

PLAT NO. S/D 75-38 MAP NO. 5554

NAME WICHITA TRUCK CENTER

LOCATION Southwest corner of 61st St. North & I-35W

ENGINEER Applby and Marsh

OWNER Ralph Korber

APPLICATION FILED 5-7-75

SKETCH PLAT FILED 5-7-75

PRELIMINARY FILED 6-3-75

S/D ACTION 6-19-75 Approved

FINAL FILED 7-7-75 - Revised final 7-28-75

S/D ACTION 7-17-75 approved subject to condition  
8-2-75 S/D finale - approved.

MAPC ACTION 8-14-75 Approved

BCC ACTION 9-16-75 approved subject to amended  
conditions.

RECORDED 10-28-75

REMARKS \_\_\_\_\_

BCC - 10-28-75 Deferred sweats and negotiate for new street  
plavement guarantee  
BCC 11-11-75

S/D 75-38 - WICHITA TRUCK CENTER -  
SW corner of 61st St, North and  
I-35W. Ralph Korber

*POSTED*  
*5-22-75*  
*[Signature]*

ACTION

DATE

S/D COMMITTEE *Spoken. Approved* 6-19-75  
*Appr. and record.* 7-17-75  
M.A.P.C. *Approved* 8-14-75

B.C.C. ~~15-000~~ *Approved and to* 9-16-75  
*at least within*  
S/D Comm. *revised final* 8-7-75  
*approved.*

Bdy C Com *Strike from* 9-24-75  
*agenda*

B.C.C. - *Deferred 2 weeks; and* 10-28-75  
*We got it for new street*  
*improvement guarantee*

B.C.C. 11-11-75

Map No. 5554  
Sec. No. 16  
Twp. No. 26  
Range 1E

Subdivision Report and Progress  
S/D No.: 75-38

Name: WICHITA TRUCK CENTER

General Location: SW corner 61st St. North and I-35W

Owner: Ralph Korber  
Address: 415 E. 61st St. North # Phone: 744-0602  
Subdivider: Wichita Truck Center, Inc.  
Address: 2302 North Hood Phone: 838-4263  
Engineer/Surveyor: Applby and Marsh; Hall & Associates - Insurance Revised  
Address: Insurance Bldg. 200 E. 1st Phone: 267-7883

Application Received 5-7-75  
Conf. with Applicant \_\_\_\_\_  
Sketch Plat Received 5-7-75  
Present Zoning R-1  
Proposed Zoning E  
Letter of Intent 6-2-75

FINAL PLAT RECEIVED 7-7-75  
S/D Comm. Action 7-17-75 App.  
subject to collection  
Dept. Report on Final approved 7-18-75  
M.A.P.C. ACTION 8-14-75 Approved  
Dept. Report on Final 8-15-75  
Letter on Irons Received \_\_\_\_\_  
Title/Taxes Rec'd & Reviewed 9-10-75  
Final Review \_\_\_\_\_  
Referral to B.C.C. \_\_\_\_\_

PREL. PLAT RECEIVED 6-3-75  
S/D Comm. Action 6-19-75 App.  
Dept. Report on Prel. 6-20-75

B.C.C. ACTION 9/16/75 Approved sub  
to bonded condition  
Recorded 10-28-75

TRACING PROGRESS:

Received 10-17-75  
Released \_\_\_\_\_  
Received \_\_\_\_\_  
Released \_\_\_\_\_

110 Comm. 8.7.75 Revised  
final plat - approved.  
13cc - 10-28-75 - Deferral 2 wks and  
negotiate for new street  
13cc - 11-11-75 - pavement guarantee.

Comments:

SCZ-0315 Associated Zone Case R-1 to E  
also send correspondence to Paul Tolocano 838-0911

WICHITA TRUCK CENTER

Kechi Township

WICHITA TRUCK CENTER  
Send notices to:

Mrs. A. H. Schaar  
12316 East 61st St. North  
Wichita, Kansas 67226  
Ph. 744-2708

S/D 75-38  
B  
10-30-75  
CH

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

WICHITA TRUCK CENTER ADDITION was  
filed for record on October 28, 1975

Robert J. McCarty  
Register of Deeds

T9-302 (2)

KE-170 also T9-328  
woman  
5700 N. Broadway 119

HASTINGS, MINN. LOG ANGLES  
LOGAN, OH. MERRICK, TX. U.S.A.

## Truck center progressing

### RICH HALL

Sedgwick County Commission annexation of 130 acres into Park City Improvement District this week opens the way for further progress on Wichita Truck Center.

The annexation allows installation of water and sewer for the center, which will be at the southwest corner of I-35W and 61st Street North.

Developer Hank Blase said Reiss & Goodness Engineers are finalizing plans for running the utility lines along 61st Street under the interstate.

Clarkson Construction Co. of Kansas City is leveling the 110 acre truck center tract preliminary to the start of construction.

"In some areas," Blase said, "the elevation had to be reduced as much as 20 feet."

He hopes to have bidder's specifications ready for prospective contractors about Jan. 1. Appleby & Marsh of Salina and Wichita are handling this part of the project.

"We are still saying construction time will be about 10 months," Blase said.

"But there seems to be a trend in truck center operations recently away from the all-inclusive center to a more specialized facility.

"If this continues to be the case, construction time as well as our total costs will be cut back somewhat."

Blase said plans already have been scaled back from the \$5 million in industrial revenue bonds approved by Park City to an expected \$3 million.

"We're starting to look for the unexpected," Blase said of the long-delayed project.

Another change in plans is to separate management contracts for each of the center's components — motel, restaurant, retail center and fuel center.

Of these, only the restaurant is to the contract-signing stage, Blase said. Negotiations continue on the other facilities, however.

WICHITA JOURNAL 11-13-76

April 16, 1976

Mr. Robert Blase  
2302 N. Hood  
Wichita, Kansas 67204

Dear Mr. Blase:

Attached is a copy of the memo to the Files outlining my conversation with Hank Blase after the recording of the Wichita Truck Center plat.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:el  
Enclosure

MEMO

~~Handwritten initials~~  
Handwritten initials.

DATE: 11-12-75

TO: Robert A. Lakin, Director of  
Planning MAPC

FROM: Jack N. Turner, County Counselor

RE: Wichita Trade Center Sub-  
Division. Your Memo of 10/31/75

PLEASE RESPOND BY: m/a

We will make security  
requirements on zoning along  
the same line as City if  
a bond issue is required.



WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

October 31, 1975

TO Files

FROM Robert A. Lakin, Director of Planning

SUBJECT Wichita Truck Center Subdivision

I met with Hank Blase, Attorney, representing the above plat, and Curt Newby of my staff, to discuss the guarantees of improvements on the above plat. For the record, it should be noted that the plat was released to the applicant for recording, and it was recorded on Tuesday, October 28, 1975. I told Mr. Blase that I was not satisfied with what my staff had accepted as guarantees for the provision of water and sewer; and that the City Commission on Tuesday, had rejected a proposed guarantee for the paving of the street through the means of a petition to the City of Wichita. I further explained that the Subdivision Regulations provide five alternates for guaranteeing public improvements, these including petition to a unit of general government and various forms of cash guarantees, such as actual deposit of cash, letter of credit, or corporate surety performance bonds. The other alternate is actual construction of the facility and turning it over to the unit of government responsible.

We explored various alternates, including petitions on the street to the Board of County Commissioners, or appealing the decision of the City Commission back to them and asking them to consider the acceptance of the petition. I also suggested that it might be possible to resolve it through the improvement district on whatever basis we were willing to resolve the water and sewer issue.

On water and sewer, we discussed the alternates of petitions to the County Commission for sewer and the cash guarantees. As to water, there appears to be no general authority for the Board of County Commissioners to accept a petition for water service, and the only way at the moment would seem to be petitioning through the improvement district or a cash guarantee.

The petitions to an improvement district are not strictly authorized by the Subdivision Regulations, although it has been accepted by me on the basis of existing improvement districts, such as Bel Aire, Crestview Country Club Improvement District, etc. The reason for this is that it is without logic, in my view, to create a new county overlay district when an existing facility and system exists and that the added-on improvement will go into that existing system.

It was indicated that the improvement district, however, is not accepting petitions on this project, and will simply provide the service as the applicant in this case designs the facility to their specifications, builds the facility to their specifications and ties it into their system as per the Park City specifications. I then reminded Mr. Blase that the Subdivision Rules provide that the City of Wichita engineer is the engineer of record for the water, sewer and paving within three miles of Wichita and irrespective of the Park City Improvement District's specifications, the final approval of those facilities must bear the signature of the Wichita City Engineer. Also, if it is financed by the County or is to be placed on the County system, it will have to have the County Engineer's approval. This means that this set of projects may require concurring approval of three sets of engineers before it may be built.

With the main purpose being to ensure that the facilities are actually there at the time of development, I suggested to Mr. Blase that they proceed to place the sewer, water and, if appropriate, the paving of the street, under contract for design purposes. He indicated they are considering a design/build concept for the project which would include architectural services for building, as well as site development and improvements. If so, then what I suggested was that the design/build team be placed under contract to design the facility and after the design has been submitted and approved by the appropriate engineers, that they then furnish us a signed and enforceable contract between them and the design/build contractor for the improvements, and that an executed contract to build, if it is a subcontract, be furnished us. Upon this showing that the project was going to be built and underway, and designed to the appropriate specs, I would then release and publish simultaneously a zoning resolution which would enable them to obtain the necessary building permits for site work. This seemed at face value to be a reasonable approach to Mr. Blase, if I am interpreting his response correctly. He was going back to his principals to determine whether or not this was acceptable, and would advise us. The time indicated was that within 30 days they would know whether or not they had a design/build contract and whether this approach would go. Actual construction of the facilities may not occur until spring, thus the publication of the resolution might be held up until near that time. The matter of paving is still an open-ended matter and I suspicion a petition to the Board of County Commissioners is the most appropriate route for them to go without putting up additional front end money in forms of cash guarantees, bonds, etc.



Robert A. Lakin  
Director of Planning

RAL:ber  
cc: Jack Turner, County Counselor  
Clay Cox, Assistant County Counselor  
Ralph Wulz, City Manager

**THE CITY OF WICHITA**  
**OFFICE OF CITY MANAGER**

**DATE** October 29, 1975



**TO** Robert A. Lakin, Director of Planning

**FROM** Ralph Wulz, City Manager

**SUBJECT** Wichita Truck Center

At the meeting of October 28, 1975, the City Commission deferred to November 11, 1975, the contingent street dedication at Wichita Truck Center stating that the guarantee of paving by petition was not acceptable.

Please contact the developer with appropriate contacts with other governmental bodies which may be involved to determine whether alternate guarantees of the paving can be secured.

If necessary, please work with the County to hold up recording of the plat tracing until the matter of the street paving guarantee is resolved.

  
Ralph Wulz  
City Manager

RW/kmp



October 22, 1975

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

S/D 75-38 - WICHITA TRUCK CENTER ADDITION -  
Contingent street dedication and pavement  
guarantee

On September 16, 1975, the Board of city Commissioners approved the above-referred to plat, subject to several conditions, one of which was that the applicant submit a contingent street dedication for a north-south marginal access street adjacent to the east property line and submit a guarantee for the paving of said street.

The contingent street dedication, a valid petition, and certificate for the paving of the street, are herewith attached. The dedication and petition should be placed on the agenda for the City Commission meeting of October 28, 1975, with the following recommended action:

"Accept the contingent street dedication, approve the petition and instruct the Director of Law to prepare the necessary resolution and instruct the City Clerk to file the dedication and certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant."

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

Jack H. Galbraith  
Chief Planner

JHG:CLN:ber

Attachments

APPROVED:

Robert A. Lakin  
Director of Planning

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF ENVIRONMENTAL HEALTH

DATE September 16, 1975

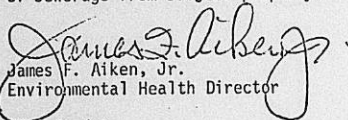
TO Curtis Newby, Junior Planner

FROM James F. Aiken, Jr., Environmental Health Director

SUBJECT Wichita Truck Center  
S/D No. 75-38

We have received a letter from the Park City Improvement District Engineer, Charles M. Goodness, P.E., for Reiss & Goodness Engineers. Dated September 12, 1975, the letter assures that the present capacity of the Park City sewage treatment plant "will not be overloaded by the service to the Truck Center as planned."

Health Department approval is therefore granted concerning the handling of sewerage from subject property.

  
James F. Aiken, Jr.  
Environmental Health Director  
JFA, Jr./gt

cc Reiss & Goodness Engineers  
2160 E. Douglas



THE CITY OF WICHITA

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

DATE Oct. 16, 1975

TO Jack Galbraith, Chief Planner, MAPD  
FROM M. S. Mitchell

SUBJECT Wi chita Truck Center Adn.  
S/D No. 75-38

Reference is made to my request before the Subdivision Committee for a Lot Grading Plan for subject plat. Please be advised that on October 15th the applicant's surveyor submitted a plan indicating the general direction of drainage and the avenues which would be kept open for that purpose. I suggested, and he agreed, that the cross road culvert under Highway I-35W located approximately 370 ft. north of the half section line be shown on the plan and that the drainage plan be revised to show acceptance for this portion of runoff from that highway culvert. With these additions, the plan is approved and a copy is furnished you herewith.

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

*M. S. Mitchell*

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

MSM/glm

cc: G. H. Wilton  
Wichita Truck Center Adn. Plat File  
Larry Daniel/Hall & Assoc.

Attach. - 1



**CERTIFICATE**

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

I, Ralph Korber, owner and plat-  
tor of Wichita Truck Center Addition, do hereby  
certify that petitions for the following improvements have been  
submitted to the Board of Commissioners of the City of Wichita,  
Kansas;

1. Paving of Marginal Access Street
2. Not applicable
3. Not applicable
4. Not applicable
5. Not applicable
6. Not applicable
7. Not applicable

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

Signed this 15th day of October, 19 75.

Ralph Korber  
\_\_\_\_\_

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

Be it remembered that on this 15th day of October,  
19 75, before me, a notary public in and for said County and State,  
came Ralph Korber, to me personally  
known to be the same person who executed the fore-going instrument  
of writing and duly acknowledged the execution of same.

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

Lenora G. Jalenak  
Notary Public

My Commission Expires:  
March 11, 1978

T9-128

LENORA G. JALENAK  
NOTARY PUBLIC  
SEDGWICK COUNTY, KANSAS  
MY COMM. EXP. MAR. 11, 1978

CONTINGENT STREET DEDICATION

WHEREAS, Ralph Korber is the owner of the following described real property to-wit:

A tract of land consisting of approximately 79 acres being that portion of the NW $\frac{1}{4}$  of Section 16, Township 26 South, Range 1 East in Sedgwick County, Kansas, lying west of I-35W Highway right-of-way and east of the Chisholm Creek Diversion Ditch,

which real estate is now in the process of being platted as Wichita Truck Center Addition to Sedgwick County, Kansas; and

WHEREAS, as a condition of the approval of said plat the Governing Body of the City of Wichita has required the dedication of 50 feet of right-of-way for a north-south marginal access road subject to certain contingencies hereinafter described;

NOW THEREFORE, in consideration of the premises, Ralph Korber does hereby dedicate to the public for street purposes the following described real to-wit:

A strip of land 50 feet in width commencing at the west line of the entranceway on the north property line and following said property line to the east property line, thence south along the east property line to the south property line, all being located on the aforescribed tract of land being platted as Wichita Truck Center Addition to Sedgwick County, Kansas.

PROVIDED HOWEVER, that this dedication shall be contingent upon the need of said aforescribed real estate for street purposes to serve a tract of land adjacent to the south property line of said Wichita Truck Center Addition, said tract of land being described as follows:

A tract of land consisting of approximately 30 acres being the North 40 rods of the SW $\frac{1}{4}$  of Section 16, Township 26 South, Range 1 East except that portion thereof lying west of the east line of the Chisholm Creek Diversion (Case A-41501); and except .99 acres dedicated for highway.

PROVIDED FURTHER, that the dedication of aforescribed real estate for street purposes shall become effective upon the Governing Body of the City of Wichita by resolution declaring it necessary to construct a roadway on said real estate.

HOWEVER, in the event title in fee simple to the heretofore described 30 acre tract is acquired by the then owner of the land being platted as Wichita Truck Center Addition, this instrument shall become null and void without further hearing or notice.

The recording of this instrument shall constitute a covenant running with the land and shall bind the grantor hereof, his successors and assigns.

