM 259 PAGE 1597

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
AUG 10 1977

DECLARATION OF COVENANT

NO. 3 43392  
BETTE F. McCART  
REGISTER OF DEEDS  
*Cornelia Freely*  
*Deputy*

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, K C V, Inc., is the owner of the following described real estate, to-wit:

Reserves A, B, C, D, E, F and G, Arbor Lakes Addition to Sedgwick County, Kansas,

and as such does hereby impose upon all of said Reserves the following protective covenant, and the same shall be filed for record in the office of the Register of Deeds of Sedgwick County, Kansas, and the same shall inure to and pass with said land, and shall bind the respective successors in interest of the present owner thereof.

In the event that K C V, Inc., (hereinafter referred to as "Developer"), or its successor or successors in interest shall fail at any time to maintain said Reserves (hereinafter referred to as "Common Area"), or fail in any manner to fulfill any obligations relating to said Common Areas, the appropriate Governing Body having jurisdiction of said Common Areas may serve written notice upon Developer or its successor or successors in interest, setting forth the manner in which said Developer or its successor or successors in interest has failed to fulfill its obligations. Such notice shall include a statement describing the obligation that has not been fulfilled and shall provide a reasonable time within which Developer or its successor or successors in interest may fulfill the obligation. If said obligation is not fulfilled within the time specified, the appropriate Governing Body having jurisdiction thereof, in order to preserve the taxable values of the properties within Arbor Lakes Addition, and to prevent the Common Areas from becoming a nuisance, may enter upon said Common Areas and maintain the same until Developer, or its successor or successors in interest, shall resume fulfillment of their obligations. All costs incurred by the appropriate Governing Body having jurisdiction thereof in carrying out the obligations of Developer

*Copy*

and its successor or successors in interest may be assessed against the Common Areas and said assessments may become tax liens upon said Common Areas.

IN WITNESS WHEREOF, we, the undersigned, have caused this instrument to be executed this 10th day of August, 1977.

K C V, INC.  
A Kansas Corporation

ATTEST:

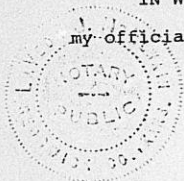
[Signature]  
Secretary

By [Signature] President  
Vice  
FRANK J. KUTILEK

STATE OF KANSAS )  
                          ) ss:  
SEDGWICK COUNTY )

BE IT REMEMBERED that on this 10th day of August, 1977, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came FRANK J. KUTILEK, Vice President of K C V, Inc., a Corporation, to me personally known to be the same person who executed the above and foregoing instrument as Vice President of said corporation, and such person duly acknowledged the execution of the same as Vice President, for and on behalf of, and as the act and deed of said corporation.

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



[Signature]  
Notary Public  
La Veda J. McElwain

My Appointment Expires: October 26, 1979

**CERTIFICATE**

I [Signature] Register of Deeds in and for said County and State, do hereby certify that the within and foregoing is a full, true and correct copy of an instrument which was filed for record in my office on the 10th day of Aug. 1977, A.D. in Book 259 at Page 1597 File Number 343392. Witness my hand and official seal at Wichita, Kansas, this 10th day of Aug. 1977, A.D.

[Signature]  
Register of Deeds, Sedgwick County, Kansas  
By [Signature] Deputy

August 10, 1977

Syd Werbin, Division Head Zoning and Plat Permit Division -  
County Public Works Department  
Curtis L. Newby, Junior Planner

Case No. S/D 74-81 - Arbor Lakes Addition -  
Deed Restrictions and Covenants

On August 10, 1977, we released the above referred to plat to the developer for recording. Among the requirements for the plat approval were requirements for submission of deed restrictions and covenants involving home owners association restrictions on development phasing, etc.

This is to advise you that no plat permits should be issued on subject property until such time as required copies of the aforementioned documents have been furnished to the Planning Commission. We will advise you when this is accomplished.

If you have any questions concerning this, please call.

Curtis L. Newby  
Junior Planner

CLN:el

cc: Ted Hill, County Counselor  
Jim Schaefer, Attorney for the Applicant  
Brown Building, 67202  
Jack H. Galbraith, Chief Planner

FOURTH NATIONAL BANK & TRUST CO., WICHITA  
(NAME OF BANK)

DATE: August 9, 1977

COUNTY OF SEDGWICK  
STATE OF 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 \$ 36,000.00 for the account of K C V, 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 12, 1979

(6)

(INSERT DATE TWO YEARS FROM MAPC APPROVAL OF PLAT)

- Sidewalks adjacent to streets shown on
1. ~~See~~ Phase I attached
  - 2.
  - 3.

in Arbor Lakes Addition a subdivision

located in County of Sedgwick, State of Kansas.

Acting through the County Engineer/Director of Public Works, 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 FOURTH NATIONAL BANK & TRUST CO., WICHITA, Credit NO. 499, dated 8/09/77  
(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 July 12, 1979

(insert a date at least 60 days after the date on line 6)

Very truly yours,

FOURTH NATIONAL BANK & TRUST CO., WICHITA  
(Name of Bank)

BY: Peter Rednan  
(Authorized signature)  
Peter Rednan, Vice President



PHASE I

The following street improvements shall constitute Phase I:

- a. Woodbine Drive from south line of Harry to South line of Arboretum.
- b. Arboretum from East line of Woodbine Drive southeast to and including cul-de-sac.
- c. Tamarisk from the south line of Harry Street and southwest to east line of Arboretum.
- d. Tamarisk Court from east line of Tamarisk east to and including cul-de-sac.
- e. Sweetgum from west line of Tamarisk west and southwest to the east line of Arboretum.
- f. Sweetgum Court from north line of Sweetgum northwest to and including cul-de-sac.
- g. Sweetgum Circle from west line of Arboretum southwest to and including cul-de-sac.
- h. Tamarisk Circle from west line of Arboretum southwest to and including cul-de-sac.

WICHITA-SEDGWICK COUNTY

DATE 7-25-77

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Theodore Hill, County Counselor  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Special Assessment Bonds--Duration

COPY

Upon return from school I reviewed our reading file which included the Arbor Lakes petitions for streets. I notice that the proposed special assessments are over a 20-year time period. I don't know whether the County has a policy on this matter or not. If it does, we would like to be informed so that when we are working with developers we would know how to advise them. If the County does not have a policy on this matter, you may wish to consider what may be the impacts of 20-year financing. The city has recently approved extending its tenure financing policy to a 15-year even payment schedule for special assessment projects. The longer the term of the bonds obviously the lower the monthly payment to the consumer. However, it does increase the total amount paid by the consumer on the 20-year bonds as opposed to the shorter time period. Where there is a bond capacity limitation provision, as within a sewer district, or in the cities where there is a percentage of bonded indebtedness limit, the longer period of bonds continues to absorb the bonding capacity of that unit of government over a longer period of time. I know of no areas that are currently in jeopardy relative to this point because construction has been low over the years; however, were we to ever have another boom like the mid-50's, such a policy could use up bonding capacity of the unit of government very quickly. I would be happy to discuss this item with you at your convenience.

*RA*  
Robert A. Lakin, Director of Planning

cc: John Philbrick, County Auditor  
— Jack Galbraith, Chief Planner  
RAL:ew

WICHITA-SEDGWICK COUNTY

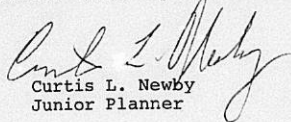
DATE

July 19, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO The Files  
FROM Curtis L. Newby, Junior Planner  
SUBJECT ARBOR LAKES - Cash deposit for sanitary sewer services.

On this date, July 19, the check for \$9,636.80 from K.C.V., Inc., was released to the County Public Works Department for deposit in the County sewer fund.

  
Curtis L. Newby  
Junior Planner

CLN:rme

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 74-81 Name ARBOR LAKES  
Application & Sketch Filed: 8-6-76  
Preliminary Plat Filed: 1-17-77 Approved by S/D: 1-27-77  
Final Plat Filed: Approved by S/D: 5-5-77  
Approved by Metropolitan Area Planning Commission: 5-12-77

DESCRIPTION

General Location: South side of Harry, west of 159th Street East

Surveyor or Engineer: Professional Engineering Consultants  
Owner: Frank J. Kutilek, M.D.  
Address: 8937 W. Central, 67212

- |   |                         |                       |
|---|-------------------------|-----------------------|
| 1. Gross Acreage of Plat <u>160</u>       | 6. Access Control       |                       |
| 2. Number of Lots:                        | St. <u>Harry Street</u> | No. Openings <u>1</u> |
| Residential <u>296</u>                    | St. <u>159th St. E.</u> | No. Openings <u>1</u> |
| Commercial _____                          | St. _____               | No. Openings _____    |
| Industrial _____                          | 7. Req'd Improvements   |                       |
| Other _____                               | St. Paving <u>reqd.</u> | Water <u>reqd.</u>    |
| Total Number of Lots: <u>296</u>          | Sidewalk <u>reqd.</u>   | Drainage <u>reqd.</u> |
| 3. Minimum Lot Area: <u>0.23</u> Acres    | Sewer <u>reqd.</u>      | Other _____           |
| 4. Existing Zoning <u>R-1 &amp; AA</u>    |                         |                       |
| 5. Special Problems Discussed <u>none</u> |                         |                       |

A valid petition has been submitted to the Water Department for extension of City water to serve each lot. Satisfactory arrangements have been made with the County for sanitary sewer service. An approved drainage plan has been submitted for subject property.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. The applicant submitting a restrictive covenant establishing a Home owners Association containing provisions for the maintenance of the open space areas and lake.
- B. The applicant submitting valid guarantees to the County for street paving, sidewalks and sanitary sewer to serve each lot.
- C. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bayouth moved, Savina seconded and it carried  
unanimously.

NOTE: Associated zone cases SCZ-0313, "R-1" to "AA" and SCZ-0363  
"R-1" to "AA" have been approved by the Board of County  
Commissioners subject to platting.

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign and instruct the Planning Department to withhold release of the plat tracing for recording until all conditions of the plat approval have been satisfied.