This dedication, conditioned as aforesaid, shall be accepted by the City of Wichita upon the recording of this instrument and such acceptance by the City of Wichita, as aforesaid, shall constitute acquiescence in and agreement to all the terms and provisions hereof.

IN WITNESS WHEREOF, Ralph Korber has executed this instrument on this 21<sup>st</sup> day of October, 1975.

Ralph Korber  
RALPH KORBER

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

BE IT REMEMBERED that on this 21<sup>st</sup> day of October, 1975, before me, a Notary Public, in and for the County and State aforesaid came Ralph Korber, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

Lenora G. Jalenak  
NOTARY PUBLIC

My commission expires:

March 11, 1978

LENORA G. JALENAK NOTARY PUBLIC SEDGWICK COUNTY, KANSAS MY COMM. EXP. MAR. 11, 1978
--

LAW OFFICES OF  
BLASE, BLASE & GRIFFITH  
CHARTERED  
BRYNNWOOD PLACE - 2302 NORTH HOOD  
WICHITA, KANSAS 67204

ROBERT E. BLASE  
HENRY H. BLASE  
WILLIAM R. GRIFFITH

TELEPHONE  
(316) 838-7733

October 16, 1975

Wichita Area Planning Department  
City Annex Building  
104 South Main  
Wichita, Kansas 67202

Re: Wichita Truck Center  
61st Street at I 35W

Dear Sirs:

This is to advise that payment for the extension of sanitary sewer and water service to serve the Wichita Truck Center Addition to Sedgwick County, Kansas will be made from the proceeds of Industrial Revenue Bonds to be issued by the Park City Improvement District for the development of said property, the funds to make said payment being specifically included in said bond issue.

Very truly yours,



Henry H. Blase  
Attorney for Wichita Truck Center, Inc.

HHB:lj

*superseded*

CONTINGENT STREET DEDICATION

WHEREAS, Ralph Korber is the owner of the following described real property, to-wit:

A tract of land consisting of approximately 79 acres lying west of I-35W Highway, south of 61st Street North, east of the Chisholm Creek Diversion ditch, and north of the half-section line, all in the Northeast Quarter of Section 16, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas,

which real estat is now in the process of being platted as Wichita Truck Center Addition to Sedgwick County, Kansas; and

WHEREAS, the City of Wichita may in the future require the "Contingent Street Dedication" hereinafter described for a street right-of-way in conjunction with a north and south street between 53rd Street North and 61st Street North; and

WHEREAS, the City of Wichita has approved the plat of Wichita Truck Center Addition, subject to and conditioned upon the dedication hereinafter described;

NOW, THEREFORE, in consideration of the premises, Ralph Korber does hereby contingently dedicate to the public for street purposes, the following described real estate, to-wit:

A strip of land 50 feet in width commencing at the east line of the entranceway on the north property line and following said property line to the east property line, thence wouth along the east property line to the south property line of a tract of land consisting of approximately 79 acres, lying west of I-35W Highway, south of 61st Street North, east of the Chisholm Creek Diversion ditch, and north of the half-section line, all in the Northwest Quarter of Section 16, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

PROVIDED, HOWEVER, that this "Contingent Street Dedication" shall become null and void and shall be automatically vacated upon he acquisition of the tract of land consisting of approximately thirty acres lying adjacent to the above described tract of land the south, in fee simple title by the then owner of the property ne platted as Wichita Truck Center Addition.

The recording of this instrument shall constitute a covenant running with the land and shall bind the grantor hereof, his successors and assigns.

This dedication, conditioned as aforesaid, shall be accepted by the City of Wichita upon the recording of this instrument and such acceptance by the City of Wichita, as aforesaid, shall constitute acquiescence in and agreement to all the terms and promisions hereof.

IN WITNESS WHEREOF, Ralph Korber has executed this instrument on this \_\_\_\_\_ day of October, 1975.

Ralph Korber  
RALPH KORBER

STATE OF KANSAS )  
                  ) SS:  
SEDGWICK COUNTY )

BE IT REMEMBERED that on this this 10 day of October, 1975, before me, a Notary Public, in and for the County and State aforesaid cam Ralph Korber, to me personally known to be the same plerson who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notari al seal the day and year above written.

Lenora G. Jalena  
NOTARY PUBLIC

My commission expires:

March 11, 1978

LENORA G. JALENA;  
NOTARY PUBLIC  
SEDGWICK COUNTY, KANSAS  
MY COMM. EXP. MAR. 11, 1978

MICROFILMED  
FROM THE BEST  
AVAILABLE COPY

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

262-0611 -- AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

September 3, 1975

Mr. Robert Blase, Attorney  
2302 Hood  
Wichita, Kansas 67204

Re: S/D 75-38 - WICHITA TRUCK  
CENTER

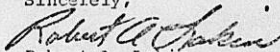
Dear Mr. Blase:

At the request of Jack Turner, County Counselor, I am writing this letter to inform you of how we interpret the established procedure in dealing with the Wichita Truck Center plat. In the event anybody is in disagreement with action taken by an approval body, we believe Section 10-101 of the Subdivision Regulations apply under the appeals procedure. Inasmuch as the plat has now been approved by the Planning Commission, subject to a given number of conditions, if there is still disagreement, then the Board of City Commissioners, which is the next approving agency for plats within three miles of the City of Wichita, may consider such conditions of approval and may modify such as they deem appropriate. Therefore, if such disagreement still exists, please request, by letter, that this plat be forwarded to the City Commission without compliance of these conditions, for consideration of such matters as you wish to appeal to them. In the event the City Commission sustains the Planning Commission action, it is my view that the next appeal is to the district court. The role of the Board of County Commissioners in this instance, under the Subdivision Rules and Regulations, is to accept the dedication of public rights-of-way, rather than approve the plat.

In the event that you do not agree with my interpretation of the appeals procedure, please advise by letter, requesting that a legal opinion be obtained from the County Counselor, and my attorneys, John Dekker and H. R. Kuhn.

If there is any other information that we can provide, please advise.

Sincerely,

  
Robert A. Lakin  
Director of Planning

RAL:ber  
cc: Jack Turner, County Counselor

September 3, 1975

Mr. Robert Blase, Attorney  
2302 Hood  
Wichita, Kansas 67204

Re: S/D 75-38 - WICHITA TRUCK  
CENTER

Dear Mr. Blase:

At the request of Jack Turner, County Counselor, I am writing this letter to inform you of how we interpret the established procedure in dealing with the Wichita Truck Center plat. In the event anybody is in disagreement with action taken by an approval body, we believe Section 10-101 of the Subdivision Regulations apply under the appeals procedure. Inasmuch as the plat has now been approved by the Planning Commission, subject to a given number of conditions, if there is still disagreement, then the Board of City Commissioners, which is the next approving agency for plats within three miles of the City of Wichita, may consider such conditions of approval and may modify such as they deem appropriate. Therefore, if such disagreement still exists, please request, by letter, that this plat be forwarded to the City Commission without compliance of these conditions, for consideration of such matters as you wish to appeal to them. In the event the City Commission sustains the Planning Commission action, it is my view that the next appeal is to the district court. The role of the Board of County Commissioners in this instance, under the Subdivision Rules and Regulations, is to accept the dedication of public rights-of-way, rather than approve the plat.

In the event that you do not agree with my interpretation of the appeals procedure, please advise by letter, requesting that a legal opinion be obtained from the County Counselor, and my attorneys, John Dekker and H. R. Kuhn.

If there is any other information that we can provide, please advise.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:ber

August 25, 1975

Mr. Jack Turner, County Counselor  
320 Sedgwick County Courthouse  
Wichita, Kansas 67203

Re: Subdivision Case Appeals

Dear Mr. Turner:

As discussed with you on the Truck Terminal plat, the appropriate appeal procedure on any plat submitted within the City of Wichita or three miles thereof, is in the following order:

Any disagreements with staff is appealed to the Subdivision Committee; from the Subdivision Committee to the Planning Commission; and from the Planning Commission to the governing body of the engineer having engineering authority as established in Section 8-102 of the regulations. In this instance, within three miles of the City of Wichita, it is the City Engineer; therefore, the City of Wichita becomes the appeal agency. A difference in opinions after that appeal, I assume would result in litigation at the district court level, as the County Commission in that role, in my opinion, is not an appeal body, but simply one which accepts dedications in trust for the public.

Section 10-101 under Appeals, Waivers and Variances, of the Subdivision Rules and Regulations, specifically provides: "The subdivider of a proposed subdivision may appeal any decision made in the enforcement of these regulations...by the Planning Commission to the governing body of the appropriate engineer for streets as established in Section 8-102 unless otherwise provided for in these regulations. Any such appeal shall provide a hearing de novo. In the event the governing body sustains the Planning Commission, the action of the Planning Commission shall be final except as otherwise provided by law. If the governing body overrules the Planning Commission, the reasons therefor shall be reflected in writing or the minutes of the meeting." I assume the last "or" is a typographic error and probably should have been "in".

Page 2 - Jack Turner  
August 25, 1975

The only other provisions for exemptions are: (1) in the jurisdictional area such as if one is located in the area of Mulvane, Derby or Haysville, where authority has been given to those Planning Commissions; or (2) in the exemption provisions which relate to grandfathering clauses, etc. Neither of these provisions apply. First of all, it is not in any other jurisdiction, and two, there is an extra requirement to this platting procedure which was imposed by the Planning Commission, in that the zoning case was approved subject to platting. I would assume that any attempt to change that requirement would require, at the minimum, the County Commissioners publicly withdrawing the condition and stating the reasons therefor or, more appropriately, in my opinion, since it would be changing the conditions of proceedings which have already occurred, the re-hearing of the issue after advertising in the same fashion as for a new zone case.

If there is any other information we can provide, please advise.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:ber

BOARD OF SEDGWICK COUNTY COMMISSIONERS  
PROCEEDINGS

Regular Meeting  
October 10, 1973

Mr. Scott moved for approval.

Mr. Peters seconded the motion.

The motion carried unanimously.

Mr. Galbraith then presented to the Board Case 802-0415, a request for a change from "R-1" to "F" on the south side of 61st Street North on the west side of I-35W. He showed the Board the area on a map and explained the surrounding zoning. He stated it had been determined that the applicant did not need the "F" heavy industrial zoning they had requested but light industrial. He stated the Planning Commission had recommended the approval of light industrial zoning.

Mr. Bob Blase, attorney for the applicant, appeared before the Board and stated they would be happy with light industrial zoning.

Mr. Peters moved for approval of light industrial zoning.

Mr. Scott seconded the motion.

The motion carried unanimously.

Mr. Jack Turner stated the District Court judges were authorized to receive from the State \$23,500 for each judge and in addition they receive \$1,266 for sitting as the jury clerks and in addition they receive another \$1,266 for sitting as the Board of Probation and Parole.

Mr. Peters asked if it was correct that the statute refers to the elected officials as \$23,500.

Mr. Turner stated that was correct.

Mr. Scott asked how they arrived at the figure of \$26,032.

Mr. Turner explained that was the total salary received by the District Court judges. He stated he was present in the legislature when the district attorney was put on a full time basis and at that time it was the intention

SC2-0315

DISTRICT  
ATTORNEY'S  
SALARY

September 18, 1975

Mr. Henry Blase, Attorney  
2302 Hood  
Wichita, Kansas 67204

Re: S/D 75-38 - WICHITA TRUCK  
CENTER

Dear Mr. Blase:

The Board of City Commissioners, at the regular meeting of September 16, 1975, considered your appeal of the conditions of platting for the above-captioned plat. After considerable discussion concerning the recommended requirement of the north-south street and 15-foot drainage dedication along the west property line, the action of the City Commission was to approve the plat subject to conditions A., and D. through P. as presented to them, with amendments to conditions B. and C., all of which reads as follows:

*I have letter from Park City agreeing to waive letter from Blase advising you to be paid for from hood issues for dedication of the road*

The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.

B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to the Director of Environmental Health for his approval.

*OK* The applicant shall dedicate by separate instrument a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat; such dedication to provide that upon the acquisition of the 30 acres to the south in fee simple title by the then owner of the property being platted as Wichita Truck Center, the dedication and the guarantee for paving the marginal access road shall terminate. The legal description for the marginal access road shall be submitted to and be approved by the Department of Public Works.

- D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, the paving not to be installed until the property to the south is subdivided and improved.

*as per*  
Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.

- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.

*see memo from Mitch*  
The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.

*Ed Ecknor called to say satisfactory arrangements have been made for 900 service*  
The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.

*for verbal on ques*  
The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.

- J. The applicant shall contact the County Zoning Office relative to appropriately naming the new north-south street.

*Ed*  
The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to present soil erosion from wind and water during the development of subject property.

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

M. Compliance with the requirements of the Metropolitan Area Planning Commission.

N. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Commission.

*Ed*  
O. Certification by an attorney that fee title is vested in the plat.

*Ed*  
P. Certification that all taxes due and payable for 1974 and prior years have been paid,

Page 3 - Mr. Henry Blase  
September 18, 1975

Based upon this action, it is necessary that the above conditions be complied with, including the submission of the plat tracing to our office for appropriate signatures of the Chairman of the Planning Commission and the Mayor. Regarding the dedication of the marginal access road, we have sample contingent dedications in our office that may assist you in the preparation of that document. However, should the owner of the truck center site proceed to purchase the 30 acres and a copy of the deed is submitted to our office, then conditions C. D. and J. would not have to be complied with.

As you are aware, conditions of this plat are not appealable to the Board of County Commissioners. If you have any questions concerning the conditions of approval, please contact me.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Robert Blase, Attorney, 2302 Hood 67203  
Paul Feleciano, Jr., 2815 Euclid 67217  
Larry Daniel, Hall & Associates, 7701 E. Kellogg 67207  
Appleby & Marsh, Architects-Engineers, 200 E. 1st St. 67202  
John Dekker, Director of Law  
Jack Turner, County Counselor  
Dick Linn, City Engineer

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THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF ENVIRONMENTAL HEALTH

DATE September 16, 1975

TO Curtis Newby, Junior Planner

FROM James F. Aiken, Jr., Environmental Health Director

SUBJECT Wichita Truck Center  
S/D No. 75-38

We have received a letter from the Park City Improvement District Engineer, Charles M. Goodness, P.E., for Reiss & Goodness Engineers. Dated September 12, 1975, the letter assures that the present capacity of the Park City sewage treatment plant "will not be overloaded by the service to the Truck Center as planned."

Health Department approval is therefore granted concerning the handling of sewerage from subject property.

*James F. Aiken, Jr.*  
James F. Aiken, Jr.  
Environmental Health Director

JFA, Jr./gt

cc Reiss & Goodness Engineers  
2160 E. Douglas



September 12, 1975

John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
M. S. Mitchell, Flood Control Supervisor  
Curtis L. Newby, Junior Planner

S/D 75-38 - Final Plat of  
WICHITA TRUCK CENTER

Attached for your information and review are copies of the Subdivision Committee and the Planning Commission minutes concerning Wichita Truck Center plat. At the request of the applicant, this matter is being considered by the City Commission on September 16. You should be prepared to comment in case the Commission has questions.

Please call if you have any questions concerning this item.

Curtis L. Newby  
Junior Planner

CLN:ber

Attachment

September 12, 1975

Jack Turner, County Counselor

Robert A. Lakin, Director of Planning

S/D 75-38 - Wichita Truck Center Addition

After our telephone discussion, I called Bob Blase and discussed his letter with him inasmuch as I thought that I had perhaps not adequately communicated our position to him in my letter on September 3. Apparently Mr. Blase intends on resolving the plat through other means, i.e., getting approval from the adjoining property owner that no road is needed. He then intends to appeal the Planning Commission requirement for a road to the City Commission based on that property owner's position. This would be in accordance with my letter, however, from a practical standpoint, I don't think the City Commission would override, but would probably return it to the Planning Commission for reconsideration inasmuch as new evidence would be there. I am still not sure that a property owner's agreement from the south will change the Planning Commission or staff position relative to the need for a road.

It still appears, however, that Mr. Blase wants to appear on the County Commission agenda as a "matter of principle" relative to their being exempted from the platting requirements. He believes the County Commission is probably the appeal body to consider these items inasmuch as they are exempted from the regulations and, therefore, if exempted from regulations, are under no jurisdiction of the Planning, City, etc., but solely under the jurisdiction of the County. I am sorry, but I do not follow the logic and I cannot see the ties that Mr. Blase is making to these issues. When I suggested to him that if he disagreed with my posture on appeals and handling of the case that he write you a letter requesting a legal opinion, he replied that your opinions are no better than his opinions and the proper group to decide such a matter as to have the law interpreted is the governing body. Again, I do not concur, but I have made every attempt to try to communicate with Mr. Blase and arrange for consideration of this case in an orderly manner.