THE CITY OF WICHITA

OFFICE OF WATER DEPARTMENT

DATE June 24, 1974

TO Jack H. Galbraith, Chief Planner

FROM Bill H. Otten, Chief Engineer-Water Engineering

SUBJECT Arbor Lakes Estates



The plattors of Arbor Lakes Estates 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.

*Bill H. Otten*

Bill H. Otten  
Chief Engineer-Water Engineering

BHO:ak

cc: John D. Wynkoop, Director of Water



do hereby petition, pursuant to the provisions of K.S.A. 12-6a as follows:

(a) That there be constructed and installed within the land area described above an improvement consisting of a water-works system to be made up of such water mains, pipes, valves, hydrants, meters and appurtenances as are requisite to make water and water service available to said land area; the probable cost of the foregoing proposed improvement being \$ 467,700.00 ; said probable cost as set forth above is hereby increased at the pro-rata rate of 1% per month from and after the date of approval of this petition.

(b) That the land area above described (excluding streets, alleys, and other public rights-of-way) be constituted as an improvement district against which shall be assessed Eighty-four and Ninety-Seven Hundredths per cent ( 84.97 %) of the total actual cost of the improvement with the remaining Fifteen & Three Hundredths per cent ( 15.03 %) of such actual costs to be paid by the City of Wichita at large from Water Department Water Utility Improvements funds.

(c) The improvement district's portion of the cost shall be assessed so as to impose an equal burden or share of the cost against each Lot or Tract of Land in the improvement district liable for assessment and so assessed as a special benefit.

2. It is requested that the improvement hereby petitioned be made without notice and hearing.

3. The Director of Water and Water Pollution Control shall certify that the signatures on this petition have been compared to the records of the Register of Deeds of Sedgwick County, Kansas, and that the petition is sufficient by both a majority of the owners of record of property and the owners of record of more than one-half of the area liable for special assessment under the proposal.

4. Names may not be withdrawn from the petitions by the signers thereof after the governing body commences consideration of the petitions or later than seven (7) days after such filing, whichever occurs first.

The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvement may be expeditiously completed and placed in operation.

DESCRIPTION

The NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and  
the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and  
the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of  
Section 36, T27S, R2E.

OWNER

KCV, Inc.  
c/o Doug Castleberry  
786 N. Ridge Rd.  
Wichita, Ks. 67212

SIGNATURES

*Doug Castleberry*  
*For Bill J. Hill Sec*

THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

RESOLUTION PROVIDING PAYMENT LEVELS FOR THAT PORTION OF SUB DISTRICT NO. 1 OF THE EASTERN SEDGWICK COUNTY MAIN SEWER DISTRICT HEREIN REFERRED TO AS TIMBERLAKES-SPRINGDALE JOINT SEWER DISTRICT AND PAYMENT SCHEDULES FOR FUTURE USERS OF THE PRESENT TIMBERLAKES-SPRINGDALE SEWER COLLECTION AND TREATMENT EQUIPMENT AND FUTURE USERS OF EXPANDED TREATMENT FACILITIES

WHEREAS: There has been presented to the Board of County Commissioners of Sedgwick County, Kansas, a petition to expand the boundaries of the existing Timberlakes-Springdale Joint Sewer District as described in Exhibit "A", and incorporate additional lands as described in Exhibit "B" within the boundaries of the Timberlakes-Springdale Joint Sewer District, Sedgwick County, Kansas; and,

WHEREAS, Said Petition has been subscribed to by owners of in excess of fifty-one per cent (51%) of lands to be included within the boundaries of said Joint Sewer District; and,

WHEREAS: The Board of County Commissioners in response to such petition is desirous of arranging for sewerage service for such additional lands and in so doing to equitably spread the appropriate portion of the original Timberlakes-Springdale Sewerage facility costs to the additional lands encompassed within the expanded Timberlake-Springdale Joint Sewer District; and,

WHEREAS, The Board of County Commissioners in order to provide such sewerage service hereby determines that it is necessary to establish and maintain an existing interceptor and land fund and a sewage treatment plant expansion fund;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that two separate and distinct escrow trust-agency accounts be established by the Controller and County Treasurer for the intent and purposes stated.

One escrow account, further identified as the Timberlakes-Springdale Joint Sewer District Bond and Interest Fund, shall receive designated lump sum payments as set forth in Exhibit

"B" at the time the final plat is approved by the Metropolitan Area Planning Commission and prior to recording from owners of record of real estate identified on Exhibit "B".

The second escrow account to be identified as the Timberlakes-Springdale sewage plant expansion fund shall receive payments which totals are set forth in Exhibit "B" based on a rate of \$500.00/acre at the time the owner or owners of land to be served shall request construction of (or be authorized to construct) lateral sewer lines to serve any of the areas identified in Exhibit "B". The proportionate amount to be paid (the per acre charge) at any one time shall equal the quotient of the number of lots for which such lateral sewer service is approved for construction divided by the total of the lots in an addition or proposed development multiplied by the per acre total assessment set forth in Exhibit "B". Said fund shall further receive lump sum payments of \$600.00/dwelling unit at the time a building permit is issued for the construction of a dwelling unit.

When the monies specified have been paid and all other terms of this Resolution have been met, lands described in Exhibit "B" are hereby authorized to use the Timberlakes-Springdale Sewage Plant, or its expansion or its replacement subject to such other local rules and regulations as may exist and subject to any State or Federal requirements. Permits for use of the sewage plant under terms of this Resolution shall be for residential purposes only. Any commercial, industrial or public or quasi public use shall be allowed under separate resolution.

BE IT FURTHER RESOLVED:

- 1) All monies shall be paid in cash or by certified check. A receipt shall be issued by the person receiving said money.
- 2) That monies received at platting shall be deposited with the Director of Public Works of Sedgwick County, or his

agent, and a copy of the receipt of money shall be furnished the Wichita-Sedgwick County Metropolitan Area Planning Department prior to the release of the plat.

- 3) That monies to be paid prior to construction of sewer laterals shall be deposited with the Director of Public Works of Sedgwick County or his authorized agent.
- 4) That monies paid at the time of building permits will be paid to the building permit issuing agent who shall deposit same promptly with the County Treasurer.

BE IT FURTHER RESOLVED that monies so paid into said funds may be invested by the County Controller and that any interest earned shall be placed in the fund from which the principal was invested.

BE IT FURTHER RESOLVED that the monies paid to the Timberlakes-Springdale Joint Sewer District Bond and Interest Fund shall be used to reduce the annual assessments for the cost of land, original sewage treatment plant and collection lines (not laterals) which bonds were issued in 1976 made against owners of land in Springdale Addition and Timberlakes Addition. When said special assessments have been paid out, any additional payments made to this fund under the terms of this resolution shall be transferred to the Timberlakes-Springdale sewage plant expansion fund. The Controller shall be responsible for the management of said Bond and Interest fund.

BE IT FURTHER RESOLVED that the Timberlakes-Springdale sewage plant expansion fund shall be used for the purpose of providing sewage treatment facilities for the lands described in Exhibit "B". Such service may be provided by expanding, modifying or replacing the existing Timberlakes-Springdale treatment plant or may be provided by building a new treatment plant downstream. Costs of lines to carry sewage from its present treatment site to such alternate site shall be considered a cost of providing sewage treatment for the purposes of administering this fund.

To expend monies from this fund, the Director of Public Works of

Sedgwick County shall submit to the Board of County Commissioners his recommendation together with comments and recommendations from the Metropolitan Area Planning Department, the Department of Community Health, the State Department of Health and the Environmental Protection Agency. After having such reports, the Board may by Resolution initiate a project or projects to provide additional treatment facilities. Said resolution shall specify the amount of expenditure so authorized and the purpose therefor. Funds may be expended for either engineering and/or construction, equipment, land acquisition or such other items as may be necessary to provide such service.

The monies for the expansion of sewage treatment facilities are based on estimates of best available data and on accepted current engineering practice and design. Inflation or design change criteria or other unforeseen circumstances may necessitate the assessment of said additional costs on the lands involved by the Board of County Commissioners.

BE IT FURTHER RESOLVED that notwithstanding any authorization herein granted to connect the above described lands to the existing disposal plant, if at any time, in the determination of the County Engineer, such plant is in danger of becoming overloaded and possibly becoming a health hazard, the Board of County Commissioners shall have the authority to order cessation of the issuance of any further building permits until such time as expanded or additional treatment facilities are obtained. Any building permits for development on lands described in Exhibit "B" shall be void after 60 days from the date of issuance unless construction (such as foundation or basement) shall have been commenced. Any cessation of construction for more than 30 days shall constitute grounds for revocation of permits.

BE IT FURTHER RESOLVED that a copy of this Order shall be filed in the Office of the Register of Deeds of Sedgwick County, Kansas, as notice of the provisions hereof, and the same shall be binding upon the present owner and any subsequent owners of all or any part of said real estate.

BE IT FURTHER RESOLVES that the County Clerk shall provide notice of the Board of County Commissioners action, as indicated by this

resolution, to owners of record of real estate identified on Exhibit  
"B".

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOROTHY K. WHITE, COUNTY CLERK

APPROVED AS TO FORM ONLY:

THEODORE H. HILL, COUNTY COUNSELOR

Sub District No. 1 of the Eastern Sedgwick  
County Main Sewer District described as:

A tract of land described as beginning at the Southwest corner of the Northeast Quarter (N/4) of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence North along the West line of said Northeast Quarter (NE/4) to the Southwest corner of the Southeast Quarter (SE/4) of Section 26, Township 27 South, Range 2 East of the 6th P.M.; thence North along the West line of said Southeast Quarter (SE/4) and extended North along the West line of the Northeast Quarter (NE/4) of said Section 26, to the Southwest corner of the Southeast Quarter (SE/4) of Section 23, Township 27 South, Range 2 East of the 6th P.M.; thence West along the South line of the Southwest Quarter (SW/4) of Section 23, Township 27 South, Range 2 East of the 6th P.M.; to the Southwest corner of the Southwest Quarter (SW/4) of said Section 23; thence North along the West line of said Southwest Quarter (SW/4) of Section 23 to the Northwest corner of said Southwest Quarter (SW/4); thence East along the North line of said Southwest Quarter (SW/4); and the Southeast Quarter (SE/4) of Section 23, Township 27 South, Range 2 East of the 6th P.M.; to the Northwest corner of the Southwest Quarter (SW/4) of Section 24, Township 27 South, Range 2 East of the 6th P.M.; thence South along the West line of the West Half (W/2) of said Southwest Quarter (SW/4) to the North line of the South 10 acres of the West Half (W/2) of said Southwest Quarter (SW/4); thence East along the North line of the South 10 acres of the West Half (W/2) of said Southwest Quarter (SW/4) to the East line of the West Half (W/2) of said Southwest Quarter (SW/4); thence South along the East line of the West Half (W/2) of said Southwest Quarter (SW/4) to the North line of the Northwest Quarter (NW/4) of Section 25, Township 27 South, Range 2 East of the 6th P.M.; thence East along the North line of said Northwest Quarter (NW/4) to the East line of said Northwest Quarter (NW/4); thence South along the East line of said Northwest Quarter (NW/4) to the Northwest corner of the Southeast Quarter (SE/4) of Section 25, Township 27 South, Range 2 East; thence East along

the North line of said Southeast Quarter (SE/4) to the Northeast corner of the Northwest Quarter (NW/4) of said Southeast Quarter (SE/4); thence South along the East line of the Northwest Quarter (NW/4) of said Southeast Quarter (SE/4) to the Northwest corner of the Southeast Quarter (SE/4) of said Southeast Quarter (SE/4); thence East along the North line of the Southeast (SE/4) of said Southeast Quarter (SE/4) to the Northeast corner of the Southeast Quarter (SE/4) of said Southeast Quarter (SE/4); thence South along the East line of the Southeast Quarter (SE/4) of said Southeast Quarter (SE/4) to the Northeast corner of the Northeast Quarter (NE/4) of Section 36, Township 27 South, Range 2 East of the 6th P.M.; thence South along the East line of said Northeast Quarter (NE/4) to the Southeast corner of said Northeast Quarter (NE/4); thence West along the South line of said Northeast Quarter (NE/4) to the Southeast corner of the Northwest Quarter (NW/4) of Section 36, Township 27 South, Range 2 East; thence North along the East line of said Northwest Quarter (NW/4) to the Southeast corner of the Northeast Quarter (NE/4) of said Northwest Quarter (NW/4); thence West along the South line of the Northeast Quarter (NE/4) and the Northwest Quarter (NW/4) of said Northwest Quarter (NW/4) to the Southwest corner of the Northwest Quarter (NW/4) of said Northwest Quarter (NW/4); thence North along the West line of the Northwest Quarter (NW/4) of said Northwest Quarter (NW/4) to the South line of the North 20 acres of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4); of Section 35, Township 27 South, Range 2 East of the 6th P.M.; thence West along the South line of the North 20 acres of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4) to the Northwest corner of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 35, Township 27 South, Range 2 East of the 6th P.M.; thence South along the East line of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4) to the Southeast corner of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4); thence West along the South line of the Southwest Quarter (SW/4)

of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4) to the East line of the West Half (W/2) of said Northeast Quarter (NE/4); thence South along the East line of the West Half (W/2) of said Northeast Quarter (NE/4) to the South line of said Northeast Quarter (NE/4); thence West along the South line of said Northeast Quarter (NE/4) to the point of beginning.

## EXHIBIT "B"

The South Half of Section 23-27S-2E, Sedgwick County, Kansas, commonly referred to as the Lusk property

For Bond and Interest Fund	-	\$351.99/acre-Total \$112,636.80
For Treatment Plant Expansion	-	\$500.00/acre-Total \$160,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The South 10 acres of a tract in the W/2 of the SW/4 of Section 24-27-S-2E described as: Beginning at the Southwest corner of the SW/4 of said Section 24, Thence north along the west line 658.3 feet, thence east 1317.8 feet, more or less to a point on the east line of the W/2 of the SW/4 which is 659.8 feet north of the Southeast corner of said W/2 of said SW/4, thence south 659.8 feet, thence west along the south line of said SW/4 to the point of beginning, Sedgwick County, Kansas

For Bond and Interest Fund	-	\$351.99/acre-Total \$3,519.90
For Treatment Plant Expansion	-	\$500.00/acre-Total \$5,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The West Half of the East Half of NW/4 Section 25-27S-2E Sedgwick County, Kansas, commonly referred to as the Robert's property.

For Bond and Interest Fund	-	\$351.99/acre-Total \$15,733.95
For Treatment Plant Expansion	-	\$500.00/acre-Total \$22,350.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The East Half of the East Half of the NW/4 Section 25-27S-2E Sedgwick County, Kansas, commonly referred to as the Robert's property.

For Bond and Interest Fund	-	\$ 60.23/acre-Total \$2,126.12
For Treatment Plant Expansion	-	\$500.00/acre-Total \$17,650.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

A tract in the SW/4 of Sec 25-27S-2E described as beginning at the NW corner of said SW/4; thence east along the north line of said SW/4, 1065 feet; thence with an angle to the right of 89° 00' 00" a distance of 500 feet; thence with an angle to the left of 50° 00' 00" a distance of 360 feet; thence south 44.54 feet to a point 771.03 feet south and 1356.8 feet east of the NW corner of said SW/4 thence west parallel with the north line of said SW/4 1356.8 feet to the west line of said SW/4; thence north 771.03 feet to the place of beginning, Sedgwick County, Kansas, commonly referred to as the Carney property

For Bond and Interest Fund	-	\$351.99/acre-Total \$7,039.80
For Treatment Plant Expansion	-	\$500.00/acre-Total \$10,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The NW/4 of Section 26-27S-2E, Sedgwick County, Kansas, commonly referred to as the Chisholm property.

For Bond and Interest Fund	-	\$351.99/acre-Total \$56,318.40
For Treatment Plant Expansion	-	\$500.00/acre-Total \$80,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The SE/4 of Section 26-27S-2E, Sedgwick County, Kansas, presently owned by Casado-McKay and others.

For Bond and Interest Fund	-	\$327.74/acre-Total \$52,438.40
For Treatment Plant Expansion	-	\$500.00/acre-Total \$80,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The West Half of the NE/4 of Section 35-27S-2E, the West Half of the NE/4 of the NE/4 of Section 35-27S-2E, and the NE/4 of the NE/4 of the NE/4 of Section 35-27S-2E, Sedgwick County, Kansas, presently owned by Major Realty and others.

For Bond and Interest Fund	-	\$327.74/acre-Total \$36,051.40
For Treatment Plant Expansion	-	\$500.00/acre-Total \$55,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The NW/4 of the NW/4 of Section 36-27S-2E, Sedgwick County, Kansas, commonly referred to as the Carney-Wayman property.

For Bond and Interest Fund	-	\$ 60.23-Total \$2,409.20
For Treatment Plant Expansion	-	\$500.00/acre-Total \$20,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The NE/4 of the NW/4 of Section 36-27S-2E, the NW/4 of the NE/4 of Section 36-27S-2E, and the South Half of the NE/4 of Section 36-27S-2E, Sedgwick County, Kansas, commonly referred to as Arbor Lakes.

For Bond and Interest Fund	-	\$ 60.23/acre-Total \$9,636.80
For Treatment Plant Expansion	-	\$500.00/acre-Total \$80,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The NE/4 of the NE/4 of Section 36-27S-2E, Sedgwick County, Kansas.

For Bond and Interest Fund	-	\$ 60.23/acre-Total \$2,409.20
For Treatment Plant Expansion	-	\$500.00/acre-Total \$20,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

The SE/4 of the SE/4 of Section 25-27S-2E, Sedgwick County, Kansas.

For Bond and Interests Fund	-	\$ 60.23/acre-Total \$2,409.20
For Treatment Plant Expansion	-	\$500.00/acre-Total \$20,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

Approximately 3.5 acres in the South Half of SW/4 of Section 25-27S-2E described as: Beginning at a point on the South line of the SW/4 of Section 25-27S-2E, 849.69 feet east of the Southwest corner of said SW/4; thence north parallel with the East line of said SW/4, 218 feet; thence east parallel with the South line of the SW/4, 756 feet; thence south parallel with the West line of the SE/4 of the SW/4, 218 feet to the South line of the SW/4; thence west along the South line of said SW/4, 756 feet to the point of beginning, Sedgwick County, Kansas commonly referred to as Church and Cemetery.

For Bond and Interest	-	\$327.74/acre-Total \$1,147.09
For Treatment Plant Expansion	-	\$500.00/acre-Total \$1,750.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

Timberlakes Estates 2nd Addition in the NE/4 of the SW/4 of Section 25-27S-2E described as: Beginning at a point in the North line and 136 feet west of the Northeast corner of the SW/4 of Section 25-27S-2E; thence south parallel to and 136 feet from the East line of said SW/4, bearing S 0° 06' 33" a distance of 653.68 feet, to the P.C. of a curve to the left; thence along said curve to the left, having a radius of 228 feet and through a central angle of 48° 33' 03" a distance of 193.20 feet; thence bearing S 48° 26' 30" E a distance of 78.62 feet to a point in the East line and 876.85 feet south of the NE corner of said SW/4; thence bearing S 48° 26' 30" E a distance of 114.56 feet to the P.C. of a curve to the left; thence along said curve to the left having a radius of 228 feet and through a central angle of 41° 30' 00" a distance of 165.14 feet; thence bearing S 89° 56' 30" E a distance of 1086.49 feet to a point in the East line and 1010 feet south of the Northeast corner of the W/2 of the SE/4 of said Section 25; thence south along the East line of said SE/4 bearing S 0° 02' 31" W a distance of 248.79 feet; thence bearing N 89° 51' 30" W a distance of 950 feet; thence bearing S 0° 08' 30" W a distance of 864.31 feet, to a point in the Northerly line of Timberlakes Estates, an Addition to Sedgwick County, Kansas; thence along said Northerly line bearing N 45° 00' 00" W a distance of 78.77 feet; thence bearing N 65° 00' 00" W a distance of 350 feet to a point in the East line and 1918.49 feet south of the NE corner of the SW/4 of said Section 25; thence bearing N 47° 01' 39" W a distance of 915.74 feet; thence bearing N 47° 00' 00" W a distance of 220 feet; thence bearing N 21° 00' 00" W a distance of 400 feet; thence bearing N 82° 00' 00" W a distance of 320 feet; thence bearing N 51° 00' 00" W a distance of 360.07 feet; thence bearing north 1° 00' 00" a distance of 500 feet; to a point in the North line of the SW/4 of Section 25;

thence along said North line and bearing S 89° 59' 26" a distance of 1447.37 feet to the point of beginning, Sedgwick County, Kansas