I hope this memo brings you up-to-date.

Robert A. Lakin  
Director of Planning

RAL:ber

LAW OFFICES OF  
**BLASE, BLASE & GRIFFITH**  
CHARTERED  
BRYNWOOD PLACE - 2302 NORTH HOOD  
WICHITA, KANSAS 67204

ROBERT E. BLASE  
HENRY H. BLASE  
WILLIAM R. GRIFFITH

TELEPHONE  
(316) 638-7733

September 5, 1975

Mr. Robert A. Lakin  
Director of Planning  
Metropolitan Area Planning Sept.  
104 South Main  
Wichita, Kansas 67202

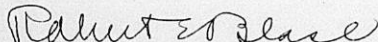
Re: S/D 75-38 Wichita Truck Center

Dear Mr. Lakin:

Thank you for your letter of September 3, 1975,  
concerning the above matter.

It is our opinion that Section 3-105 with Sub-section  
G applies in our case. We have therefore requested that this  
matter be placed on the Sedgwick County Board of County Com-  
missioners Agenda for Wednesday, September 10, 1975.

Sincerely,

  
Robert E. Blase  
of Blase, Blase & Griffith

REB:lj  
cc: Jack Turner  
County Counselor



LAW OFFICES OF  
**BLASE, BLASE & GRIFFITH**  
CHARTERED  
BRYNWOOD PLACE - 2302 NORTH HOOD  
WICHITA, KANSAS 67204

ROBERT E. BLASE  
HENRY H. BLASE  
WILLIAM R. GRIFFITH

TELEPHONE  
(316) 838-7733

September 10, 1975

Metropolitan Area Planning Commission  
City Hall Annex  
104 South Main  
Wichita, Kansas 67202

Dear Sirs:

This is to certify that I have this date examined the Title to the following described real property, to-wit:

That portion of the North One-half of Section 16,  
Township 26 South Range 1 East of the 6 P. M. lying  
West of Highway 1 35 W, South of 61st Street North  
and East of the Chisholm Drainage Control Area and  
consisting of approximately 79 acres of land all in  
Sedgwick County, Kansas

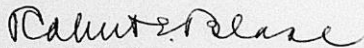
TITLE: I find title to said property to be in the name of  
Ralph Korber.

MORTGAGES: There are no mortgages shown of record against said  
property.

LIENS: There are no liens shown of record against said property.

TAXES: The taxes for the year 1974 and prior years show as being  
paid in full. There are no other form of taxes shown as  
a lien against said property.

Sincerely,



Robert E. Blase  
of Blase, Blase & Griffith

REB:lj

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 14, 1975:

18. S/D 75-38 - Final Plat of WICHITA TRUCK CENTER, generally located at the southwest corner of 61st Street North and I-35W.

GALBRAITH pointed out that this area is being platted as a one-lot plat for a complete truck service center, and the issue to be discussed with the applicant concerns a requirement for dedication of a north-south street through the property to provide public access to the 30 acres to the south, as both tracts are in separate ownerships. The entire 30 acre property to the south has no access to a public street at this time as I-35W is on the east and there is no access across the drainage ditch to the west to Broadway.

GALBRAITH continued that the matter of dedicating a north-south street has been a concern of the applicant and his attorney, and it has been discussed several times, and the question asked by them is why we are concerned about providing the 30 acres with a future public street.

GALBRAITH stated that there is always a concern to provide public right-of-way to interior tracts that some day will be developed.

GALBRAITH also stated that it was the staff opinion that there would be no need for the usual 70-foot industrial width street right-of-way with 40-foot paving to provide future access, but that a frontage road should be sufficient along either the west or east property lines. Although it has been claimed that the property to the south has access, it is only along the drainage ditch on the west which originally was granted for means of access for farming purposes only, and would not ever be sufficient for a public street. GALBRAITH said he had been advised recently that the golf course will remain because of a long term lease, so it does not appear that there will be any subdividing of that property very soon, but at such time as it is, it is anticipated that a north-south street would be required to provide access to the interior land, with a guarantee for paving as all other plattors of land are required to do. In summary, it is the feeling of the staff that a north-south street is needed to provide access to the area to the south.

HENRY BLASE appeared as attorney for the applicant, and said that Condition E. as recommended by the Subdivision Committee concerning additional right-of-way for flood control is also in contention. He asked Paul Feleciano, Jr. to show an architect's illustration of the various services to be provided at the truck center. It was pointed out that it will be a complete truck stop center with tire facility service, new truck sales and truck and trailer repair, as well as refrigeration repair, and also restaurant and lodging facilities.

HENNESSY asked the staff if the golf course was privately owned and will there be a street on this property. GALBRAITH said he had been advised that the intent is that the golf course will remain and will not be subdivided in the foreseeable future.

LAKIN pointed out that there is legal access (20 feet on top of the flood control bank), but that width is not sufficient for the use to which subject land is being proposed, or for the uses that are likely to be developed on areas to the south. if the golf course area and the 30 acres immediately adjacent on the south of this plat change from the open use they presently are, possibly to something similar to what is being proposed by this applicant, then the dedication of the street right-of-way would be continued through those properties. He noted that as properties become more urban in development, adjacent land uses usually convert. He pointed out that providing access for a future street pattern is clearly one of the purposes of the subdivision regulations as established by statute, and is one of the basic purposes of platting to protect anticipated future needs. He pointed out again that while the staff's opinion is that the 20 feet is not sufficient, they are not asking for the usual 7-foot industrial width street, and would be agreeable to trying to minimize the width, but still providing adequate access on to the south.

Further, in response to questions, LAKIN stated that if the 30-acre tract was not landlocked, then as a policy matter, a public street would not be considered necessary; however, there could be the eventual need for an interior street, depending upon the development.

BLASE displayed a map showing the flood control system through subject area, calling attention to the 20-foot access along the ditch leading to the adjacent property on the south, and he maintained that that area is not landlocked by reason of the adoption by the City Commission on February 9, 1964, of the flood control plan and the provisions for access to the 30 acres being discussed. BLASE read from the legal instrument related to this matter.

BLASE cited KSA 68-114 of the statutes, wherein the County Commission is authorized to acquire right-of-way for a road system through outright purchase, by donation, or through eminent domain proceedings. He maintained that in this case, there is no landlocked land by reason of the above-referred to easement on the flood control property, which has provided access to the 30 acres for 21 years, and it was his opinion that there is no need for additional access at this time, and even if it is needed, it can be acquired by reason of KSA 68-114.

It was BLASE'S opinion that to establish the street access would destroy the security which they desire for the proposed development, which factor has entered into the leasing of the area for various uses.

GOEBEL suggested that possibly the security desired has already been lost by reason of the 20-foot public right-of-way on the flood control area. BLASE responded that at present there is a fence between the roadway and subject property. In response to questions by Hennessy, BLASE traced on the map the present access.

LAKIN said that the staff has acknowledged there is 20 feet of roadway on the dike, but did not think 20 feet is adequate for an urban street, and the Flood Control Office has indicated that a street on the dike would require another 50 feet in addition to the existing 20 feet, and that the road would be built adjacent to the existing 20-foot dedication.

In further explanation, GALBRAITH said there has been much discussion about the proper location for an access road, whether it should be along the east side next to I-35W or west side adjacent to the flood control ditch.

It seems preferable to have it along the east property line. He pointed out that Mr. Blase also does not concur in the request for a 15-foot dedication or easement along the present flood control right-of-way to raise the levee which is needed for protection of subject land from flooding.

BLASE spoke again to point out that the owner of the 30 acres at one time owned land from the Interstate to Broadway. When I-35W right-of-way was condemned, the owner was compensated for loss of land and any damages and loss of access if they had any, but in this case he does not have any loss because of the public dedication along the ditch, which the previously cited ordinance preserved, either from 53rd Street or 61st Street.

BAYOUTH asked concerning the limited access to 61st Street from subject property. GALBRAITH agreed that it is limited at this time, but the applicant has negotiated with the State for widening of the medial opening to accommodate truck movements.

HENNESSY asked if there was presently any street from the south leading into this area, and GALBRAITH said there was none, that all the tracts of land are large and none have been platted. He did not expect to see a street coming from the south until the golf course area is platted.

HENNESSY expressed some concern on behalf of the applicant so far as security, if the public road is established as suggested by the staff. GALBRAITH answered that the applicant would not be required to have access to the road and a fence along the road would provide the same security as the property presently has.

BLASE pointed out that the owner of the 30 acres owns the land on the west side of the drainage area to Broadway and that engineering estimates show the cost of a bridge across the drainage ditch to be about \$20,000. BLASE insisted that a frontage road and its improvement is not needed; that the plattor will obtain no benefit therefrom, in fact, doesn't need it or want it, and actually the only benefit is to the 30 acres to the south, yet the applicant is being required to pay for it, even though the 30 acres does have public access.

GOEBEL observed from the map that it did not seem all the property next to the golf course is being used right along the highway, however, it was pointed out that it is all right-of-way for I-35W.

LAKIN commented that if the 30 acres is some day submitted as an industrial plat as is subject area, there would likely be a requirement for a street on one or the other side, and the engineering judgment is that, because of the grade difference, it is preferable that the road be located on the east side.

So far as legal access, LAKIN said the present situation is fine, but the whole planning process and reason for subdivision rules and regulations is to look ahead and anticipate problems and provide solutions. He referred to various discussions related to drainage situations and the fact that the purpose of planning in any case is to look ahead as to possibilities when land comes into development in future years. He did not consider the requirements in this case undue or unreasonable, and as for the guarantee of paving for a north-south roadway, it does not mean it must be paved at this time, but only a guarantee that it will be at such time as development warrants. LAKIN pointed out that when zoning of subject tract was approved the Commissions (MAPC and County Commission), agreed that it is not residential land, and it is not likely that the area adjacent on the south would be considered residential land and would be developed eventually by uses compatible with the truck center, and certainly more than a 20-foot access road is necessary to provide for proper circulation of vehicles.

GOEBEL commented that if he owned subject land and was required to dedicate and pave a street to get back to someone else's property, it would put the development completely out of reason and a person would just have to go on farming because one cannot pave something that is not needed. He felt that if additional right-of-way could be obtained on the west to widen the existing 20 feet if ever needed would be one thing, but to want a road on the east side and a petition to pave he considered outrageous.

LAKIN pointed out the possibility of the owner of the 30 acres some day wanting industrial zoning and unless the usual public road is required on subject plat, there would be no public access, which would mean it would not be developed. However, all property is entitled to access to a public street, which means that subject property would be assessed for a portion of the cost. Referring to the possibility of additional width on the west side adjacent to the flood control ditch, LAKIN pointed out that any increased width would have to be on the slope and that the dike would have to be rebuilt to make the width useable for anything other than the existing field access. GOEBEL commented that when the right-of-way was acquired at the time of construction of the flood control project, they should have acquired all that was needed, and he was not in favor of requiring the 15 feet as recommended by the Subdivision Committee.

There was more discussion about providing proper access to the area, and LAKIN pointed out that an industrial street system is not being proposed, but only proper access to the 30 acres. HENNESSY envisioned truck traffic congestion and accidents at the termination to the south of any such access road if one is required. LAKIN did not anticipate any more of a problem than any interior circulation problem that might exist.

HENNESSY said that without the road, if any circulation problems existed, it would be on private property. LAKIN stressed again that it is a matter of planning and looking to the future needs for development of adjacent property. He commented that if the Commission believes a 20-foot roadway on top of the dike provides adequate service for the 30 acres of land, and it can be assumed that it will remain as agricultural, then no road is needed. However, as stated before, the purpose of planning is to anticipate future development and attempt to provide reasonable conditions under which development can occur. CHAIRMAN KAMEN said the Commission has always tried to keep from landlocking any land and under a normal street pattern, the 30 acres would not be landlocked.

GOEBEL was sympathetic to the applicant because of the narrow area he has on 61st Street and was not in favor of requiring the additional access suggested by the Subdivision Committee.

BLASE pointed out again that KSA 68-114 provides the methods by which right-of-way can be acquired.

LOREN DYSON, 3139 Coolidge, representing the owner of the 30 acres to the south, said there is no access now except on the dike; the owner in 1954 asked the County to build a road and he was told by the County at that time that it would be very expensive. He thought conditions have changed since that time, the I-35 Interstate is in existence, and the land that was valued at \$500 per acre now is worth \$1,000 to \$1,200 and it was the desire of the owner to see it develop. The land is for sale now. He pointed out that by bringing a road from 61st to 53rd Streets North would make the land even more valuable.

Referring to the golf course, DYSON did not expect it to be continued as a golf course with the expiration of the present lease, because a golf course is not that valuable as an investment.

DYSON thought it would be very expensive to build a road along the drainage canal because it is low and would require culverts and bridges to make it useable. He stated one can hardly get in there now with a tractor. In further discussion, DYSON said he would like to see the road just west of I-35W as he thought the area would develop and that a road is needed.

GOEBEL repeated his opposition to requiring this applicant to provide right-of-way and paving to serve another's property.

ALBERT SCHAAR, 12316 East 61st Street North, stated also that the 30 acres is for sale and is being considered by a major company for warehousing facilities, and he felt that as large a road as in other industrial areas would be needed. He said he has farmed the ground and with the coming of the flood control project, an agreement was made to utilize the dike for access, which was sufficient as long as the ground is farmed; however, they have encountered problems in getting even farm machinery to the 30 acres by way of the top of the dike. SCHAAR was in favor of the development proposed by the applicant. He said that if a road is put down along the ditch the medial opening at 61st Street would have to be widened or trucks will have trouble making left turns. He stated further that there is another easement running east-west right through the middle of the applicant's property, and wondered if the applicant had made any arrangements in this respect. SCHAAR said that the lease on the golf course area runs for another 19 1/2 years, but that the lease could be bought because the golf course is not too lucrative.

BAYOUTH noted that the State is working with the applicant to improve access to 61st Street, and the fact that the creation of the problem was the responsibility of the State by chopping up the land with the I-35W right-of-way and not allowing access from the east.

MOTION: That the Planning Commission recommend to the Board of City Commissioners the approval of the plat subject to the following conditions:

- A. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
- C. The plat shall indicate a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat.
- D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, and paving not to be installed until the property to the south is subdivided and improved.
- E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.
- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.

- G. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- H. The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- I. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
- J. The applicant shall contact the County zoning office relative to appropriately naming the new north-south street.
- K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- M. Compliance with the requirements of the Metropolitan Area Planning Commission.
- N. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Commission.
- O. Certification by an attorney that fee title is vested in the plat.
- P. Certification that all taxes due and payable for 1974 and prior years have been paid.

Bayouth moved, Hopper seconded and it carried by a vote of 5 in favor (Bayouth, Hopper, Rising, Kamen and Gragg) and 2 opposed (Hennessy and Goebel). Taylor and Savina were absent.

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RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number **75-38** Name **WICHITA TRUCK CENTER**  
Application & Sketch Filed: **5-7-75**  
Preliminary Plat Filed: **6-3-75** Approved by S/D: **6-19-75**  
Final Plat Filed: **7-28-75** Approved by S/D: **8-7-75**  
Approved by Metropolitan Area Planning Commission: **8-14-75**

DESCRIPTION

General Location: **South side of 61st Street North between  
I-35W and the Flood control project**

Surveyor or Engineer: **Hall & Associates**  
Owner: **Ralph Korber**  
Address: **415 East 61st Street North**

- |                                      |   |                    |
|--------------------------------------|---|--------------------|
| 1. Gross Acreage of Plat <u>79</u>   | 6. Access Control   |                    |
| 2. Number of Lots:                   | St. _____   | No. Openings _____ |
| Residential _____                    | St. _____   | No. Openings _____ |
| Commercial _____                     | St. _____   | No. Openings _____ |
| Industrial <u>1</u>                  | 7. Req'd Improvements   |                    |
| Other _____                          | St. Paving <u>X</u>   | Water <u>X</u>     |
| Total Number of Lots: <u>1</u>       | Sidewalk _____  | Drainage _____     |
| 3. Minimum Lot Area: <u>79</u> Acres | Sewer <u>X</u>  | Other _____        |
| 4. Existing Zoning <u>"R-1"</u>      |   |                    |
| 5. Special Problems Discussed        | <u>Dedication of a north-south marginal<br/>access street; additional right-of-way for flood control.</u> |                    |

Arrangements and guarantee have been made with Park City Improvement District to provide sanitary sewer and public water supply to serve subject property.