For Bond and Interest Fund	-	\$ 60.23/acre - Total \$2,469.43
For Treatment Plant Expansion	-	\$500.00/acre - Total \$20,500.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

Timberlakes Estates 3rd Addition in the NW/4 of the SE/4 of Section 25-27S-2E described as: Beginning at the Northeast corner of the West Half of the SE/4 of Section 25-27S-2E; thence south along the East line of the West Half of said SE/4 bearing S 0° 02' 31" W a distance of 1010 feet; thence bearing N 89° 56' 30" W a distance of 1086.49 feet to the P.C. of a curve to the right; thence along said curve to the right, having a radius of 228 feet and through a central angle of 41° 30' 00" a distance of 165.14 feet; thence bearing N 48° 26' 30" W a distance of 114.56 feet to a point on the West line and 876.85 feet south of the Northwest corner of said SE/4; thence bearing N 48° 26' 30" W a distance of 78.62 feet to the P.C. of curve to right; thence along said curve to the right, having a radius of 228 feet and through a central angle of 48° 33' 03" a distance of 193.20 feet; thence parallel to and 136 feet west of the West line of said SE/4, bearing N 0° 06' 33" E a distance of 653.68 feet to a point on the North line of the SW/4 of said Section 25; thence bearing S 89° 59' 26" E along the North line of the SW/4 of said Section 25 a distance of 136 feet to the center of said Section 25; thence bearing S 89° 56' 30" E along the North line of the SE/4 of Section 25 a distance of 1322.30 feet to the point of beginning, Sedgwick County, Kansas

For Bond and Interest Fund	-	\$ 60.23/acre - Total \$2,650.12
For Treatment Plant Expansion	-	\$500.00/acre - Total \$22,000.00
For Treatment Plant Expansion	-	\$600.00/dwelling unit

For purposes of administrating the resolution of which this exhibit is a part, the total dollar figure set out in this exhibit shall be controlling.

**HOLMES, MELLOR, SCHAEFER & COMPTON**  
ATTORNEYS AT LAW

RICHARD W. HOLMES  
PHILIP MELLOR  
JAMES R. SCHAEFER  
ARDEN P. MILLER  
WILBUR H. JONES  
COUNSEL

800 BROWN BUILDING  
WICHITA, KANSAS 67202

TELEPHONE (316) 262-4403

June 20, 1977

R. L. HOLMES (1880-1928)  
W. E. HOLMES (1887-1958)  
JOHN J. DARRAH (1910-1973)  
GEORGE R. COMPTON (1841-1878)

City of Wichita  
& Metropolitan Area Planning Department  
City Building  
455 North Main  
Wichita, Kansas 67202

Re: Arbor Lakes Addition

TITLE AND TAX OPINION

Gentlemen:

This is to certify that we have examined the title evidence relative to the following described real estate, to-wit:

The Northeast Quarter of the Northwest Quarter;  
the Northwest Quarter of the Northeast Quarter;  
and the South Half of the Northeast Quarter, all  
in Section 36, Township 27 South, Range 2 East of  
the 6th P.M., Sedgwick County, Kansas.

From such examination, it is our opinion that title to said real estate is vested in

K C V, INC.

subject to the following comments and requirements:

1. This property is subject to a mortgage in favor of The Fourth National Bank and Trust Company, Wichita, dated May 11, 1977, in the principal sum of \$622,000, said mortgage having been filed for record in the office of the Register of Deeds of Sedgwick County, Kansas, on May 12, 1977, as Document No. 328326, on Film 243, at Page 1538.
2. The property is subject to a right-of-way agreement in favor of Cooperative Refinery Association for pipe line purposes, such being granted by instrument dated October 8, 1948, and filed for record in the office of the Register of Deeds of Sedgwick County, Kansas, on November 17, 1948, in Miscellaneous Book 239, Page 537, and a further instrument dated May 23, 1973, filed for record on June 6, 1973, in Miscellaneous Book 61, Page 1429.

HOLMES, MELLOR, SCHAEFER & COMPTON

City of Wichita  
June 20, 1977  
Page Two

3. Taxes for the year 1976 and prior years are paid.

Yours very truly,

*James R. Schaefer*

James R. Schaefer  
of HOLMES, MELLOR, SCHAEFER & COMPTON

JRS:cv



**COUNTY OF SEDGWICK  
FIRE DEPARTMENT**

4343 N. WOODLAWN, WICHITA, KANSAS, 67220

TELEPHONE 744-0471

CHIEF  
GARY L. NICHOLS

ASST. CHIEF  
ELMER C. NOORDHOEK

ASST. CHIEF  
HARRY L. PRICE, JR

June 17, 1977

Mr. Curtis Newby  
Planning Department  
455 No. Main - 10th Floor  
Wichita, Ks. 67202



Mr. Newby:

I have received and approved the proposed hydrant locations for the Arbor Lakes Addition. If there are any questions, please feel free to call on me.

*Harry L. Price*  
Harry L. Price, Fire Marshal  
Sedgwick County Fire Department

HLP:lh

WICHITA-SEDGWICK COUNTY

DATE May 11, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

*[Handwritten initials]*  
*[Handwritten signature]*

TO The Files  
FROM Robert A. Lakin, Director of Planning  
SUBJECT S/D 74-81 - Arbor Lakes

This morning, May 11, I met with Ted Hill, County Counselor, and Jim Schaefer, counsel for the applicant on the above plat. We discussed a draft resolution which Schaefer had proposed which outlined the terms under which Arbor Lakes would be provided sewer service in the Springdale-Timberlake plant. This proposal was essentially that at the time they petitioned for sewer service they would pay \$600.00 an acre and at the time of building permits \$500.00 a lot. I objected to this procedure believing that the fees should be based on the amount of acreage or pro rata of lots per acreage to the total plat for whatever is finalized out in a final plat. For reasons relating to financing and otherwise, Schaefer and his clients object to this. When requested by Hill to provide an answer as to how this could be handled, I stated that there appear to be two ways: (1) submit final plats in smaller increments as has been the practice within the urban area for a number of years. Schaefer and his client rejected this. (2) Amend the resolution as drafted by Schaefer to provide that the monies will be paid at the time that construction is requested by the applicants for any or all of the laterals that are to be petitioned. Schaefer further agreed that they would not stay with the position of not petitioning for streets, sewer, water, except for the 49 lots as stated at the final plat approval at Subdivision Committee. He is now agreeable to furnishing petitions for all improvements within the subdivision except for the plant expansion which is covered in the draft order discussed above.

For the record, I again advised Hill that my recommendation was that he and the County follow the payments of monies at the time the final plat is filed rather than the alternate which Hill agreed to along the lines of the changed language which I had suggested as an alternate. I consider this to be a policy matter and if acceptable to the Board of County Commission we will make every attempt to carry out their wishes.

*[Handwritten signature: Robert A. Lakin]*  
Robert A. Lakin, Director of Planning

RAL:ew

*newly*  
*file*  
*Arthur John*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

In the Matter of Timber Lakes -  
Springdale Joint Sewer District,  
Sedgwick County, Kansas }

ORDER

On this 27th day of April, 1977, this matter comes on upon the Petition of Frank J. Kutilek, the owner of the following described real estate, to-wit:

The Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) and the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4), and the South Half of the Northeast Quarter (NE/4) of Section 36, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (SAID REAL ESTATE BEING PLATTED INTO ARBOR LAKES ADDITION TO SEDGWICK COUNTY, KANSAS),

for authority to connect said real estate to the Timber Lakes - Springdale Joint Sewer District Treatment Plant.

The following Commissioners were present:

- Tom Scott
- John Hale
- Everett Patrick

Said Petition was presented to the Board, and the Board having heard from the applicant, the County Engineer and its consultant, and the County Counselor, and being fully advised in the premises, makes the following findings and Order.

1. That the above described real estate is presently being platted into an Addition, containing 296 lots, which shall be known as Arbor Lakes Addition to Sedgwick County, Kansas, and that prior to connecting the lots in said Addition to the sewage treatment plant, petitioner should pay to the Bond and Interest Fund of said sewer district the sum of \$9,637.35 as and for their proportionate share of the cost of the land for the existing treatment plant and associated administrative costs, and further, for temporary note interest paid for the construction of said plant.

2. That the present sewage treatment plant in Timberlakes-Springdale Joint Sewer District is capable of accepting and treating sewage from the above described real estate for the foreseeable future, but that expansion of the plant will be required in the future, or other facilities obtained, and that in order to provide funds for such expansion or construction of other facilities an assessment will be required upon said real estate as follows:

(a) At such time as the applicant shall request construction of lateral sewer service to serve any of the lots in said addition, petitioner shall pay into a special escrow fund of the County a proportionate amount equal to \$500.00 per acre of land in said Arbor Lakes Addition (or a total of \$80,000.00). The proportionate amount to be paid at any one time shall equal the quotient of the number of lots for which lateral sewer service is approved for construction divided by the total of the lots in the Addition multiplied by the per acre total assessment, i.e., if lateral sewer service is approved for 49 lots in the Addition, the assessment to be paid prior to hookup shall be  $\frac{49}{296} \times \$80,000.00$  or \$13,243.24.

(b) The owner shall further pay to said special escrow fund the sum of \$600.00 per lot to be paid at such time as a building permit is issued for construction of a house upon any lot in the Addition.

3. The funds generated and escrowed as provided in paragraph 2 hereof shall be used exclusively for the expansion of the existing sewage treatment plant or the construction of other sewage treatment facilities to serve the Addition or said Timber Lakes - Springdale Joint Sewer District.


4. Notwithstanding any authorization herein granted to connect the above described real estate to the existing disposal plant, if at any time, in the determination of the County Engineer, such plant is in danger of becoming overloaded


and possibly becoming a health hazard, the Board of County Commissioners shall have the authority to order cessation of the issuance of any further building permits until such time as expanded or additional treatment facilities are obtained.


5. That a copy of this Order shall be filed for record in the Office of the Register of Deeds of Sedgwick County, Kansas, as notice of the provisions hereof, and the same shall be binding upon the present owner and any subsequent owners of all or any part of said real estate.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, in regular session duly assembled, that the above described real estate be authorized to connect to the sewage treatment facility of Timer Lakes - Springdale Joint Sewer District subject to the terms and conditions of this Order and all the findings above made be and they do hereby constitute the Order of the Board of County Commissioners of Sedgwick County, Kansas.

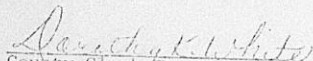
BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

  
Tom Scott


  
John Hale

  
Everett Patrick

Attest:

  
County Clerk

Approved as to form only:

  
County Counselor



KANSAS GAS AND ELECTRIC COMPANY

*Newby*

May 11, 1977



Metropolitan Area Planning Commission  
455 North Main  
Wichita, Kansas 67202

Dear Mr. Newby:

This is to advise that satisfactory arrangements  
have been made to relocate our lines in Arbor Lakes Addition.

K&E The Electric Company has no further objections  
to this plat.

Sincerely yours,

*Robert L. Blevins*

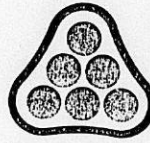
Robert L. Blevins  
Senior Estimator

RLB:pw

**DIRECTORS**

C. O. KNOP, P.E.  
R. D. FEUGH, P.E.  
C. J. FREUND, P.E.  
W. H. KELTNER, P.E.  
R. D. PLETCHER, P.E.  
F. D. MIDDLETON, JR., P.E.  
J. L. MARTIN, P.E.  
K. R. HORNER, P.E.

*SALESMAN  
newby*



**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION



May 11, 1977

Mr. Guy Gibson  
Chief Engineer  
Division of Water Resources  
Department of Agriculture  
State of Kansas  
1720 Topeka  
Topeka, Kansas 66612



Re: Arbor Lakes Addition  
Sedgwick County, Kansas  
PEC File No. 30-76303-724

Gentlemen:

Transmitted herewith is a copy of the "Hydrology and Hydraulic Analysis for the Arbor Lakes Addition", Sedgwick County, Kansas, and two (2) prints of the grading plan showing storm drain and drainage controls.

The Report Analysis was completed to review proposed improvements to be constructed adjacent to Spring Creek, a tributary to the Four Mile Creek. The project will consist of filling portions of the adjacent flood plain area and the reconstruction of a small dam on an unnamed tributary to Spring Creek. The report submitted presents backwater data for the "pre-existing" and "after construction" conditions, and shows no adverse effects by future major storm (100 year) flooding due to the flood plain embankment proposed.

We are asking for your review of this Report to fulfill a requirement of the Subdivision Committee of the Metropolitan Area Planning Commission. The Subdivision Committee has requested that the need for permits for fills in the flood plain and dam reconstruction be investigated.

We believe the Report submitted provides sufficient information regarding the proposed flood plain fill and its effect on backwater conditions to allow a site grading project to proceed. Previous discussions with staff members from your office indicate that the plans should be approved by "the maintaining Agency". This may present some definition problems. The "maintaining Agency" will be the future homeowners' association formed as a result of the development itself. The Flood Control Department for Wichita-Sedgwick County is the review agency so far as requirements to be complied with prior to plat filing. They have stated they will assume absolutely no maintenance responsibilities once construction is completed.

Mr. Guy Gibson  
Arbor Lakes Addition  
May 11, 1977

The final grading plan has been reviewed by the Flood Control Office and we expect their forthcoming approval.

The existing dam is of earthen fill and impounds approximately 8.5± acre-feet of water at an average depth of 3.0± feet. It is proposed that the dam would be reconstructed immediately downstream as an earthen dam with a concrete spillway. The sole purpose of the dam is to provide a scenic lake for adjacent residents to observe and enjoy. All platted lots in the Arbor Lakes Subdivision will have minimum pad elevations that will provide any future homeowner safety from flooding even if the dam should experience a "catastrophic failure".

Please consider this letter as a formal application for the flood plain filling and embankment as shown on the drainage plan. The Owner of this property has signed below in accordance with what we understand are your requirements. The Dam permit will be requested later as soon as we are able to locate and list all the required submittals. In this regard, would you please advise us as to what your office would expect to review for a small dam permit. We have contacted Mr. Mitchell and his only advise was the SCS publication KA-11, which we have. We do not find it all that informative, however.

If you have any questions or if further information is required please contact the undersigned, Mr. Michael Schomaker or Mr. Richard Marney at this office.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

*William H. Keltner*

William H. Keltner, P.E.  
Vice-President

*Randall J. Colth*  
Owner

WHK/cf

Encls.

cc: M. S. Mitchell, W/VC Flood Control  
G. C. McLure Jr., P.E., S. C. D. P. W.  
Jack Galbraith, W/SC M. A. P. D.

Professional Engineering  
Consultants  
1440 E. English  
Wichita, Kansas 67211

May 16, 1977

Re: S/D 74-81 - Final plat of  
ARBOR LAKES

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on May 12, 1977, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of May 9, 1977.

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.
3. Submission of a title report by an abstract or title insurance company, or an attorney's opinion that fee title is vested in the plattor.
4. Certification that all taxes due and payable for 1976 and prior years have been paid.

Please call if you have any questions.

Sincerely,

JHG:bh

cc: Frank J. Kutilek, M.D.,  
8937 W. Central 67212

Doug Castleberry & Associates 786 N. Ridge Rd. 67212  
Dean Sellers, Assistant City Engineer  
Chris Brennenstuhl, Co. Bldg., Plan. & Insp.

Jack H. Galbraith  
Chief Planner

May 9, 1977

Professional Engineering  
Consultants  
1440 East English  
Wichita, Kansas 67211

Re: S/D 74-81 - Final plat of  
ARBOR LAKES

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 5, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. *petitioners sent to Co.*  
The applicant shall guarantee the paving of all streets to urban standards.
- B. *petitioners sent to Co.*  
The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas. If walks are to be installed within the open space areas, a sidewalk plan shall be submitted to the Planning Department for review and approval.
- C. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners failed to maintain the areas.
- D. *letter received on 6-20-77*  
The applicant shall submit to the Planning Department a letter from the County Fire Department stating that fire hydrant locations have been reviewed and approved on subject property.
- E. *see letter from K.G.C. dated 5-11-77*  
The applicant shall make satisfactory arrangements with K.G. and E for the relocation of the existing north-south service line on subject property. A letter from said company stating that said arrangements have been made shall be submitted to the Planning Department.

S/D 74-81  
May 9, 1977  
Page 2

- F. The applicant shall make every effort to obtain a State Water Resources permit for the pond on subject property.
- G. Any lowering, moving or encasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- H. The applicant shall work with M. S. Mitchell and the County Engineer to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- de- see memo from Otten*  
I. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- de- cash check submitted per Co. resolution.*  
J. The applicant shall refer to the report from the Soil Conservation Service regarding precautions to be taken during development to prevent erosion.  
The Subdivision Committee recommends approval of the plat subject to the applicant making satisfactory financial arrangements with the County for connecting to the existing Timber Lakes sewage treatment facility for sanitary sewer service. It is also noted that providing sewer service to this plat from the Timber Lakes plant will also require State Health Department approval for expansion of the plant.
- K. Recording of the plat within 30 days after approval by the Board of City 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, May 12, 1977, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme  
Encl.

cc: Frank J. Kutilek, M.D., 8937 W. Central, 67212  
Doug Castleberry & Associates, 786 N. Ridge Rd., 67212  
Dean Sellers, Assistant City Engineer  
Chris Brennenstuhl, County Building, Planning & Inspection

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 74-81 Name ARBOR LAKES  
Date Application Rec'd. 9-13-76 Preliminary Approval 9-23-76  
Revised Preliminary Approval 1-27-77  
Scheduled S/D Meeting 5-5-77

DESCRIPTION

General Location South side of Harry, west of 159th Street East

Owner Frank J. Kutilek, M.D.  
Surveyor/Engineer Professional Engineering Consultants  
Address 1440 E. English Phone 262-2691

1. Gross Acreage of Plat 160± 7. Lineal Feet of New Streets:  
2. Number of Lots: a. 64 R/W 17,250 ft.  
Residential ~~271~~ 296 b.          R/W          ft.  
Commercial          c.          R/W          ft.  
Industrial          d.          R/W          ft.  
Other          e.          R/W          ft.  
Total Number of Lots 271 296 TOTAL          17,250 ft.  
3. Minimum Lot Frontage 47.47 ft. 8. Sidewalk adjacent to all  
4. Minimum Lot Area 10,000 sq. ft. streets?          yes X no  
5. Existing Zoning R-1 & AA  
6. Proposed Zoning AA  
9. Public Water Supply Yes (Yes-No), Name City of Wichita  
10. Public Sanitary Sewers Yes (Yes-No), Name Sedgwick County  
11. Health Department Approval (where applicable) N/A (Yes-No)  
12. City of Wichita         : Three-Mile Area X

STAFF COMMENTS:

- A. The applicant shall guarantee the paving of all streets to urban standards.
- B. The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas. If walks are to be installed within the open space areas, a sidewalk plan shall be submitted to the Planning Department for review and approval.
- C. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.
- D. The applicant shall submit to the Planning Department a letter from the County Fire Department stating that fire hydrant locations have been reviewed and approved on subject property.
- E. The applicant shall make satisfactory arrangements with K.G. & E. for the relocation of the existing north-south service line on subject property. A letter from said company stating that said arrangements have been made shall be submitted to the Planning Department.
- F. The applicant shall make every effort to obtain a State Water Resources permit for the pond on subject property.
- G. Any lowering, moving or encasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- H. The applicant shall work with M. S. Mitchell and the County Engineer to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.