Planning Commission Recommendation:

That subject plat be approved subject to the conditions as recommended by the Subdivision Committee, and that the paving of the north-south marginal access road not be installed until the property to the south is subdivided and improved. (See attached list for conditions of approval.) Bayouth moved, Hopper seconded and it carried by a vote of 5 in favor (Bayouth, Hopper, Rising, Kamen, and Gragg) and 2 opposed (Hennessy and Goebel). Taylor and Savina were absent.

NOTE: The applicant's attorney has requested that this plat be forwarded to the City Commission as they desire to appeal the conditions requiring access road and flood control right-of-way.

NOTE: Associated County Zone Case SCZ-0315, "R-1" to "E" has been approved by the Board of County Commissioners subject to platting.

Minutes of the Subdivision Committee for July 17 and August 7, and the Planning Commission minutes for August 14, 1975, are attached.

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

CONDITIONS OF APPROVAL - S/D 75-38 - WICHITA TRUCK CENTER

- A. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
  - B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
  - C. The plat shall indicate a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat.
  - D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, the paving not to be installed until the property to the south is subdivided and improved.
  - E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.
  - F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
  - G. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
  - H. The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
  - I. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
  - J. The applicant shall contact the County zoning office relative to appropriately naming the new north-south street.
  - K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
  - L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
  - M. Compliance with the requirements of the Metropolitan Area Planning Commission.
  - N. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Commission.
  - O. Certification by an attorney that fee title is vested in the platlor.
  - P. Certification that all taxes due and payable for 1974 and prior years have been paid.
-

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11. S/D 75-38 - Final plat of WICHITA TRUCK CENTER, generally located at the southwest corner of 61st Street North and I-35W.

NEWBY outlined the area on the map and stated that as a condition of approval of the preliminary plat, right-of-way for a north-south street was to be indicated on the face of the plat extending from 61st Street North, south to the landlocked 30 acre tract lying south of subject property. Since subject property has been approved for "E" Light Industrial zoning it would appear that the 30 acre tract could in the future develop with an industrial use also, and as there is no street access in the mile between 53rd Street North and 61st Street North in the area between the I-35W Interstate highway and the flood control project, it was determined that a street system needed to be started in this area. He said that a copy of a letter had been received from the Park City Improvement District to serve the area with sewer. He pointed out that one of the problems involved was how much of the frontage on 61st Street would be involved with the street right-of-way, for a new north-south street and that the existing power lines which might conflict with the street would be difficult to move.

ROBERT E. BLASE, attorney, representing the applicants, stated that relative to items B, C, D, E, F, G, H and I, of the staff comments, arrangements have been made. He said the only unnecessary item was the 10 foot utility easement along the east property line as it would serve no purpose. He said it has been agreed with the utility companies that the applicant would submit site plans for private utility easement locations. He pointed out the agreements would be made with M. S. Mitchell, Flood Control, for ingress-egress to protect the dike when it becomes necessary. He continued that item "A", the street dedication, was the item they were concerned about. The owner of the 30 acre tract to the south was not landlocked, for 30 years that land owner has had ingress and egress; he has access to the roadway along the east dike of the flood control ditch. The Flood control ditch bisected the man's land and the entrance to the access road is locked at 53rd Street and only he can use that road. They cannot anticipate the development of the 30 acres but can anticipate development of the 79 acres which is the plat being presented today. They are not interested in making a roadway through or along the side of their property. He pointed out that under the Statute of Kansas 68-117, any person who contends they are landlocked has the right to get ingress-egress. He said they were not agreeing to dedicating any portion of their land for street right-of-way. Their development plan requires 24 hour security and they will not be providing access to the public.

LAWRENCE DYSON, speaking on behalf of the owner of the 30 acres, stated that as far as what Mel Froman did 20 years ago when they built the canal and I-35W does not make a great deal

of difference. The proposed street would give to 30 acre tract public ingress-egress. They see no reason why the 79 acres should not provide for a public street. They would be happy to give the land necessary for the road right-of-way on the 30 acre tract to the south.

JACK GALBRAITH, Chief Planner, commented that the Planning staff never contended that the property to the south did not have access, however, such access is the type for agricultural purposes and not a standard public street. What the staff's concern is that this is a sizeable piece of land and it would be appropriate that some street be provided, maybe a frontage road, not a full 70 foot industrial street. The 30 acres also needs good access from both the north and south. He said he could not buy the concept that a 79 acre tract should not provide some kind of street right-of-way for future street needs.

EUGENE MOSER, Kansas Gas & Electric, asked if the applicants would be agreeable to a private easement to KG&E based on the assumption that there is no street right-of-way on his property.

BLASE stressed that they do not desire to make 8 or 10 feet of their land unuseable for some purpose, but they have no objections to the KG&E easement if it is needed.

MOSER withdrew his original request for the easement on the east side of the plat if a north-south street is provided.

AL SNIDER, Southwestern Bell Telephone, requested the same easement as KG&E.

GEORGE ECKNOR, Gas Service Company, cautioned BLASE that if there is no street, they will require a 40 foot gas easement and no improvements can be on it.

STEVE INNES, Environmental Health, asked if the letter from the Park City Improvement District stated that they were agreeable or capable of serving this property with sewer and water.

NEWBY said they stated they were capable. INNES asked that engineering data indicating the capability of the Park City system be provided for the Health Department's review.

MAX GREENE, Maintenance-Flood Control, stated that the 15 foot ingress-egress easement along the east side of the flood control right-of-way could not be specifically granted to the Flood Control division as indicated on the plat. They want this easement but cannot limit it to a certain division of the City. They will have to adjust the floodway reserve dimensions with the applicants engineer. He pointed out that there is a dimensional error between the legal description and the dimension indicated for the west line of the plat.

LARRY DANIEL, engineer, for the applicant was present.

DEAN SELLERS, City Engineering, stated that Public Works supports the Planning staff's recommendation on item "A" of the staff comment sheet (concerning the north-south street right-of-way).

TAYLOR suggested that the Committee ask that the applicant work out a plan for development of some kind of road system as suggested by the staff, such a design having the approval of the Planning Department staff and City and County Engineer. She asked that this plat not be forwarded to the Planning Commission until the location and right-of-way for road system was devised.

BLASE asked that this matter be forwarded to the Planning Commission intact with the recommendation on the north-south street.

TAYLOR commented that in order for this item not to be deferred by the Subdivision Committee, the location and right-of-way for a street should be determined then forwarded onto the Planning Commission so that the Planning Commission would not also have to discuss location and design of the street.

MOTION: It was moved, seconded and carried unanimously that the Subdivision Committee recommend that the plat be approved subject to the following conditions and that the plat not be forwarded to the Planning Commission until the location and width of right-of-way for a new north-south street on subject plat has been determined and the same indicated on the face of the plat:

- A. The applicants and/or their engineer shall meet with the Planning Staff, City Engineer, County Engineer and M. S. Mitchell of the Flood Control Office relative to the location, width and type of north-south street to be indicated on the plat.
- B. A letter from the Park City Improvement District stating that satisfactory arrangements have been made shall be submitted to the Planning Department. The applicant shall furnish a copy of the engineering data on the capacity of the system to the Health Department.
- C. The applicant shall submit to the Planning Department a copy of the Highway Permit from the State Highway Department approving the medial reconstruction on 61st Street North.
- D. A 10 foot utility easement shall be indicated adjacent to the east line of the plat.

- E. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
  - F. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
  - G. The applicant shall be advised that a 40 foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
  - H. The applicant shall work with Maintenance-Flood Control Office relative to dimensions and appropriately indicating the floodway reserve on the face of the plat.
  - I. The applicant shall contact the County Zoning Office relative to appropriately naming the new north-south street.
  - J. The applicant shall guarantee the improvement of the north-south street. The Planning Department shall be contacted regarding this matter.
  - K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
  - L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
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8. S/D 75-38 - Final plat of WICHITA TRUCK CENTER, generally located at the southwest corner of 61st Street North and I-35W.

NEWBY outlined the area on the map and stated that the recommendation was that a north-south street be provided through this plat. He said the applicants met with Planning and other City and County staff on July 21, 1975 to discuss design geometrics and location for the required north-south street on the plat. At that meeting the applicants indicated, based on the proposed layout for the site development and the existing topography, that it would be difficult to develop a north-south street on subject property. They also raised questions concerning other means of public access from the west or from the south, to serve the 30 acre ownership adjoining subject property. It was suggested that the applicant might want to bring these arguments against the north-south street requirement back before the Subdivision Committee. The applicant has requested reconsideration of the street requirement and as well the requested 15 foot wide flood control access-maintenance easement along the west line of the plat. The applicant suggested, as a possibility to serve the 30 acre tract, a bridge across the ditch to provide access from the west. It was felt by the Planning staff that the need was there for a north-south street in the mile between 53rd Street and 61st Street in the future when the golf course was no longer there, a street for interior access would be needed. If the street is required, it should be a 50 foot marginal access road rather than the usual 70 foot industrial right-of-way.

HENRY BLASE, attorney, representing the applicant, stated that he wanted everyone to really understand what was to be done on this site and asked PAUL FELECIANO to present drawings of what they were trying to develop.

FELECIANO stressed that security was uppermost in their minds. He said that most truck drivers were driving \$20,000 rigs and when they pull into a stop they want to be sure they are secure, and with proper camera works and police patrol, they could provide that security. A north-south street running through their development would endanger the security.

BLASE recalled Newby's discussion of the various street location problems and asked LARRY DANIEL, engineer, to come forward to explain the road location problems.

DANIEL presented a cross section diagram that indicated that a lot of dirt work would be required to place a street adjacent to the Interstate right-of-way and that utility lines and poles, and the drainage pond would be in the way of a street adjacent to the flood control dike on the west.

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BLASE also pointed out that the road cutting into the water drainage ponding area destroys the use of the ponding area for site drainage control. He said he came up with another solution and presented a diagram showing the existing 20 foot wide dedicated road along both sides of the flood control ditch that is not being used and could be used as provided in condemnation case A-41501, Ordinance No. 19-826. This shows that there is access, publicly dedicated access the entire length of the ditch between 53rd and 61st Streets.

LOREN DYSON, 3139 Coolidge, representing the owners of the 30 acres to the south, stated that all they are asking for is a public street into their property so that it can be developed. The land is for sale and they would like to see all of the land developed. He said there was no road between 53rd Street and 61st Street that one cannot get a car through. The land was made valuable because of being adjacent to the I-35W highway. He said in all fairness he felt there should be a road.

BLASE asked that the Committee consider when the flood control ditch was condemned through this area, at that time, it was deemed not necessary to have street access. He pointed out that a bridge could be put across the canal to serve the 30 acres and requested that the Committee forward this plat to the Planning Commission without the requirement of the north-south street dedication.

ROBERT BLEVINS, Kansas Gas & Electric, requested that item "F" of the staff comments be deleted (a 10-foot utility easement indicated adjacent to the east line of the plat unless the north-south street is to be located there). The applicant can be served directly off of 61st Street North without an easement.

GEORGE ECKNOR, Gas Service Company, concurred with KG&E, that they can also serve the applicant directly from 61st Street North.

M. S. MITCHELL, Maintenance-Flood Control, still recommended that access for the 30 acres be provided from this plat as well as the 15 foot maintenance-access easement adjacent to the flood control dike.

SELLERS stated that the Engineering Division of the Department of Public Works concurs with the Planning staff on the need for the north-south street.

MOTION: It was the action of the Committee member present to recommend to the Planning Commission that this plat be approved, subject to:

- A. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water

service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.

- B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
  - C. The plat shall indicate a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat.
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  - E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.
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  - L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
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EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 14, 1975:

18. S/D 75-38 - Final Plat of WICHITA TRUCK CENTER, generally located at the southwest corner of 61st Street North and I-35W.

GALBRAITH pointed out that this area is being platted as a one-lot plat for a complete truck service center, and the issue to be discussed with the applicant concerns a requirement for dedication of a north-south street through the property to provide public access to the 30 acres to the south, as both tracts are in separate ownerships. The entire 30 acre property to the south has no access to a public street at this time as I-35W is on the east and there is no access across the drainage ditch to the west to Broadway.

GALBRAITH continued that the matter of dedicating a north-south street has been a concern of the applicant and his attorney, and it has been discussed several times, and the question asked by them is why we are concerned about providing the 30 acres with a future public street.

GALBRAITH stated that there is always a concern to provide public right-of-way to interior tracts that some day will be developed.

GALBRAITH also stated that it was the staff opinion that there would be no need for the usual 70-foot industrial width street right-of-way with 40-foot paving to provide future access, but that a frontage road should be sufficient along either the west or east property lines. Although it has been claimed that the property to the south has access, it is only along the drainage ditch on the west which originally was granted for means of access for farming purposes only, and would not ever be sufficient for a public street. GALBRAITH said he had been advised recently that the golf course will remain because of a long term lease, so it does not appear that there will be any subdividing of that property very soon, but at such time as it is, it is anticipated that a north-south street would be required to provide access to the interior land, with a guarantee for paving as all other plattors of land are required to do. In summary, it is the feeling of the staff that a north-south street is needed to provide access to the area to the south.

HENRY BLASE appeared as attorney for the applicant, and said that Condition E. as recommended by the Subdivision Committee concerning additional right-of-way for flood control is also in contention. He asked Paul Feleciano, Jr. to show an architect's illustration of the various services to be provided at the truck center. It was pointed out that it will be a complete truck stop center with tire facility service, new truck sales and truck and trailer repair, as well as refrigeration repair, and also restaurant and lodging facilities.

HENNESSY asked the staff if the golf course was privately owned and will there be a street on this property. GALBRAITH said he had been advised that the intent is that the golf course will remain and will not be subdivided in the foreseeable future.

LAKIN pointed out that there is legal access (20 feet on top of the flood control bank), but that width is not sufficient for the use to which subject land is being proposed, or for the uses that are likely to be developed on areas to the south. If the golf course area and the 30 acres immediately adjacent on the south of this plat change from the open use they presently are, possibly to something similar to what is being proposed by this applicant, then the dedication of the street right-of-way would be continued through those properties. He noted that as properties become more urban in development, adjacent land uses usually convert. He pointed out that providing access for a future street pattern is clearly one of the purposes of the subdivision regulations as established by statute, and is one of the basic purposes of platting to protect anticipated future needs. He pointed out again that while the staff's opinion is that the 20 feet is not sufficient, they are not asking for the usual 7-foot industrial width street, and would be agreeable to trying to minimize the width, but still providing adequate access on to the south.

Further, in response to questions, LAKIN stated that if the 30-acre tract was not landlocked, then as a policy matter, a public street would not be considered necessary; however, there could be the eventual need for an interior street, depending upon the development.

BLASE displayed a map showing the flood control system through subject area, calling attention to the 20-foot access along the ditch leading to the adjacent property on the south, and he maintained that that area is not landlocked by reason of the adoption by the City Commission on February 9, 1964, of the flood control plan and the provisions for access to the 30 acres being discussed. BLASE read from the legal instrument related to this matter.

BLASE cited KSA 68-114 of the statutes, wherein the County Commission is authorized to acquire right-of-way for a road system through outright purchase, by donation, or through eminent domain proceedings. He maintained that in this case, there is no landlocked land by reason of the above-referred to easement on the flood control property, which has provided access to the 30 acres for 21 years, and it was his opinion that there is no need for additional access at this time, and even if it is needed, it can be acquired by reason of KSA 68-114.

It was BLASE'S opinion that to establish the street access would destroy the security which they desire for the proposed development, which factor has entered into the leasing of the area for various uses.

GOEBEL suggested that possibly the security desired has already been lost by reason of the 20-foot public right-of-way on the flood control area. BLASE responded that at present there is a fence between the roadway and subject property. In response to questions by Hennessy, BLASE traced on the map the present access.

LAKIN said that the staff has acknowledged there is 20 feet of roadway on the dike, but did not think 20 feet is adequate for an urban street, and the Flood Control Office has indicated that a street on the dike would require another 50 feet in addition to the existing 20 feet, and that the road would be built adjacent to the existing 20-foot dedication.

In further explanation, GALBRAITH said there has been much discussion about the proper location for an access road, whether it should be along the east side next to I-35W or west side adjacent to the flood control ditch.

It seems preferable to have it along the east property line. He pointed out that Mr. Blase also does not concur in the request for a 15-foot dedication or easement along the present flood control right-of-way to raise the levee which is needed for protection of subject land from flooding.

BLASE spoke again to point out that the owner of the 30 acres at one time owned land from the Interstate to Broadway. When I-35W right-of-way was condemned, the owner was compensated for loss of land and any damages and loss of access if they had any, but in this case he does not have any loss because of the public dedication along the ditch, which the previously cited ordinance preserved, either from 53rd Street or 61st Street.

BAYOUTH asked concerning the limited access to 61st Street from subject property. GALBRAITH agreed that it is limited at this time, but the applicant has negotiated with the State for widening of the medial opening to accommodate truck movements.

HENNESSY asked if there was presently any street from the south leading into this area, and GALBRAITH said there was none, that all the tracts of land are large and none have been platted. He did not expect to see a street coming from the south until the golf course area is platted.

HENNESSY expressed some concern on behalf of the applicant so far as security, if the public road is established as suggested by the staff. GALBRAITH answered that the applicant would not be required to have access to the road and a fence along the road would provide the same security as the property presently has.

BLASE pointed out that the owner of the 30 acres owns the land on the west side of the drainage area to Broadway and that engineering estimates show the cost of a bridge across the drainage ditch to be about \$20,000. BLASE insisted that a frontage road and its improvement is not needed; that the plattor will obtain no benefit therefrom, in fact, doesn't need it or want it, and actually the only benefit is to the 30 acres to the south, yet the applicant is being required to pay for it, even though the 30 acres does have public access.

GOEBEL observed from the map that it did not seem all the property next to the golf course is being used right along the highway, however, it was pointed out that it is all right-of-way for I-35W.

LAKIN commented that if the 30 acres is some day submitted as an industrial plat as is subject area, there would likely be a requirement for a street on one or the other side, and the engineering judgment is that, because of the grade difference, it is preferable that the road be located on the east side.

So far as legal access, LAKIN said the present situation is fine, but the whole planning process and reason for subdivision rules and regulations is to look ahead and anticipate problems and provide solutions. He referred to various discussions related to drainage situations and the fact that the purpose of planning in any case is to look ahead as to possibilities when land comes into development in future years. He did not consider the requirements in this case undue or unreasonable, and as for the guarantee of paving for a north-south roadway, it does not mean it must be paved at this time, but only a guarantee that it will be at such time as development warrants. LAKIN pointed out that when zoning of subject tract was approved the Commissions (MAPC and County Commission), agreed that it is not residential land, and it is not likely that the area adjacent on the south would be considered residential land and would be developed eventually by uses compatible with the truck center, and certainly more than a 20-foot access road is necessary to provide for proper circulation of vehicles.

GOEBEL commented that if he owned subject land and was required to dedicate and pave a street to get back to someone else's property, it would put the development completely out of reason and a person would just have to go on farming because one cannot pave something that is not needed. He felt that if additional right-of-way could be obtained on the west to widen the existing 20 feet if ever needed would be one thing, but to want a road on the east side and a petition to pave he considered outrageous.

LAKIN pointed out the possibility of the owner of the 30 acres some day wanting industrial zoning and unless the usual public road is required on subject plat, there would be no public access, which would mean it would not be developed. However, all property is entitled to access to a public street, which means that subject property would be assessed for a portion of the cost. Referring to the possibility of additional width on the west side adjacent to the flood control ditch, LAKIN pointed out that any increased width would have to be on the slope and that the dike would have to be rebuilt to make the width useable for anything other than the existing field access. GOEBEL commented that when the right-of-way was acquired at the time of construction of the flood control project, they should have acquired all that was needed, and he was not in favor of requiring the 15 feet as recommended by the Subdivision Committee.

There was more discussion about providing proper access to the area, and LAKIN pointed out that an industrial street system is not being proposed, but only proper access to the 30 acres. HENNESSY envisioned truck traffic congestion and accidents at the termination to the south of any such access road if one is required. LAKIN did not anticipate any more of a problem than any interior circulation problem that might exist.

HENNESSY said that without the road, if any circulation problems existed, it would be on private property. LAKIN stressed again that it is a matter of planning and looking to the future needs for development of adjacent property. He commented that if the Commission believes a 20-foot roadway on top of the dike provides adequate service for the 30 acres of land, and it can be assumed that it will remain as agricultural, then no road is needed. However, as stated before, the purpose of planning is to anticipate future development and attempt to provide reasonable conditions under which development can occur. CHAIRMAN KAMEN said the Commission has always tried to keep from landlocking any land and under a normal street pattern, the 30 acres would not be landlocked.

GOEBEL was sympathetic to the applicant because of the narrow area he has on 61st Street and was not in favor of requiring the additional access suggested by the Subdivision Committee.

BLASE pointed out again that KSA 68-114 provides the methods by which right-of-way can be acquired.

LOREN DYSON, 3139 Coolidge, representing the owner of the 30 acres to the south, said there is no access now except on the dike; the owner in 1954 asked the County to build a road and he was told by the County at that time that it would be very expensive. He thought conditions have changed since that time, the I-35 Interstate is in existence, and the land that was valued at \$500 per acre now is worth \$1,000 to \$1,200 and it was the desire of the owner to see it develop. The land is for sale now. He pointed out that by bringing a road from 61st to 53rd Streets North would make the land even more valuable.

Referring to the golf course, DYSON did not expect it to be continued as a golf course with the expiration of the present lease, because a golf course is not that valuable as an investment.

DYSON thought it would be very expensive to build a road along the drainage canal because it is low and would require culverts and bridges to make it useable. He stated one can hardly get in there now with a tractor. In further discussion, DYSON said he would like to see the road just west of I-35W as he thought the area would develop and that a road is needed.

GOEBEL repeated his opposition to requiring this applicant to provide right-of-way and paving to serve another's property.

ALBERT SCHAAR, 12316 East 61st Street North, stated also that the 30 acres is for sale and is being considered by a major company for warehousing facilities, and he felt that as large a road as in other industrial areas would be needed. He said he has farmed the ground and with the coming of the flood control project, an agreement was made to utilize the dike for access, which was sufficient as long as the ground is farmed; however, they have encountered problems in getting even farm machinery to the 30 acres by way of the top of the dike. SCHAAR was in favor of the development proposed by the applicant. He said that if a road is put down along the ditch the medial opening at 61st Street would have to be widened or trucks will have trouble making left turns. He stated further that there is another easement running east-west right through the middle of the applicant's property, and wondered if the applicant had made any arrangements in this respect. SCHAAR said that the lease on the golf course area runs for another 19 1/2 years, but that the lease could be bought because the golf course is not too lucrative.

BAYOUTH noted that the State is working with the applicant to improve access to 61st Street, and the fact that the creation of the problem was the responsibility of the State by chopping up the land with the I-35W right-of-way and not allowing access from the east.

MOTION: That the Planning Commission recommend to the Board of City Commissioners the approval of the plat subject to the following conditions:

- A. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
- C. The plat shall indicate a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat.
- D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, and paving not to be installed until the property to the south is subdivided and improved.
- E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.
- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.

- G. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- H. The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- I. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
- J. The applicant shall contact the County zoning office relative to appropriately naming the new north-south street.
- K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- M. Compliance with the requirements of the Metropolitan Area Planning Commission.
- N. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Commission.
- O. Certification by an attorney that fee title is vested in the plat.
- P. Certification that all taxes due and payable for 1974 and prior years have been paid.

Bayouth moved, Hopper seconded and it carried by a vote of 5 in favor (Bayouth, Hopper, Rising, Kamen and Gragg) and 2 opposed (Hennessy and Goebel). Taylor and Savina were absent.

-----

LAW OFFICES OF  
**BLASE, BLASE & GRIFFITH**  
CHARTERED  
BRYNWOOD PLACE - 2302 NORTH HOOD  
WICHITA, KANSAS 67204

ROBERT E. BLASE  
HENRY H. BLASE  
WILLIAM R. GRIFFITH

TELEPHONE  
(316) 838-7733

September 9, 1975

Mr. Robert A. Lakin  
Director of Planning  
City Building Annex  
104 South Main St.  
Wichita, Kansas 67202

Re: S/D 75-30 Wichita Truck  
Center, Inc.

Dear Mr. Lakin:

As per your suggestion in your letter of September 3, 1975, please place the above matter on the Board of City Commission Agenda for September 16, 1975.

It is apparant that all requirements have been met or have been otherwise taken care of.

We will have an attorneys title opinion in your hands before the week is out which will show all taxes for 1974 and prior years as being paid.

We will also have in your office the final plat bearing the signature of the owner.

Thank you for your cooperation in this matter.

Sincerely,

*Robert E. Blase*

Robert E. Blase  
of Blase, Blase & Griffith  
for the Wichita Truck Center, Inc.

REB:Lj  
cc: City Clerk



August 15, 1975

Mr. Henry Blase, Attorney  
2302 Hood  
Wichita, Kansas 67204

Re: S/D 75-38 - Final Plat of  
WICHITA TRUCK CENTER

Dear Mr. Blase:

At the regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 14, 1975, the above-captioned plat was considered. After considerable discussion, it was the action of the Commission to recommend approval of the plat, subject to conditions A. through C. and E. through I. as shown in our letter dated August 8, 1975, and also subject to condition D. which was amended to read as follows:

D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, the paving not to be installed until the property to the south is subdivided and improved.

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 Commission.
- ✓ Certification by an attorney that fee title is vested in the platlor.
- ✓ Certification that all taxes due and payable for 1974 and prior years have been paid.

Mr. Henry Blase  
August 15, 1975

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

Larry Daniel, Hall & Associates, 7701 E. Kellogg 67207  
Ralph Korber, 415 East 61st Street North 67219  
Albert Schaar, 12316 East 61st Street North 67226  
Alice S. Froman, 5700 North Broadway 67219  
Paul Feliciano, Jr., 2815 Euclid 67217  
Appleby & Marsh, Architects-Engineers, 200 East First St. 67202  
Loren Dyson, 3139 Coolidge 67203  
Dean Sellers, Assistant City Engineer

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE August 12, 1975

TO Curtis L. Newby, Junior Planner  
FROM Thomas R. Powell, Assistant City Attorney

SUBJECT S/D 75-38 - Wichita Truck Center  
Addition. Generally located at the  
southwest corner of 61st Street  
North and I-35W.

As we discussed, find attached the pleadings that were in condemnation case #A-41501 which show the dedication to the public by the city of certain rights-of-way for the use and purpose of roads.

*Thomas R. Powell*  
Thomas R. Powell  
Assistant City Attorney

TRP:kh  
Attachments



*ms dkt*

IN THE MATTER OF THE ACQUISITION  
BY THE CITY OF WICHITA, KANSAS,  
OF CERTAIN PUBLIC AND PRIVATE  
PROPERTY \* \* \* FOR THAT PORTION  
OF THE WICHITA-VALLEY CENTER  
FLOOD CONTROL KNOWN AS CHISHOLM  
CREEK DIVERSION PART III.

No. A41501  
Div. No. 2

MOTION FOR LEAVE TO AMEND PETITION

Comes now the City of Wichita, Kansas, by and through its City Attorney and moves the court for an order permitting it to file the attached Amendment to Petition, and for a further order amending its instructions to the appraisers in accordance therewith, and as ground therefor alleges as follows:

1. Subsequent to the filing of this proceeding, the City of Wichita duly abandoned portions of or interests in Tracts No. 113-B, 114, 115, 135, 139 and 144, by Resolution, copy of which is attached hereto and made a part hereof. The amendment to the petition revises the descriptions in accordance therewith.
2. Subsequent to the filing of this proceeding, the City of Wichita dedicated to the public certain rights of way for the use and purpose of roads. A copy of the ordinance of dedication is attached hereto as Exhibit "B" and made a part hereof. Such dedication will afford access to land not taken and will diminish the damages for the taking of certain lands.
3. Subsequent to the filing of the proceedings, Tract No. 138 was divided into three separate ownership interests, and each tract, separately owned, should be described as set forth in said amendment.
4. Subsequent to the filing of the proceedings, Tract No. 143 was divided into two separate ownership interests and each tract, separately owned, should be described as set forth in said amendment.

WHEREFORE, the City of Wichita prays that the court permit it to file such amendment and that it amend its instructions in accordance therewith.

FRED W. ALEY, City Attorney  
FLEESON, GOOING, COULSON & KITCH  
By *Fred W. Aley*  
Attorneys for City of Wichita



PARK CITY IMPROVEMENT DISTRICT  
SEDGWICK COUNTY  
6125 NORTH HYDRAULIC  
WICHITA, KANSAS 67219

Wichita Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas 67202

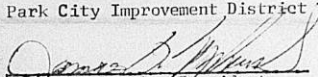
Re: Wichita Truck Center  
61st Street at 135W

Dear Sirs:

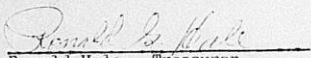
We wish to confirm our previous statement that water and sewer service will be available from Park City Improvement District to service the proposed Wichita Truck Center to be located on the property at the Southwest Quadrant of the intersection of 61st Street North, and Interstate 35, subject to agreement on hook-on charges, payment for cost of line extensions, charges for service and other details.

Sincerely,

Park City Improvement District

  
James Upchurch - President

  
Fred Sherwood - Secretary

  
Ronald Hale - Treasurer

cc: Wichita Truck Center, Inc.

*State Highway Commission of Kansas*

State Office Building  
Topeka, Kansas

August 6, 1975

Mr. Paul Feleciano, Jr.  
2815 Euclid  
Wichita, Kansas 67217

Dear Mr. Feleciano:

Following your last visit to this office we have discussed with the Federal Highway Administration Division Office your proposal (as shown in the attachment A) for an entrance to 61st Street, utilizing the 50 foot break in access control that you now have and with modification of the median on 61st Street.

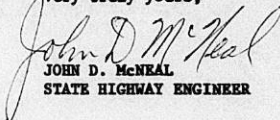
We are agreed that the geometrics, turning radii and median re-design as you propose are acceptable and that you have a legal right to the existing 50 foot opening in the access control and that, therefore, the entrance as shown would not require reappraisal of your property. Accordingly, we are prepared at this time to issue a permit for the entrance as shown if you so desire. It will be necessary to refer the permit to the Division Office, FHWA, for formal approval of the revised median opening but we are assured of acceptance.

We also discussed the alternate or "straight-in" entrance (exhibit B) that you proposed at our last meeting. We understand that this is your preferred alternate and we are agreed that this entrance will have better operational characteristics and several advantages including providing a greater distance between the last radius of the entrance and the radius of the on ramp to I-35W.

The "straight-in" entrance would require a trade of the existing 50 foot access break for one of the same width further to the east. This trade would require approval by the Regional Office, Federal Highway Administration. We are prepared to recommend approval of the "straight-in" alternate including the trade of access. We have assurance that the Division Office, Federal Highway Administration, will also recommend approval to the Region when you have received necessary clearances from local authorities.

If you have additional questions or if we can be of further service, please feel free to call on us.

Very truly yours,

  
JOHN D. McNEAL  
STATE HIGHWAY ENGINEER

JDMc:gv  
Att.

August 8, 1975

Hall & Associates  
Attn: Larry Daniel  
7701 East Kellogg, Suite 820  
Wichita, Kansas 67207

Re: S/D 75-38 - Final plat of  
WICHITA TRUCK CENTER.

Dear Mr. Daniel:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 7, 1975, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

*We need  
a letter  
guaranteeing  
sewer and  
water.*

- [Signature]*
- The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
  - C. The plat shall indicate a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat.
  - D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita.
  - E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.