- I. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- J. The applicant shall refer to the report from the Soil Conservation Service regarding precautions to be taken during development to prevent erosion.
- K. The applicant has been discussing with the County connecting this plat to the existing Timber Lakes sewage treatment facility for sanitary sewer service. This would require expansion of the plant subject to State Health Department approval and as well the applicant guaranteeing the installation of the connecting sewer mains, lift stations, laterals, etc. The approval of the plat is subject to sanitary sewer service being provided for the plat and the applicant submitting an appropriate acceptable guarantee for same.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.

February 2, 1977

Mr. Guy Gibson  
Division of Water Resources  
Kansas Department of Agriculture  
1720 South Topeka Avenue  
Topeka, Kansas 66612

Re: Application procedures and  
requirements for approval  
of permits for construction  
of private lakes and ponds.

Dear Mr. Gibson:

We have been processing several subdivision plats in the suburban areas of Sedgwick County which have either existing or proposed private lakes and ponds involved as part of the plat. We have been requiring as part of the plat approval for the developer to obtain a permit for his lake or pond from the Division of Water Resources if he has not already done so. Some of the developers and their engineers are advising us that they have been experiencing difficulty in finding out how and what is needed to apply for the permit. We would therefore appreciate any information you can send us concerning the procedure for making application, length of time involved in approving the permit, what supportive documentation is required, etc., so that we assist the developers in this matter.

Enclosed is a copy of a preliminary plat of Arbor Lakes Addition which has an existing private lake, constructed a number of years ago without a permit from the Division of Water Resources. This plat is presently being reviewed by the Subdivision and Utility Advisory Committees of the Planning Commission and the developers have been requested to apply for a permit for the lake. It is our understanding that Mr. William Keltner of Professional Engineering Consultants, the developers' engineer, has discussed this matter with the Division of Water Resources, but has made no formal application for a permit. Therefore, we would appreciate your advising us of anything we might do to assist in the permit application as the developers are of course wanting to obtain approval of this plat as quickly as possible.

Mr. Guy Gibson  
February 2, 1977  
Page 2

We appreciate your attention to this matter and should you need to call us, please ask for Jack Galbraith. Our number is (316) 268-4421.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:CLN:rme  
Encl.

cc: M. S. Mitchell, Maintenance-Flood Control  
William H. Keltner, Professional Engineering Consultants  
1440 E. English, 67211

February 1, 1977

Professional Engineering  
Consultants  
1440 East English  
Wichita, Kansas 67211

Re: S/D 74-81 - Preliminary plat  
of ARBOR LARKS

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 27, 1977, 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. Easements as shown on the marked "Engineer's Copy" of the preliminary plat shall be indicated on the final plat.
- B. The recreation - stable area indicated on the plat will require approval of a conditional use and a zone change to permit the proposed uses.
- C. Complete access control shall be indicated on all lots adjoining Harry Street and adjoining 159th Street East except for Lot 26, Block 13 which shall have one point of access.
- D. The applicant shall guarantee the paving of all streets to urban standards.
- E. The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas.
- F. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space and recreational areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.

S/D 74-81  
February 1, 1977  
Page 2

- G. The applicant shall be advised that until the proposed sanitary sewer study is undertaken, no final plats are to be submitted for approval. Sewer service to the area is dependent upon the financing and construction of a sewage treatment facility to serve this plat as well as several other proposed subdivisions in the area, and the method of financing, facility location, etc. will not be determined until the study is completed or is far enough along to permit submission of final plats.
- H. The applicant shall submit to the Planning Department a letter from the County Fire Department stating that fire hydrant locations have been reviewed and approved on subject property.
- I. The applicant shall make satisfactory arrangements with K&S for the relocation of the existing north-south service line on subject property. A letter from said company stating that said arrangements have been made shall be submitted to the Planning Department.
- J. The applicant shall make every effort to obtain a State Water Resources permit for the pond on subject property.
- K. Any lowering, moving or encasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- L. The applicant shall work with M. E. Mitchell and the County Engineer to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- M. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- N. 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. Newly  
Junior Planner

CLN:rme  
Encl.

cc: Frank J. Kutilek, M.D., 8937 W. Central, 67212  
Doug Castleberry & Associates, 786 N. Ridge Rd., 67212  
Dean Sellers, Assistant City Engineer  
Chris Brennenstuhl, County Building, Planning & Inspection

2 REVISIED PRELIMINARY PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 74-81 Name ARBOR LAKES  
Date Application Rec'd. 9-13-76 Preliminary Approval  
Scheduled S/D Meeting 1-27-77

DESCRIPTION

General Location South side of Harry, west of 159th Street East

Owner Frank J. Kutilek, M.D.  
Surveyor/Engineer Professional Engineering Consultants  
Address 1440 East English Phone 262-2691

1. Gross Acreage of Plat 160±  
2. Number of Lots:  
Residential ~~272~~ 295  
Commercial \_\_\_\_\_  
Industrial \_\_\_\_\_  
Other 1  
Total Number of Lots ~~272~~ 296  
3. Minimum Lot Frontage 40 ft.  
4. Minimum Lot Area 10,000 sq. ft.  
5. Existing Zoning R-1 & AA  
6. Proposed Zoning AA  
7. Lineal Feet of New Streets:  
a. 64 R/W 17,250 ft.  
b. \_\_\_\_\_ R/W \_\_\_\_\_ ft.  
c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.  
d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.  
e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.  
TOTAL 17,250 ft.  
8. Sidewalk adjacent to all streets? yes X no  
9. Public Water Supply Yes (Yes-No), Name City of Wichita  
10. Public Sanitary Sewers Yes (Yes-No), Name Sedgwick County  
11. Health Department Approval (where applicable) N/A (Yes-No)  
12. City of Wichita \_\_\_\_\_: Three-Mile Area X

STAFF COMMENTS:

- A. The preliminary plat was approved by the Subdivision Committee on September 23, 1976, subject to several conditions. Since that time however, the applicant has redesigned the plat and has now resubmitted a revised preliminary plat for approval.
- B. The associated zone case SCZ-0363, R-1 to A involving the south half of the plat has been approved by the Board of County Commissioners subject to platting.
- C. The applicant shall submit a letter requesting the withdrawal of associated Conditional Use cases CU-153 for an institutional home, CU-158 and CU-152 - request for townhouses and condominiums, as they are no longer applicable.
- D. The recreation - stable area indicated on the plat will require approval of a conditional use and a zone change to permit the proposed uses.
- E. Complete access control shall be indicated on all lots adjoining Harry Street and adjoining 159th Street East except for Lot 26, Block 13 which shall have one point of access.
- F. The applicant shall guarantee the paving of all streets to urban standards.
- G. The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas.
- H. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space and recreational areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.

- I. The applicant shall be advised that until the proposed sanitary sewer study is undertaken, no final plats are to be submitted for approval. Sewer service to the area is dependent upon the financing and construction of a sewage treatment facility to serve this plat as well as several other proposed subdivisions in the area, and the method of financing, facility location, etc. will not be determined until the study is completed or is far enough along to permit submission of final plats.
- J. The applicant shall submit to the Planning Department a letter from the County Fire Department stating that fire hydrant locations have been reviewed and approved on subject property.
- K. The applicant shall make satisfactory arrangements with KG&E for the relocation of the existing north-south service line on subject property. A letter from said company stating that said arrangements have been made shall be submitted to the Planning Department.
- L. The applicant shall obtain a State Water Resources permit for the pond on subject property.
- M. Any lowering, moving or incasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- N. The applicant shall work with M. S. Mitchell and the County Engineer to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- O. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- P. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

October 1, 1976

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
City Hall  
10th Floor  
Wichita, Kansas 67202

Attention: Curtis Newby

Re: Revised Preliminary Plat  
of Arbor Lakes, Item B.  
From Letter Dated  
September 29, 1976

Dear Mr. Newby:

I submit this letter as a formal request to withdraw the Associated Conditional Use Cases CU-153 for an institutional home, CU-158 and CU-152 Request for Townhouse and Condominiums. These Conditional Uses are no longer applicable to the development.

Thank you for your assistance.

Sincerely,

*Frank J. Kutilek M.D.*  
Frank J. Kutilek, M.D.

cc: Randal Voth  
Doug Castlebury & Associates  
786 North Ridge Road  
Wichita 67212

September 29, 1976

Oblinger-Smith Corporation  
625 First National Bank Building  
Wichita, Kansas 67202

Attention Gary Wiley

Re: S/D 74-81 - Revised preliminary  
plat of ARBOR LAKES

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 23, 1976, 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. Approval of the plat is subject to the approval of the associated zone case SC2-0363, "R-1" to "AA" involving the south half of the plat.
- B. The applicant shall submit a letter requesting the withdrawal of associated Conditional Use cases CU-153 for an institutional home CU-158 and CU-152 - request for townhouses and condominiums, if they are no longer applicable.

~~C.~~ The recreation - stable area indicated on the plat will require approval of a conditional use and a zone change to permit the proposed uses.

- D. Complete access control shall be indicated on all lots adjoining Harry Street and adjoining 159th Street East except for Lot 1, Block 9 which shall have one point of access.
- E. Lot 26, Block 10 shall be deleted from the plat if the drainage study being done indicates said area should be floodway.
- F. The applicant shall guarantee the paving of all streets to urban standards.

- G. The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas.
- H. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space and recreational areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.
- I. The applicant shall be advised that until sanitary sewer service is available to serve subject property, no final plats are to be submitted for approval. Sewer service to the area is dependent upon the financing and construction of a sewage treatment facility to serve this plat as well as several other proposed subdivisions in the area.
- J. The applicant shall submit to the Planning Department, a letter from the County Fire Department stating that fire hydrant locations have been reviewed and approved on subject property.
- K. The applicant shall make satisfactory arrangements with KGS&E for the relocation of the existing north-south service line on subject property. A letter from said company stating that said arrangements have been made shall be submitted to the Planning Department.
- L. The applicant shall obtain a State Water Resources permit for the pond on subject property.
- M. Any lowering, moving or incasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- N. The applicant shall work with M. S. Mitchell and the County Engineer to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- O. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- P. 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.