S/D 75-38  
August 8, 1975  
Page 2

- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- G. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- H. The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- I. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
- J. The applicant shall contact the County zoning office relative to appropriately naming the new north-south street.
- ~~K.~~ The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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, August 14, 1975, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme  
Enclosure

cc: Ralph Korber, 415 E. 61st St. North, 67219  
Henry Blaes, Attorney, 2302 North Hood, 67204  
Mrs. A. H. Schaar, 12316 E. 61st St. North, 67226  
Ms. Alice S. Froman, 5700 N. Broadway, 67219  
Paul Feleciano, Jr., 2815 Euclid, 67217  
Appleby & Marsh Architects, Engineers, 200 E. 1st St., 67202  
Dean Sellers, Assistant City Engineer

WICHITA—SEDCWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

262-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

September 18, 1975

Mr. Henry Blase, Attorney  
2302 Hood  
Wichita, Kansas 67204

Re: S/D 75-38 - WICHITA TRUCK  
CENTER

Dear Mr. Blase:

The Board of City Commissioners, at the regular meeting of September 16, 1975, considered your appeal of the conditions of platting for the above-captioned plat. After considerable discussion concerning the recommended requirement of the north-south street and 15-foot drainage dedication along the west property line, the action of the City Commission was to approve the plat subject to conditions A., and D. through P. as presented to them, with amendments to conditions B. and C., all of which reads as follows:

- A. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- B. The applicant shall obtain from the Park City Improvement District engineer a copy of the computations indicating the capacity of the district treatment plant for handling sewerage from subject property. Said computation shall be submitted to the Director of Environmental Health for his approval.
- C. The applicant shall dedicate by separate instrument a minimum 50 feet of right-of-way for a marginal access road running north and south through subject property, preferably near the east line of the plat; such dedication to provide that upon the acquisition of the 30 acres to the south in fee simple title by the then owner of the property being platted as Wichita Truck Center, the dedication and the guarantee for paving the marginal access road shall terminate. The legal description for the marginal access road shall be submitted to and be approved by the Department of Public Works.

WICHITA—SEDGWICK COUNTY

Page 2 - Mr. Henry Blase  
September 18, 1975

- D. The applicant shall guarantee the paving of the marginal access road to urban standards of the City Engineer of the City of Wichita, the paving not to be installed until the property to the south is subdivided and improved.
- E. Fifteen feet of additional right-of-way for the flood control right-of-way shall be indicated on the plat, or in lieu thereof a 15-foot maintenance access easement shall be indicated adjacent to the west line of the plat.
- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- G. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- H. The applicant shall be advised that a 40-foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- I. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
- J. The applicant shall contact the County Zoning Office relative to appropriately naming the new north-south street.
- K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to present soil erosion from wind and water during the development of subject property.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- M. Compliance with the requirements of the Metropolitan Area Planning Commission.
- N. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Commission.
- O. Certification by an attorney that fee title is vested in the plat.
- P. Certification that all taxes due and payable for 1974 and prior years have been paid,

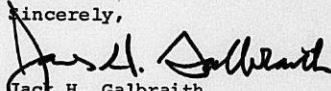
WICHITA—SEDGWICK COUNTY

Page 3 - Mr. Henry Blase  
September 18, 1975

Based upon this action, it is necessary that the above conditions be complied with, including the submission of the plat tracing to our office for appropriate signatures of the Chairman of the Planning Commission and the Mayor. Regarding the dedication of the marginal access road, we have sample contingent dedications in our office that may assist you in the preparation of that document. However, should the owner of the truck center site proceed to purchase the 30 acres and a copy of the deed is submitted to our office, then conditions C. D. and J. would not have to be complied with.

As you are aware, conditions of this plat are not appealable to the Board of County Commissioners. If you have any questions concerning the conditions of approval, please contact me.

Sincerely,

  
Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Robert Blase, Attorney, 2302 Hood 67203  
Paul Feleciano, Jr., 2815 Euclid 67217  
Larry Daniel, Hall & Associates, 7701 E. Kellogg 67207  
Appleby & Marsh, Architects-Engineers, 200 E. 1st St. 67202  
John Dekker, Director of Law  
Jack Turner, County Counselor  
Dick Linn, City Engineer

August 7, 1975

John Dekker, Director of Law

Curtis L. Newby, Junior Planner

S/D 75-38 - Wichita Truck Center Addition.  
Generally located at the southwest corner  
of 61st Street North and I-35W.

On August 7, 1975, the Subdivision Committee of the Metropolitan Area Planning Commission considered the above referred to final plat. One of the conditions of approval of the plat as recommended by the Subdivision Committee was that right-of-way for a north-south marginal access road be provided through the 71 acre plat. This road was to be provided for future access to the tracts of land south of subject site which are presently undeveloped farm ground and a golf course. Prior to the Subdivision Committee meeting there has been several meetings between Planning staff and the platting applicant and their attorney, Henry Blaes, concerning this north-south street dedication. The platting applicants have been opposed to the dedication of the north-south street through their site as they are trying to develop a maximum security trucking terminal facility. Their position has been that they do not need the street to serve their property and that it will present serious problems with concept of maximum security if the street was required. At the August 7th meeting, Mr. Blaes pointed out that in the condemnation of some 20 years ago for the canal drainage project which joins the subject plat on the west, a 20 foot roadway for public access along either side of the canal was provided. The condemnation case cited by Mr. Blaes is case #A-41501; and can be found in the District Court records. Mr. Blaes advised the Subdivision Committee that in his opinion, the two 20 foot public roadways required in the condemnation case were streets and intended to be used as such, thus the land south of subject plat was served by these 20 foot public streets and therefore, there was no need for a public street to be taken from subject plat. To date there has been no public street constructed along either side of the canal and the only access presently existing is along the tops of the canal dikes which are being used for field access and dike maintenance purposes only.

We would appreciate your reviewing condemnation case #A-41501 and giving us your opinion as to whether or not the two 20 foot public access roads can in fact be considered as dedicated public

John Dekker, Director of Law  
August 7, 1975  
Page 2

street right-of-way. We would appreciate your reply prior to Thursday, August 14, when the plat will be before the Planning Commission for their consideration.

If you have any questions or would like to meet with us, please call.

Curtis L. Newby, Junior Planner

CLN:rme

cc: Henry Blaes, Attorney, 2302 North Hood, 67204  
Ms. Alice S. Froman, 5700 North Broadway, 67219  
M. S. Mitchell, Maintenance-Flood Control

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 75-38 Name WICHITA TRUCK CENTER  
Date Application Rec'd. 5-7-75 Preliminary Approval 6-19-75  
Scheduled S/D Meeting 8-7-75

DESCRIPTION

General Location Southwest corner of 61st Street North and I-35W.

Owner Ralph Korber  
Surveyor/Engineer Applby and Marsh & Hall & Associates, & Larry Daniel  
Address Insurance Building, 200 E. 1st Phone 267-7883

- |  |                   |  |                     |
|--|-------------------|--|---------------------|
| 1. Gross Acreage of Plat   | <u>79</u>         | 7. Lineal Feet of New Streets:             |                     |
| 2. Number of Lots:   |                   | a. <u>        </u> R/W <u>        </u> ft. |                     |
| Residential  | <u>        </u>   | b. <u>        </u> R/W <u>        </u> ft. |                     |
| Commercial   | <u>        </u>   | c. <u>        </u> R/W <u>        </u> ft. |                     |
| Industrial   | <u>1</u>          | d. <u>        </u> R/W <u>        </u> ft. |                     |
| Other  | <u>        </u>   | e. <u>        </u> R/W <u>        </u> ft. |                     |
| Total Number of Lots   | <u>1</u>          | TOTAL                                      | <u>        </u> ft. |
| 3. Minimum Lot Frontage  | <u>250</u> ft.    | 8. Sidewalk adjacent to all                |                     |
| 4. Minimum Lot Area  | <u>79 ac.</u> ft. | streets? <u>yes</u> <u>X</u> <u>no</u>     |                     |
| 5. Existing Zoning   | <u>R-1</u>        |  |                     |
| 6. Proposed Zoning   | <u>E</u>          |  |                     |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>Park City</u>          |                   |  |                     |
| 10. Public Sanitary Sewers <u>        </u> (Yes-No), Name <u>Park City</u> |                   |  |                     |
| 11. Health Department Approval (where applicable) <u>        </u> (Yes-No) |                   |  |                     |
| 12. City of Wichita <u>        </u> : Three-Mile Area <u>X</u>             |                   |  |                     |

STAFF COMMENTS:

- A. The applicants met with Planning and other City and County staff on July 21, 1975 to discuss design geometrics and location for the required north-south street on the plat. At that meeting the applicants indicated, based on the proposed layout for the site development and the existing topography, that it would be difficult to develop a north-south street on subject property. They also raised questions concerning other means of public access from the west or from the south, to serve the 30 acre ownership to the south. It was suggested that the applicant might want to bring these arguments against the north-south street requirement back before the Subdivision Committee. The applicant has requested reconsideration of the street requirement and as well is requesting that the requested 15 foot wide flood control access-maintenance easement along the west line of the plat not be required.
- B. It is still the recommendation of the Planning Department staff that the north-south street right-of-way be provided on the plat and that the applicant guarantee the paving of said street.
- C. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- D. The applicant shall obtain from the Park City Improvement District Engineer a copy of the computations indicating the capacity of the District treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
- E. The applicant shall submit to the Planning Department a copy of the Highway Permit from the State Highway Department approving the medial reconstruction on 61st Street North.

(OVER)

July 25, 1975

Mr. Jack Gailbraith  
Metropolitan Area Planning Commission  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Re: Wichita Truck Center  
Final S/D 75-38

Dear Mr. Gailbraith,

Confirming our conversation of Monday, July 21, 1975, we wish to have the above matter placed on the agenda of the Sub-division Committee on August 7, 1975.

We wish to restate our position concerning dedications and easements based upon new material that was disclosed and discovered at and after the above referred to meeting.

It is our understanding that we will be able to be on the agenda of the Metropolitan Area Planning Commission on the 14th day of August, 1975.

Thank you for your cooperation in this matter.

Sincerely,



Paul Feleclano, Jr.  
of Wichita Truck Center, Inc.



PFJ:lj

cc; Mr. Curtis Newby  
Mrs. Marge Taylor

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 75-38 Name WICHITA TRUCK CENTER  
Date Application Rec'd. 5-7-75 Preliminary Approval 6-19-75  
Scheduled S/D Meeting 8-7-75

DESCRIPTION

General Location Southwest corner of 61st Street North and I-35W.

Owner Ralph Korber  
Surveyor/Engineer Applby and Marsh & Hall & Associates, & Larry Daniel  
Address Insurance Building, 200 E. 1st Phone 267-7883

- |  |                   |   |
|--|-------------------|---|
| 1. Gross Acreage of Plat   | <u>79</u>         | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:   |                   | a. <u>        </u> R/W <u>        </u> ft.  |
| Residential  | <u>        </u>   | b. <u>        </u> R/W <u>        </u> ft.  |
| Commercial   | <u>        </u>   | c. <u>        </u> R/W <u>        </u> ft.  |
| Industrial   | <u>1</u>          | d. <u>        </u> R/W <u>        </u> ft.  |
| Other  | <u>        </u>   | e. <u>        </u> R/W <u>        </u> ft.  |
| Total Number of Lots   | <u>1</u>          | TOTAL <u>        </u> ft.   |
| 3. Minimum Lot Frontage  | <u>250</u> ft.    | 8. Sidewalk adjacent to all streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> |
| 4. Minimum Lot Area  | <u>79 ac.</u> ft. |   |
| 5. Existing Zoning   | <u>R-1</u>        |   |
| 6. Proposed Zoning   | <u>E</u>          |   |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>Park City</u>          |                   |   |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>Park City</u>      |                   |   |
| 11. Health Department Approval (where applicable) <u>        </u> (Yes-No) |                   |   |
| 12. City of Wichita <u>        </u> : Three-Mile Area <u>X</u>             |                   |   |

STAFF COMMENTS:

- A. The applicants met with Planning and other City and County staff on July 21, 1975 to discuss design geometrics and location for the required north-south street on the plat. At that meeting the applicants indicated, based on the proposed layout for the site development and the existing topography, that it would be difficult to develop a north-south street on subject property. They also raised questions concerning other means of public access from the west or from the south, to serve the 30 acre ownership to the south. It was suggested that the applicant might want to bring these arguments against the north-south street requirement back before the Subdivision Committee. The applicant has requested reconsideration of the street requirement and as well is requesting that the requested 15 foot wide flood control access-maintenance easement along the west line of the plat not be required.
- B. It is still the recommendation of the Planning Department staff that the north-south street right-of-way be provided on the plat and that the applicant guarantee the paving of said street.
- C. The applicant shall obtain a letter from the Park City Improvement District stating that satisfactory arrangements and guarantee for the extension of sanitary sewer and water service to serve subject property have been made. The applicant shall submit a copy of this letter to the Planning Department.
- D. The applicant shall obtain from the Park City Improvement District Engineer a copy of the computations indicating the capacity of the District treatment plant for handling sewerage from subject property. Said computation shall be submitted to Jim Aiken of Environmental Health.
- E. The applicant shall submit to the Planning Department a copy of the Highway Permit from the State Highway Department approving the medial reconstruction on 61st Street North.

(OVER)

- F. A 10 foot utility easement shall be indicated adjacent to the east line of the plat unless the north-south street is to be located there.
- G. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- H. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- I. The applicant shall be advised that a 40 foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- J. The applicant shall work with Maintenance-Flood Control Office relative to dimensions on the face of the plat.
- K. The applicant shall contact the County Zoning Office relative to appropriately naming the new north-south street.
- L. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- M. Recording of the plat within 30 days after approval by the Board of City Commissioners.

July 25, 1975

Mr. Jack Gailbraith  
Metropolitan Area Planning Commission  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Re: Wichita Truck Center  
Final S/D 75-38

Dear Mr. Gailbraith,

Confirming our conversation of Monday, July 21, 1975, we wish to have the above matter placed on the agenda of the Sub-division Committee on August 7, 1975.

We wish to restate our position concerning dedications and easements based upon new material that was disclosed and discovered at and after the above referred to meeting.

It is our understanding that we will be able to be on the agenda of the Metropolitan Area Planning Commission on the 14th day of August, 1975.

Thank you for your cooperation in this matter.

Sincerely,



Paul Feleclano, Jr.  
of Wichita Truck Center, Inc.



PFJ:lj

cc; Mr. Curtis Newby  
Mrs. Marge Taylor

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

July 25, 1975

**TO** The File  
**FROM** Curtis L. Newby, Junior Planner  
**SUBJECT** S/D 75-38 - Wichita Truck Center

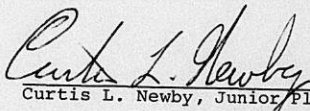
A meeting was held Monday afternoon, July 21, 1975 in the Planning Office with the applicants and their engineer, Dick Linn, City Engineer, M. S. Mitchell, Maintenance-Flood Control Office, G. C. McLure, County Engineer, Jack Galbraith and myself in attendance. The meeting was held to discuss the potential location and geometrics for a north-south street through the subject plat to provide access for future development in the area generally bounded by 53rd Street on the south, 61st Street on the north, I-35W on the east and a drainage canal floodway project on the west. The applicants, Mr. Moran, Mr. Feleciano and their attorney, Mr. Blase, and their engineer, Larry Daniel of Hall & Associates, all indicated they were still objecting to the requirement for a street right-of-way through the subject plat. They pointed that the intended development of the site was to be a maximum security-type truck center facility which was going to provide storage facilities for several different trucking concerns and therefore it was very important that they have a maximum amount of security and they felt that a public right-of-way for a future street through the subject plat would destroy the maximum security concept. Jack Galbraith pointed out that until Friday of the previous week, none of the applicants had ever furnished a copy of their proposed development plan to the Planning staff for review and therefore it was not until the previous Friday when an informal meeting was held concerning the street dedication on this plat that the Planning staff was aware of the proposed layout and design for the truck terminal facility, and it was obvious from the type of design they proposed that a street through the plat would present a problem to their proposed development. However, he continued, that the Sub-division Committee did recommend to require the dedication of a street through the subject property for future access to the other properties lying south of this plat, primarily the unplatted 30 acre tract immediately south of subject property. Galbraith stated that the purpose for this meeting was to determine a location for the street and the geometrics for the design of the street and not to discuss the merits of whether or not the street should be required and that if the applicant wish to still protest the requirement for dedication of the street that this could be done at the Planning Commission level and if need be before the governing body.

A general discussion was then held on the geometrics or design for the proposed street and all were in agreement that a marginal access type of road would be appropriate for the area. This requiring a minimum of 50 foot of right-of-way with two driving lanes and no parking lanes being provided. Next, a location for the street was discussed. Larry Daniel, engineer for the applicant, pointed out that the suggestion that the street right-of-way be provided along the east line of subject property next to the I-35W highway fence was not practical and that due to the slope of the ground from the highway improvement that some 100 to 150 feet of right-of-way would be needed in order to provide a level ground for the street to be developed on. The possibility of providing the street right-of-way along the westernly side of the plat was also discussed. It was pointed out that this location also present numerous problems due to the location of utility poles, the dike for the flood control project, a proposed ponding area for drainage of the site, etc. It was indicated then that the westerly alignment for the street would be the least desirable as it would require the street to be more nearly to the useable area proposed for the truck terminal development, whereas the street alignment along the easterly line of the subject property would not involve so much of the useable planned area proposed for the development. It was then generally agreed that if the street were to be placed along the east property line that some 100 foot minimum right-of-way width would have to be provided in order to install the street improvement to marginal access road standard. Dick Linn, City Engineer, then pointed out that as a possibility for the dedication of the street that it could be in a form of a contingent dedication whereby the applicant would still retain the use of the land to be dedicated for a street and also that the street not be dedicated until such time as it was actually needed to serve the area south of subject property. The applicant then suggested that perhaps the unplatted 30 acre tract south of subject property could receive its access by way of a bridge across the flood control project and then west to Broadway. It was pointed out that this would be more costly in terms of improvement than the north-south street and its improvement through the subject plat. Galbraith also pointed out to the applicants that if the street right-of-way is dedicated through the subject plat that the applicants would also be required to guarantee its improvement. Dick Linn pointed out however that if the street right-of-way were by contingent dedication no guarantee for the improvement of said street would be required. The applicant still indicated their reluctance to even consider a dedication of the street, but indicated that they would discuss the various aspects of the matter, contingent dedication, outright dedication, location, etc. and try to determine what their position should actually be with regards to the street dedication. Galbraith

The File  
July 25, 1975  
Page 3

pointed out that they may very well wish to have this matter rediscussed by the Subdivision Committee so that they can point out to the Committee the physical problems of locating the street on the site and including their concept of maximum security to the site and perhaps they then can get a better indication from the Subdivision Committee as to what they would actually recommend in the way of a street. Galbraith continued however, it was still the Planning staff's position that in the one mile distance between 53rd Street and 61st Street North, there needs to be a service road provided to serve not only the properties to the south, but in the future subject property should it be subdivided to smaller lots. He pointed out that its a very unusual situation when a 70 acre plus tract such as this subject property is platted into a single lot and does not provide street right-of-way in the process.

At this point, the meeting was adjourned and the applicant's advised that they would contact the Planning Office in the near future relative to whether or not they would like their case reheard by the Subdivision Committee. It was pointed out that the next Subdivision Committee meeting would be on August 7, and therefore they had a week at least to consider the matter before they needed to request a rehearing before the Subdivision Committee.

  
Curtis L. Newby, Junior Planner

CLN:rme

July 25, 1975

Paul Feleciano, Jr.  
Wichita Truck Center, Inc.  
2302 North Hood  
Wichita, Kansas 67204

Subject: S/D 75-38 - Wichita  
Truck Center

Dear Mr. Feleciano:

We are in receipt of your letter of July 25, 1975, and this is to advise you that we will reschedule subject plat for consideration by the Subdivision Committee of the Metropolitan Area Planning Commission at their next regular meeting on August 7, 1975. Should either you or your engineer have new information to submit, we would appreciate reviewing it prior to the meeting.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js

cc: Robert Blase, Atty., 2302 North Hood, 67204  
Larry Daniels, Hall & Assoc., 7701 E. Kellogg, 67207  
Alice S. Froman, 5700 N. Broadway, 67219  
Mrs. A. H. Schaar, 12316 E. 61st St. North, 67226  
M. S. Mitchell, Supt. Flood Control/Maint.

**WICHITA TRUCK CENTER, inc**

2302 n hood street  
wichita, kansas 67204  
(316) 838-7733

July 25, 1975

Mr. Jack Gailbraith  
Metropolitan Area Planning Commission  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Re: Wichita Truck Center  
Final S/D 75-38

Dear Mr. Gailbraith,

Confirming our conversation of Monday, July 21, 1975, we wish to have the above matter placed on the agenda of the Sub-division Committee on August 7, 1975.

We wish to restate our position concerning dedications and easements based upon new material that was disclosed and discovered at and after the above referred to meeting.

It is our understanding that we will be able to be on the agenda of the Metropolitan Area Planning Commission on the 14th day of August, 1975.

Thank you for your cooperation in this matter.

Sincerely,

  
Paul Feleciano, Jr.  
of Wichita Truck Center, Inc.



PFJ:lj

cc: Mr. Curtis Newby  
Mrs. Marge Taylor

PARK CITY IMPROVEMENT DISTRICT  
SEDGWICK COUNTY  
6125 NORTH HYDRAULIC  
WICHITA, KANSAS 67219

June 10, 1975

Wichita Truck Center, Inc  
2302 N. Hood Street  
Wichita, Kans. 67204

Gentlemen:

In regard to the availability of water and sewer for the  
development mentioned by Roger Moran, which is located south of  
61st St. N., east of Chisholm Creek, and west of Highway I-35.  
The Park City Improvement District Board of Directors confirmed that  
there is water and sewer available for this location mentioned above.

Sincerely

PARK CITY IMPROVEMENT DISTRICT  
6125 N. HYDRAULIC  
WICHITA, KANSAS 67219

Fred Neubirch  
District Supt.

Hall & Associates  
Attn: Larry Daniel  
7701 East Kellogg, Suite 820  
Wichita, Kansas 67207

July 22, 1975

Re: S/D 75-38 - Final plat of  
WICHITA TRUCK CENTER.

Dear Mr. Daniel:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 17, 1975, the above captioned plat was considered. The action of the Committee was to recommend that the plat be approved subject to the following conditions and that the plat not be forwarded to the Planning Commission until the location and width of right-of-way for a new north-south street on subject plat has been determined and the same indicated on the face of the plat.

Conditions of approval:

- A. The applicants and/or their engineer shall meet with the Planning Staff, City Engineer, County Engineer and M. S. Mitchell of the Flood Control Office relative to the location, width and type of north-south street to be indicated on the plat.
- B. A letter from the Park City Improvement District stating that satisfactory arrangements have been made shall be submitted to the Planning Department. The applicant shall furnish a copy of the engineering data on the capacity of the system to the Health Department.
- C. The applicant shall submit to the Planning Department a copy of the Highway Permit from the State Highway Department approving the medial reconstruction on 61st Street North.
- D. A 10 foot utility easement shall be indicated adjacent to the east line of the plat.

S/D 75-38  
July 22, 1975  
Page 2

- E. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- F. The applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- G. The applicant shall be advised that a 40 foot utility easement may be required by the Gas Service Company in order to provide gas service to this area. George Ecknor of the Gas Service Company shall be contacted regarding this matter.
- H. The applicant shall work with Maintenance-Flood Control Office relative to dimensions and appropriately indicating the floodway reserve on the face of the plat.
- I. The applicant shall contact the County Zoning Office relative to appropriately naming the new north-south street.
- J. The applicant shall guarantee the improvement of the north-south street. The Planning Department shall be contacted regarding this matter.
- K. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme

cc: Ralph Korber, 415 E. 61st Street North, 67219  
Wichita Truck Center, Inc., 2302 North Hood, 67204  
o/o Mr. Robert Blass, Attorney  
Paul Feliciano, Jr., 2815 Euclid, 67217  
Alice S. Froman, 5700 North Broadway, 67219  
Appley & Marsh Architects, Engineers, 200 E. 1st St., 67202  
Dean Sellers, Assistant City Engineer

SCCD-Cons-5 (6/75)

MAPD

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

Property Name Wichita Truck Center

MAILED TO:

Location SW corner of 61st N. & I-35 W.

Name - \_\_\_\_\_

Date 6/19/75

Appolby & Marsh  
Firm \_\_\_\_\_

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

Phone -- Date

111 12

119 8/12

102 12

104 12

10/12

Requested by: Wichita-Sedgwick County Metropolitan  
Area Planning Commission

\*\*\*\*\*

A. SOIL TYPE: Old Borrow Pit area so no true soils exist.

B. SITUATION: The area has very steep slopes so all slopes must be  
stabilized during development.

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.
- 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.

\* CONTINUED \*

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  
Brome grass, 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  
Brome grass, 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.
- X 8. Stabilize each lot within 60 days after work starts on home or other building construction.
- X 9. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
10. Discharge water from outlet structures at nonerosive velocities.
- X 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.
- X 12. Divert foreign runoff water around area during construction.
- X 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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Distribution: Original to Developer and/or Owner  
Copy to Metropolitan Area Planning Department Staff  
File Copy: Sedgwick County Conservation District

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 75-38 Name WICHITA TRUCK CENTER  
Date Application Rec'd. 5-7-75 Preliminary Approval 6-19-75  
Scheduled S/D Meeting 7-17-75

DESCRIPTION

General Location Southwest corner of 61st Street North  
and I-35W.

Owner Ralph Korber  
Surveyor/Engineer Applby and Marsh  
Address Insurance Bldg., 200 E. 1st Phone 267-7883

- |  |  |
|--|--|
| 1. Gross Acreage of Plat <u>79</u>   | 7. Lineal Feet of New Streets:             |
| 2. Number of Lots:   | a. <u>        </u> R/W <u>        </u> ft. |
| Residential <u>        </u>  | b. <u>        </u> R/W <u>        </u> ft. |
| Commercial <u>        </u>   | c. <u>        </u> R/W <u>        </u> ft. |
| Industrial <u>        </u>   | d. <u>        </u> R/W <u>        </u> ft. |
| Other <u>        </u>  | e. <u>        </u> R/W <u>        </u> ft. |
| Total Number of Lots <u>1</u>  | TOTAL <u>        </u> ft.                  |
| 3. Minimum Lot Frontage <u>250</u> ft.                                     | 8. Sidewalk adjacent to all                |
| 4. Minimum Lot Area <u>79</u> ac. ft.                                      | streets? <u>yes</u> <u>x</u> no            |
| 5. Existing Zoning <u>E</u>  |  |
| 6. Proposed Zoning <u>E</u>  |  |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>Park City</u>          |  |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>Park City</u>      |  |
| 11. Health Department Approval (where applicable) <u>        </u> (Yes-No) |  |
| 12. City of Wichita <u>        </u> : Three-Mile Area <u>X</u>             |  |

STAFF COMMENTS:

- A. As a condition of approval of the preliminary plat, right-of-way for a north-south street was to be indicated on the face of the plat extending from 61st Street North south to the landlocked 30 acre tract lying south of subject property. Since subject property has been approved for "E" Light Industrial zoning it would appear that the 30 acre tract could develop with an industrial use also, and as there is no street access in the mile between 53rd Street North and 61st Street North in the area between the I-35W interstate highway and the flood control project, it was determined that a street system needed to be started in this area. It is therefore recommended that this final plat not be forwarded to the Planning Commission for approval until the geometrics of and a location for a new north-south street have been worked out by the applicant's engineer and said street right-of-way indicated on the plat.
- B. The associated zone case SCZ-0315 from "R-1" to "E" was approved by the Board of County Commissioners subject to platting.
- C. The applicant shall contact the Park City Improvement District relative to serving subject property with a municipal type water and sewer system. A letter from the Park City Improvement District stating that satisfactory arrangements have been made shall be submitted to the Planning Department.
- D. The applicant shall submit to the Planning Department a copy of the Highway Permit from the State Highway Department approving the medial reconstruction on 61st Street North.
- E. A 10 foot utility easement shall be indicated adjacent to the east line of the plat.
- F. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- G. Prior to submission of a final plat, the applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office
- T9-303  
(OVER)

June 23, 1975

Appley and Marsh Architects,  
Engineers  
Farmers & Bankers Building  
200 East 1st Street  
Wichita, Kansas 67202

Re: S/D 75-38 - Preliminary plat  
of WICHITA TRUCK CENTER.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, June 19, 1975, 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. The associated zone case SCE-0315 from "R-1" to "E" was approved by the Board of County Commissioners subject to platting.
- B. A 35 foot building setback shall be indicated from the right-of-way of 61st Street North and I-35W.
- C. The applicant shall contact the Park City Improvement District relative to serving subject property with a municipal type water and sewer system. A letter from the Park City Improvement District stating that satisfactory arrangements have been made shall be submitted to the Planning Department.
- D. A letter shall be submitted to the Planning Department from the State Highway Department stating that an appropriate guarantee has been submitted for the entryway and medial reconstruction necessitated by this plat.
- E. A 10 foot utility easement shall be indicated adjacent to the east line of the plat.

- OK* The applicant shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to additional easements necessary for ponding and raising of the existing levee.
- B* The applicant shall contact the M.A.P.D. relative to providing right-of-way for a north-south street to provide access to the presently landlocked tract to the south.
- H. A site development plan shall be submitted to the County Fire Department prior to the issuance of any building permits on subject property.
- I. Prior to submission of a final plat, the applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control-Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- J. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of subject property.
- K* A north arrow and scale shall be included on the face of the plat.
- L* The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
- M* Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLM:eme  
Enclosure

S/D 75-38  
June 23, 1975  
Page 3

cc: Ralph Korber, 415 East 61st St. North, 67219  
Wihhita Truck Center, Inc., 2302 North Hood, 67204  
c/o Mr. Robert Blase, Attorney  
Paul Peleciano, Jr., 2815 Euclid, 67217  
Alice S. Froman, 3700 North Broadway, 67219  
Dean Sellers, Assistant City Engineer

**State Highway Commission of Kansas**

*[Signature]*  
Robert F. Bennett Governor

W. Newcomer  
Acting Director of Highways  
JOHN IVAN, Assistant State Highway Director  
JOHN D. McNEAL, State Highway Engineer

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612



June 10, 1975

STATE HIGHWAY COMMISSIONERS  
KEN PHELPS, Manhattan

Ralph E. Reitz, Salina  
Richard M. Driscoll, Russell  
Donald A. Johnston, Pittsburg  
NESTOR R. WEIGAND, JR., Wichita  
George R. Henrichs, Dodge City

S/D 75-38  
City of Wichita  
Sedgwick County

Mr. Robert A. Lakin  
Director of Planning  
City Building Annex  
104 S. Main  
Wichita, Kansas 67202

Dear Mr. Lakin:

We have reviewed your staff comments concerning the proposed Wichita Truck Center at 61st Street North and I-35W, and would comment on two of the items which were noted. Other than the access and the setback, we believe all comments relate to City requirements.

The access to the property has been discussed with the developer and a plan has been developed which is acceptable to the Highway Commission. Approval of additional opening in the present access control has been requested of the Federal Highway Administration and approval is expected in the near future. We are prepared to provide approval in the form of a Highway Permit upon its submittal and upon final approval by FHWA. A sketch of the proposed median treatment and entrance is attached.

Your staff comments indicate that a setback of 35 feet is required along 61st Street North. Although the Highway Commission's right of way line is 180 feet from the center line of 61st Street, we would assume that the City's setback line would be measured from the right of way limits.

Thank you for the opportunity to comment on this matter.

Yours very truly,

*W. H. Ogan*  
W. H. Ogan P.E.  
Assistant State Highway Engineer

WHO:lmh



PRELIMINARY PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 75-38 Name WICHITA TRUCK CENTER  
Date Application Rec'd. 5-7-75 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 6-19-75

DESCRIPTION

General Location Southwest corner of 61st Street North and I-35W

Owner Ralph Korber  
Surveyor/Engineer Applby and Marsh  
Address Insurance Bldg., 200 East 1st Phone 267-7883

- |  |  |
|--|--|
| 1. Gross Acreage of Plat <u>79</u>   | 7. Lineal Feet of New Streets:             |
| 2. Number of Lots:   | a. <u>        </u> R/W <u>        </u> ft. |
| Residential <u>        </u>  | b. <u>        </u> R/W <u>        </u> ft. |
| Commercial <u>        </u>   | c. <u>        </u> R/W <u>        </u> ft. |
| Industrial <u>        </u> 1   | d. <u>        </u> R/W <u>        </u> ft. |
| Other <u>        </u>  | e. <u>        </u> R/W <u>        </u> ft. |
| Total Number of Lots <u>        </u> 1                                     | TOTAL <u>        </u> ft.                  |
| 3. Minimum Lot Frontage <u>        </u> 250 ft.                            | 8. Sidewalk adjacent to all                |
| 4. Minimum Lot Area <u>        </u> 79 ac. ft.                             | streets? <u>        </u> yes <u>X</u> no   |
| 5. Existing Zoning <u>        </u> E                                       |  |
| 6. Proposed Zoning <u>        </u> E                                       |  |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>Park City</u>          |  |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>Park City</u>      |  |
| 11. Health Department Approval (where applicable) <u>        </u> (Yes-No) |  |
| 12. City of Wichita <u>        </u> : Three-Mile Area <u>        </u>      |  |

STAFF COMMENTS:

- A. The associated zone case SCZ-0315 from "R-1" to "E" was approved by the Board of County Commissioners subject platting.
- B. A 35 foot building setback shall be indicated from the right-of-way of 61st Street North and I-35W.
- C. The applicant shall contact the Park City Improvement District relative to serving subject property with a municipal type water and sewer system. A letter from the Park City Improvement District stating that satisfactory arrangements have been made shall be submitted to the Planning Department.
- D. A letter shall be submitted to the Planning Department from the State Highway Department stating that an appropriate guarantee has been submitted for the entryway and medial reconstruction necessitated by this plat.
- E. Prior to submission of a final plat, the applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- F. The applicant shall be prepared to discuss with the Subdivision Committee a means of providing access to the landlocked tract adjacent to the south line of subject property.
- G. A north arrow and scale shall be included on the face of the plat.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.