S/D 74-81  
September 29, 1976  
Page 3

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme  
Encl.

cc: Frank J. Kutilek, M.D., 8937 W. Central, 67212  
Doug Castleberry & Associates, 786 N. Ridge Road, 67212  
Dean Sellers, Assistant City Engineer  
Timothy Hamilton, County Building, Planning & Inspection

SCCU-Cons-5 (11/75)

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

Property Name Arbor Lakes

MAILED TO:

Location South side of Harry and West  
of 159th St. East.

Gary Wiley  
Name

Oblinger-Smith Corp.

Date 9-22-76

Firm

262-0451  
Phone

Prepared by Larry L. Henry, District Conservationist  
USDA-Soil Conservation Service,  
4100 Maple, Wichita, Kansas 67209  
Phone: 943 9471

Requested by: Wichita-Sedgwick County Metropolitan  
Area Planning Commission

\*\*\*\*\*

- A. SOIL TYPE: 25% Goessel silty clay - 1 to 2% slopes  
25% Irwin silty clay loam - 1 to 3% slopes  
20% Rosehill silty clay - 1 to 3% slopes  
15% Vanoss silt loam - 0 to 1% slopes  
15% Clime silty clay - 3 to 6% slopes

B. SITUATION: The area north of the creek is in grass but everything south of the creek is subject to wind erosion. Cover should be maintained at all times on the entire site. These soils have a high shrink-swell ratio so special precautions must be taken. No septic tanks on this unit.

-----  
Conservation Starts When Construction Starts. A Ground Plan Outdoors Is As Important As A Floor Plan Inside.

C. EROSION CONTROL RECOMMENDATIONS: (The recommendations which apply to the above named property will be indicated by a checkmark.)

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. Install erosion and sediment control practices according to the Sedgwick County Conservation District standards and specifications.

\* CONTINUED \*

- ✓ 6. Temporarily stabilize each segment of graded or otherwise disturbed land, including the sediment-control devices not otherwise stabilized, by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.

The following are adapted perennial grasses and should be seeded at the following rates:

STANDARD RATES:

Native bluestem mix, 3 pounds per 1,000 square feet  
Tall fescue, 3 pounds per 1,000 square feet  
Bromegrass, 3 pounds per 1,000 square feet

SPECIAL RATES: \_\_\_\_\_

Apply nitrogen fertilizer at the rates listed below or have the soil tested and apply fertilizer accordingly.

STANDARD RATES:

Tall fescue, 2 pounds per 1,000 square feet  
Bromegrass, 2 pounds per 1,000 square feet

SPECIAL RATES: \_\_\_\_\_

Adapted perennial grasses for sodding are fescue, zoysia, and bluegrass.

- ✓ 7. Loose-pile material that is excavated for building 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.
- ✓ 8. Stabilize each lot within 60 days after work starts on home or other building construction.
- ✓ 9. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
- \_\_\_ 10. Discharge water from outlet structures at non-erosive velocities.
- ✓ 11. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316-943-9471.
- \_\_\_ 12. Divert foreign runoff water around area during construction.
- ✓ 13. Remove all debris such as tree stumps, scrap lumber, mortar or concrete, and rocks. Do not bury them; wood will eventually rot and cause settling; rocks, mortar and concrete can cause real difficulties in lawn maintenance and later construction.
- \_\_\_ 14. OTHER \_\_\_\_\_

DISTRIBUTION: Original to Developer and/or Owner  
Copy to Metropolitan Area Planning Dept. Staff  
File Copy: Sedgwick County Conservation District

REVISED PRELIMINARY PL  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 74-81 Name ARBOR LAKES  
Date Application Rec'd. 9-13-76 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 9-23-76

DESCRIPTION

General Location South side of Harry, west of 159th Street East

Owner Frank J. Kutilek, M.D.  
Surveyor/Engineer Oblinger-Smith Corp.  
Address 625 First National Bank Building Phone 262-0451

- |   |                       |   |
|---|-----------------------|---|
| 1. Gross Acreage of Plat  | <u>160±</u>           | 7. Lineal Feet of New Streets:                              |
| 2. Number of Lots:  |                       | a. <u>64</u> R/W <u>17,250</u> ft.                          |
| Residential   | <u>298</u>            | b. _____ R/W _____ ft.                                      |
| Commercial  | _____                 | c. _____ R/W _____ ft.                                      |
| Industrial  | _____                 | d. _____ R/W _____ ft.                                      |
| Other   | <u>1</u>              | e. _____ R/W _____ ft.                                      |
| Total Number of Lots  | <u>299</u>            | TOTAL <u>17,250</u> ft.                                     |
| 3. Minimum Lot Frontage   | <u>40</u> ft.         | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>X</u> no |
| 4. Minimum Lot Area   | <u>10,000</u> sq. ft. |   |
| 5. Existing Zoning  | <u>B-1 &amp; AA</u>   |   |
| 6. Proposed Zoning  | <u>AA</u>             |   |
| 9. Public Water Supply Yes (Yes-No), Name <u>City of Wichita</u>      |                       |   |
| 10. Public Sanitary Sewers Yes(Yes-No), Name <u>Sedgwick County</u>   |                       |   |
| 11. Health Department Approval (where applicable) <u>N/A</u> (Yes-No) |                       |   |
| 12. City of Wichita <u>Three-Mile Area</u> <u>X</u>                   |                       |   |

STAFF COMMENTS:

NOTE: This plat is a revised preliminary plat of the original Arbor Lakes preliminary plat approved by the Subdivision Committee in 1974.

- A. Approval of the plat is subject to the approval of the original Arbor Lakes preliminary plat approved by the Subdivision Committee in 1974.
- B. The applicant shall submit a letter requesting the withdrawal of associated Conditional Use cases CU-153 for an institutional home, CU-158 and CU-152 - request for townhouses and condominiums, if they are no longer applicable.
- C. The recreation - stable area indicated on the plat may require approval of a conditional use and a zone change to permit the proposed uses.
- D. Complete access control shall be indicated on all lots adjoining Harry Street and adjoining 159th Street East except for Lot 1, Block 9 which shall have one point of access.
- E. It is recommended that Lot 26, Block 10 be deleted from the plat.
- F. The applicant shall guarantee the paving of all streets to urban standards.
- G. The applicant shall guarantee the construction of sidewalks adjacent to all streets and/or within the open space areas.
- H. A Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space and recreational areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.
- I. The applicant shall be advised that until sanitary sewer service is available to serve subject property, no final plats are to be submitted for

(OVER)

approval. Sewer service to the area is dependent upon the financing and construction of a sewage treatment facility to serve this plat as well as several other proposed subdivisions in the area.

- J. Any lowering, moving or incasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- K. The applicant shall work with M. S. Mitchell to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- L. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- M. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

September 14, 1976

Oblinger-Smith Corporation  
625 First National Bank Building  
Wichita, Kansas 67202

Attention Gary Wiley

Re: S/D 74-81 - Sketch plat of  
Arbor Lakes

Dear Mr. Wiley:

We have reviewed the above referred to sketch plat and hereby authorize the preparation and submission of a preliminary subject to the following conditions and comments which we discussed briefly with you by phone last week.

- A. Approval of the plat is subject to the approval of the associated zone case SCZ-0363, "R-1" to "AA" involving the south half of the plat.
- B. The applicant shall submit a letter requesting the withdrawal of associated Conditional Use cases CU-153 for an institutional home, CU-158 and CU-152 - request for townhouses and condominiums, if they are no longer applicable.
- C. The recreation - stable area indicated on the plat may require approval of a conditional use and a zone change to permit the proposed uses.
- D. Complete access control shall be indicated on all lots adjoining Harry Street and adjoining 159th Street East except for Lot 1, Block 9 which shall have one point of access.
- E. It is recommended that Lot 26, Block 10 be deleted from the plat.
- F. The applicant shall guarantee the paving of all streets to urban standards.

Oblinger-Smith Corporation  
September 14, 1976  
Page 2

- G. The applicant shall guarantee the construction of sidewalks.
- H. Homeowners Association agreement and/or restrictive covenants providing for the improvement of and continued maintenance of the open space and recreational areas indicated on the plat shall be submitted to the Planning Department for review and approval. Said documents shall contain a provision whereby the governing body can cause maintenance of said area to be done upon proper notice and the cost of the maintenance assessed against the benefiting properties should the landowners fail to maintain the areas.
- I. The applicant shall be advised that until sanitary sewer service is available to serve subject property, no final plats are to be submitted for approval. Sewer service to the area is dependent upon the financing and construction of a sewage treatment facility to serve this plat as well as several other proposed subdivisions in the area.
- J. Any lowering, moving or incasing of the pipeline indicated on the plat which is necessitated by improvements required on the subject property will be at the sole expense of the applicant.
- K. The applicant shall work with M. S. Mitchell to resolve the drainage problems involved and shall furnish appropriate guarantees as needed for drainage improvements required on the plat.
- L. The applicant shall guarantee the extension of City of Wichita water service to serve all lots being platted.
- M. Requirements for a preliminary plat (see Article 5, Part 3) of the MAPC Subdivision Regulations.

These are all the comments we have concerning subject plat, if you have any questions concerning this matter, please call.

Sincerely,

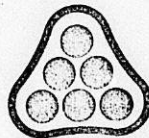
Curtis L. Newby  
Junior Planner

CLN:rme

cc: Frank J. Kutilek, M.D.  
8937 W. Central, 67212

**DIRECTORS**

L. R. BAXTER, JR., P.E.  
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**PROFESSIONAL  
ENGINEERING  
CONSULTANTS**  
PROFESSIONAL ASSOCIATION

August 17, 1976

Doug Castleberry & Associates  
786 N. Ridge Road  
Wichita, Kansas 67212

Attention: Mr. Randy Voth

Re: Arbor Lakes - 160 Acre Tract in  
Sec. 36, T 27 S, R 2 E, 6th P.M.  
REC File No. 30-76303-724

Gentlemen:

This letter is in response to your request for our opinion regarding sewer service for the subject property.

As design engineers for the Springdale-Timber Lakes Joint Sewer District, our firm has been involved in planning sewerage service for the Spring Creek tributary area to Four Mile Creek in Eastern Sedgwick County for the last five years. We are presently attempting to negotiate a contract, through the Sedgwick County Department of Public Works, for a Step 1 Facilities Plan for the entire upper reach of the Four Mile Creek Drainage area, and have recently completed a Plan of Study for this report, as a contract item for the Sedgwick County Commissioners.

The area your company represents has been part of the preliminary investigation as to the problems involved in providing a future collection system for the entire area.

Because of our position in negotiations with Sedgwick County with regard to the Facility Plan, we cannot, at this time, provide you with definitive answers as to the exact location or specific size of interceptors that will be proposed for your area. Answers such as this will be the result of the completed Facility Plan. We have, however, developed a sufficient background of information that leads to our present opinion as to how your area will be serviced. We offer the following as our present opinion.

- (1) We feel that when your area is platted, and especially during its initial development stages, it will be required to connect to the Springdale-Timber Lakes Sewage Treatment Plant (S.T.P.) through that plant's existing tributary collection system, or some modification thereto.

-continued-

1440 EAST ENGLISH  
WICHITA, KANSAS 67211  
(316) 262-2091

- (2) It appears that approximately 50% of the proposed development for the North 80 acres of your area (the 80 adjacent to Harry Street) could be serviced with a direct lateral connection to the existing lateral in Timber Lakes Road at its entrance to Harry Street.

At least one interceptor will be required to cut through your property in order to service the remaining development within your area, and the basin "upstream" from the subject property. A preliminary investigation of the topo maps available indicate that the remainder of the North 80 acres, as proposed for development, and approximately 75% of the South 80 acres could be serviced by gravity flow to an interceptor extended from the existing manhole at the West side of Four Mile Creek, on Interceptor 1 in the Springdale-Timber Lakes Improvements. This would leave about 15 to 20 acres of the South 80 acres (that portion immediately adjacent to 159th Street) that would have to be pumped if it is to be treated by the existing S.T.P. North of Harry.

You are aware that the existing Springdale-Timber Lakes S.T.P. was put into operation several months ago with total treatment capacity designed for only the Springdale and Timber Lakes area, fully developed. This means, of course, that any adjacent area that is either allowed to, or is required to, connect to the plant will be required to provide financial guarantees for the expansion of the treatment facilities. It is our opinion that any physical expansion of the S.T.P. should be tied to rate of actual development, as opposed to construction of increased capacity at the plant each time a final plat is filed. The question as to just how the S.T.P. is to be expanded, that is, the sizing of the actual treatment capabilities, and in what modules they would be constructed, is all part of the Step 1 Facilities Plan that is awaiting funding and notice to proceed. We do not anticipate finalization of a contract to do this work with the County until late this calendar year at the earliest. We have been notified that one of the early items to be completed in the Report is a preliminary analysis of the Springdale-Timber Lakes S.T.P. as noted above, in sufficient depth to allow development to proceed in accordance with the intent of the Facility Plan. Should the Sedgwick County Commissioners act on this Plan and notice to proceed be given by the first of the year, it is possible that such data would be available in the spring or early summer of 1977.

Again, we believe that you are aware that the Wichita/Sedgwick County Metropolitan Area Planning Department, the W/SC Environmental Health Department, and the Kansas Department of Health and Environment have all requested that planning information as noted above to be included in the Facility Plan should be available before any further improvements or additions to the existing Treatment and Collection facilities should be approved. Mr. Lakin has indicated that plats for parcels in this area will not be recommended for filing until this information is available. It would appear that plats could possibly proceed to the Preliminary stage with approvals on the basis of existing data.

-continued-

Doug Castleberry & Assocs.  
August 17, 1976  
Page 3

We hope the above information is helpful. We realize that no real specifics have been given, but it does represent the most current information available so far as to what action is necessary and when data might be available. The circumstances are such that two counties, the City of Wichita, the State Department of Health and Environment, and the E.P.A. are all parties to just when things will happen. We trust that should do much to explain why the Facility Plan has rather slow forward motion.

If we can provide any further information, please advise.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P. A.

*W. H. Keltner*

W. H. Keltner, P. E.  
Vice-President

**THE CITY OF WICHITA**

OFFICE OF CITY TRAFFIC ENGINEER

DATE August 12, 1976



**TO** Louise Olivarez, Planning Analyst  
**FROM** William G. McKinley, Assistant Traffic Engineer

**SUBJECT** Sketch Plat - Rainbow Lakes  
West Second Addition and  
Arbor Lakes

Due to the location of the Rainbow Lakes West Second Addition, I will pass my comments at this time and refer you to the County Engineer.

With regard to Arbor Lakes Revised, I would assume the developer will provide access control on Harry Street and 159th Street except where the streets intersect. Block 8 should be restricted to one point of access, at least 200 feet east of the bridge on Harry Street.

This concludes my comments on these two plats.

*William G. McKinley*

William G. McKinley  
Assistant Traffic Engineer

WGM/gl  
cc:R. W. Pruggeman



WICHITA-SEDGWICK COUNTY

DATE 8-9-76

**METROPOLITAN AREA PLANNING DEPARTMENT**

*TIM HAMILTON*  
TO Bill McKinley, Assistant Traffic Engineer  
M. S. Mitchell, Maintenance-Flood Control  
✓ Dean Sellers, Assistant City Engineer  
FROM Louise Olivarez, Planning Analyst

SUBJECT Sketch plat of S/D 76-72 Rainbow Lakes West Second Addition  
S/D 74-81 Arbor Lakes (revised)

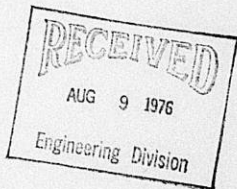
The above referenced sketch plat was recently submitted to our office. I would appreciate your review of this plat with any comments you may have returned to me no later than *Monday August 16, 1976*

*Louise Olivarez*  
Louise Olivarez  
Planning Analyst

LO:rme  
Attachment

Arbor Lakes

1. Drainage plans
2. Pipeline conflicts



FORM 2-021

**PAYMENT NOTICE**

City of Wichita  
PAY AT TREASURER'S OFFICE - SECOND 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		

944.30

DESCRIPTION	AMOUNT
<i>Subcontractor</i>	
<i>Contract Labor</i>	
<i>Remo</i>	
<i>Contract Labor</i>	
<i>Address</i>	
<i>Type</i>	<i>Due Date</i>
<i>Comments:</i>	
<i>Date</i>	<i>By</i>
<i>7/12/76</i>	<i>Carl Hurd</i>

Map No.: \_\_\_\_\_  
Section No.: \_\_\_\_\_  
Twp. No.: \_\_\_\_\_  
Range: \_\_\_\_\_

S/D No. \_\_\_\_\_

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: ARBOR LAKES

General Location: SOUTH SIDE OF HARRY, WEST OF 159TH STREET EAST

Name of Property Owner: FRANK J. KUTILEK, M.D. Phone: 722-5301

Address: 8937 W. CENTRAL 1/2

Name of Subdivider: DOUG CASTLEBERRY AND ASSOCIATES Phone: 943-2237

Address: 786 NORTH RIDGE ROAD 1/2

Name of Agent/Surveyor: OBLINGER - SMITH CORPORATION (GARY WILEY) Phone: 262-0451

Address: 625 FIRST NATIONAL BANK BUILDING

Date of Application: AUGUST 6, 1976

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 160<sup>+</sup>

2. Number of Lots:  
Residential 298  
Commercial 0  
Industrial 0  
Other 1

Total Number of Lots 299

3. Minimum Lot Frontage 40 ft.

4. Minimum Lot Area 10,000 sq. ft.

5. Existing Zoning B-1 & AA (APPROVED)

6. Proposed Zoning AA

7. Lineal Feet of New Streets:

a. 64 R/W 17,250 ft.

b. \_\_\_\_\_ R/W \_\_\_\_\_ ft.

c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.

d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.

e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.

TOTAL 17,250 ft.

8. Sidewalk adjacent to all streets? yes XX no

9. Public Water Supply \_\_\_\_\_ (Yes-No), Name CITY OF WICHITA

10. Public Sanitary Sewers \_\_\_\_\_ (Yes-No), Name SEDGWICK COUNTY

11. Health Department Approval (where applicable) N/A (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: Frank J. Kutilek, M.D.  
By Randall J. Voth, Partner and Agent

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

Received by Carl Newby  
Date 9/13/76  
Fee Submitted 944.00

Map No.: 6445  
Section No.: 36  
Twp. No.: 27S  
Range: 2E

S/D No. 74-81

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: ARBOR LAKES  
General Location: SOUTH SIDE OF HARRY, WEST OF 159TH STREET EAST  
Name of Property Owner: FRANK J. KUTILEK, M.D.  
Address: 8937 W. CENTRAL 67212 Phone: 722-5301  
Name of Subdivider: DOUG CASTLEBERRY AND ASSOCIATES  
Address: 786 NORTH RIDGE ROAD 67212 Phone: 943-2237  
Name of Agent/Surveyor: OBLINGER - SMITH CORPORATION (GARY WILEY)  
Address: 625 FIRST NATIONAL BANK BUILDING 67202 Phone: 262-0451  
Date of Application: AUGUST 6, 1976

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 160<sup>+</sup>
2. Number of Lots:
  - Residential 298
  - Commercial 0
  - Industrial 0
  - Other 1
  - Total Number of Lots 299
3. Minimum Lot Frontage 40 ft.
4. Minimum Lot Area 10,000 sq. ft.
5. Existing Zoning RB-1 & AA (APPROVED) (SCZ-0213)
6. Proposed Zoning AA
7. Lineal Feet of New Streets:
  - a. 64 R/W 17,250 ft.
  - b.          R/W          ft.
  - c.          R/W          ft.
  - d.          R/W          ft.
  - e.          R/W          ft.
  - TOTAL          17,250 ft.
8. Sidewalk adjacent to all streets?          yes XX no
9. Public Water Supply          (Yes-No), Name CITY OF WICHITA
10. Public Sanitary Sewers          (Yes-No), Name SEDGWICK COUNTY
11. Health Department Approval (where applicable) N/A (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: \_\_\_\_\_

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

Received by R.F.  
Date 8-6-76  
Fee Submitted           
*(shiled)*