I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

June 9, 1975

Alice S. Froman  
5702 North Broadway  
Wichita, Kansas 67219

Subject: S/D 75-38 - Wichita Truck  
Center - generally located  
at the SW corner of 61st  
St. North and I-35W

Dear Ms. Froman:

The above captioned preliminary plat is scheduled for consideration before the Subdivision Committee of the Planning Commission on June 19, 1975. This plat is for approximately 80 acres of land that our records indicate lies north of your property. In our early review of this plat, we questioned how your property gained access to a public street and we raised the issue of whether or not a new north-south public street should be required on this plat to provide access to your property.

Attached is a copy of the plat in question. The meeting is scheduled to begin at 1:00 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas. This is provided for your information as you may desire to attend or be represented at the meeting.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:js  
Encl.

# State Highway Commission of Kansas

Robert F. Bennett Governor

L. W. Newcomer

Acting Director of Highways  
JOHN IVAN, Assistant State Highway Director  
JOHN D. McNEAL, State Highway Engineer

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612

May 27, 1975

STATE HIGHWAY COMMISSIONERS

KEN PHELPS, Manhattan  
Ralph E. Reitz, Salina  
RICHARD M. DRISCOLL, Russell  
Donald A. Johnston, Pittsburg  
NESTOR R. WEIGAND, JR., Wichita  
George R. Henrichs, Dodge City



Mr. Robert Lakin  
Director of Planning  
Wichita-Sedgwick County Metropolitan Area  
Planning Commission  
City Building Annex  
104 S. Main Street  
Wichita, Kansas 67202

Mr. Grover McLure  
Director of Public Works  
Sedgwick County  
County Court House  
Wichita, Kansas 67203

Dear Mr. Lakin:

We are writing at the request of Mr. Paul Feleciano concerning an entrance to a Truck Center Development at 61st Street and I-35W in Wichita.

Members of our Traffic Engineering staff have discussed this entrance with Mr. Feleciano and with the Consultants for the development. As a result of these meetings we have co-operatively developed two alternate plans, either of which would be acceptable to the Highway Commission.

Sketches of these alternates are attached.

If additional information is required, we shall be glad to respond to your request.

Very truly yours,

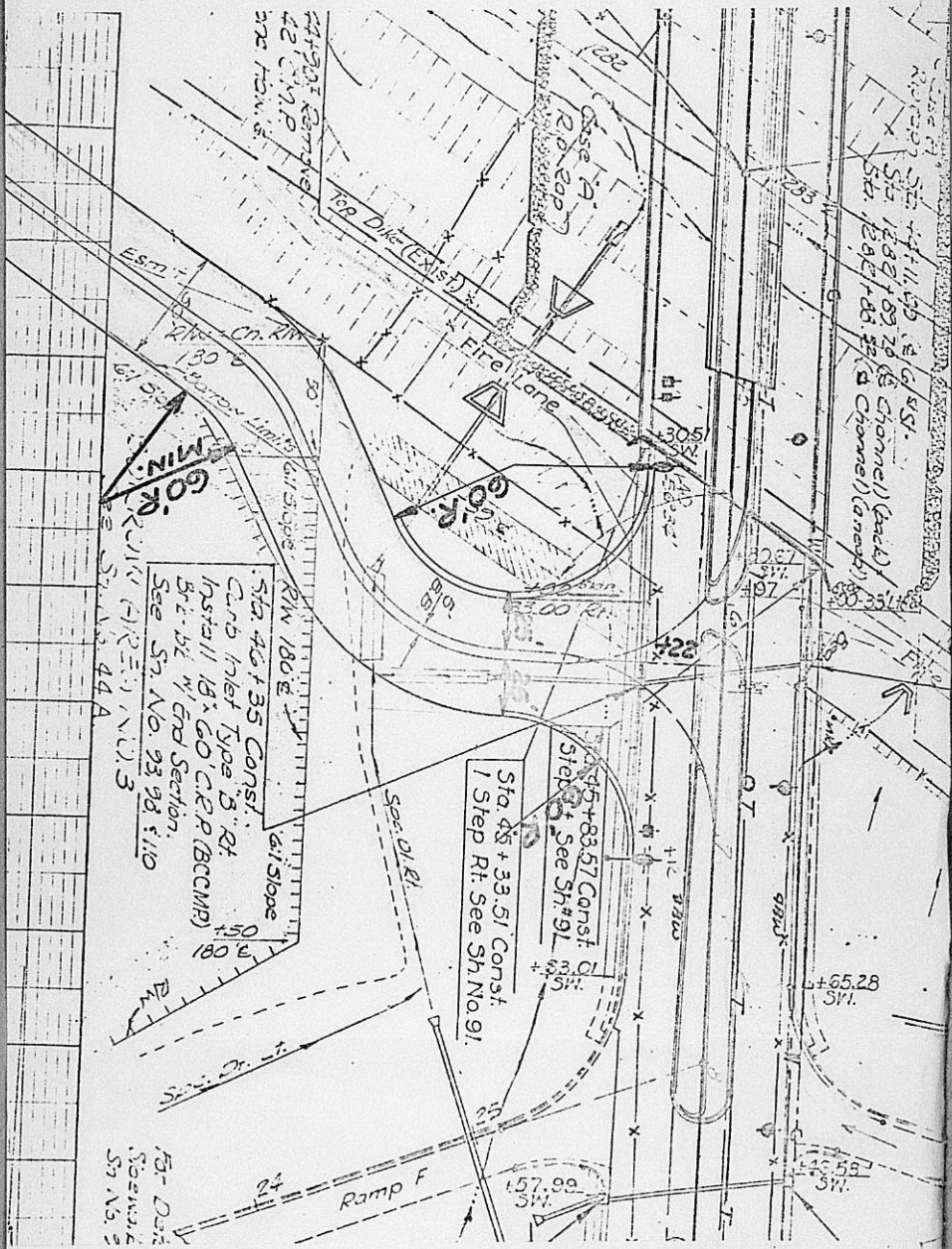
*John D. McNeal*  
John D. McNeal, P.E.  
State Highway Engineer

JDM:lmh

cc: Mr. Paul Feleciano, Jr.  
Mr. W. H. Ogan, Assistant State Highway Engineer  
Mr. Perl Fisher, Urban Lighting Engineer







Sta. 44+11.50 to 46+51.51  
 Sta. 1282+83.2d (Chonell) (Fac.)  
 Sta. 1242+88.2d (Chonell) (Anast.)

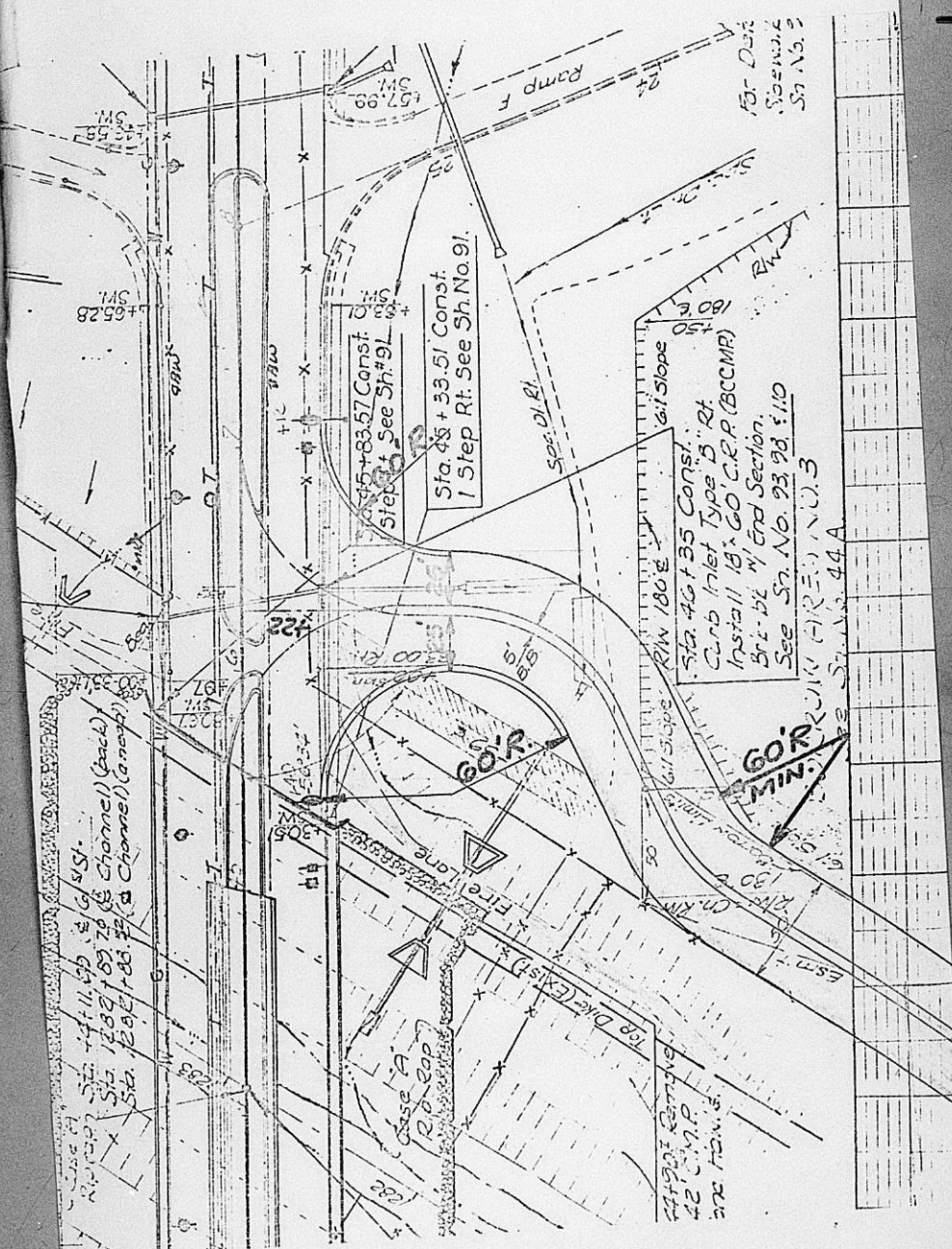
GOR  
 MIN.  
 R.P. (R.P. 2007) N.C. 3  
 See Sta. No. 23, 28, 44A

Sta. 48+33.51 Const.  
 1 Step Rt. See Sh. No. 91.

Sta. 45+83.57 Const.  
 1 Step Rt. See Sh. No. 91.

Sta. 46+35 Const.  
 Can. Inlet Type B Rt.  
 Install 18" 60° C.P.R. (BCCMP)  
 Br. 1/2" W/ End Section.  
 See Sta. No. 23, 28, 44A

For Data  
 See Sta. No. 23, 28, 44A



Riprap Sta. 47+11.50 to 47+16.51  
 Sta. 48+180 to 48+200 (back)  
 Sta. 48+200 to 48+220 (front)

Sta. 45+33.51 Const.  
 1 Step Rt. See Sh. No. 91.

Sta. 46+35 Const.  
 Curb Inlet Type B Rt  
 Install 18" 60' C.R. (BCCMR)  
 Br. 18" w/ End Section.  
 See Sh. No. 93, 98, 110

60' R.  
 MIN.

For Dike  
 Sta. 43.2  
 Sta. 43.3

See Sh. No. 44 A

June 2, 1975

Applby and Marsh Architects,  
Engineers  
Farmers & Bankers Building  
200 East 1st Street  
Wichita, Kansas 67202

Re: S/D 75-38 - Sketch plat of  
Wichita Truck Center. Gen-  
erally located at the south-  
west corner of I-35W and  
61st Street North.

Gentlemen:

We have reviewed the above referred to sketch plat and in accordance with the comments made during the consideration of the associated zone case SCE-0315 zone change approved from R-1, Suburban Residential to "E" Light Industrial, we are concerned about access and serving subject property with a municipal water supply and sanitary sewer system.

Regarding the access to the subject property, it is our understanding that the applicant has been working with the State Highway Department on the design of an entrance from 61st Street North. In addition to this entrance design, our maps reflect a tract of land immediately south of subject property which would appear to be landlocked unless access to said tract can be provided through the applicant's property. We feel therefore that consideration needs to be given to providing a north-south street through subject property to provide public access to the landlocked tract.

During the discussion of the associated zone case, there were a number of proposed uses mentioned including motel, truck service center, warehousing, truck sales operation and truck overhaul activities. The question we now have, are these uses still proposed and if so under separate ownership? If there are several uses and ownerships anticipated, consideration should be given to a multiple lot plat.

Subject property will need to be platted to urban standards as all industrial zoned plats are classified as urban by the Subdivision Regulations. This requires that the property be served by a municipal water supply and a public sanitary sewer system. With these

S/D 75-38  
June 2, 1975  
Page 2

comments in mind and in order for you to meet the requirement of submitting the preliminary plat for the June 19, 1975 Subdivision Committee meeting, we hereby authorize the submission of a preliminary plat subject to the following conditions and comments:

- A. The applicant shall guarantee the installation of a municipal water supply and sanitary sewer system to serve subject property. The Park City Improvement District should be contacted regarding this matter since subject property is located in said district.
- B. The applicant shall obtain a letter from the State Highway Department approving the entrance design for access to 61st Street North. A copy of said letter shall be submitted to the Planning Department.
- C. Prior to submission of a final plat, the applicant and/or his engineer shall contact M. S. Mitchell of the Flood Control Maintenance Office relative to the submission and approval of a lot grading plan for subject property.
- D. A 35 foot building setback from 61st Street North, shall be indicated on the plat.
- E. The applicant shall be prepared to discuss with the Subdivision Committee a means of providing access to the landlocked tract adjacent to the south line of subject property.
- F. Requirements for a preliminary plat of the M.A.P.C. Subdivision Regulations.

Enclosed is a marked "engineers copy" of the sketch plat for your records. Also be advised that a copy of this letter is being forwarded to John McNeal, State Highway Engineer.

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme  
Encl.

cc: John D. McNeal, State Highway Engineer, Topeka, Kansas 66612  
Mr. Robert Blase, Attorney, 2302 Hood, 67204  
Mr. Ralph Korber, 415 East 61st Street North, 67219  
Mr. Paul Feliciano, Jr., 2815 Euclid, 67217

June 2, 1975

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

Re: S/D 75-38 - Sketch plat of  
Wichita Truck Center. Gen-  
erally located at the south-  
west corner of I-35W and  
61st Street North.

Dear Mr. McNeal:

Enclosed for your information and comment is a copy of the above referred to sketch plat and a copy of our staff comments concerning this plat. We have been advised by the applicant that your department has already discussed access to this site and design of the median break to provide access to this plat from 61st Street North.

The applicant is trying to have the preliminary plat of the site ready for the June 19, 1975 Subdivision Committee meeting. If possible, we would appreciate any comments you may have prior to that meeting.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:CLN:rme  
Encl.

**IMPORTANT MESSAGE**

FOR Curt

DATE \_\_\_\_\_ TIME 10:37 A.M.  
P.M.

**WHILE YOU WERE AWAY**

MR. Paul Feliciano

OF \_\_\_\_\_

PHONE No. 838-0911

TELEPHONED	PLEASE CALL HIM	<input type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SIGNED in

May 8, 1975

Don Yelton, County Engineering  
John Richter, Planning Analyst

Sketch plat of Wichita Truck Center.

The enclosed sketch plat was recently submitted to our office. Subject property is zoned "R-1" Suburban Residential. I would appreciate your review of this plat with any comments you may have returned to me no later than Thursday, May 15.

John Richter, Planning Analyst

JR:rme  
Enclosure

Memo and plat also to: M. S. Mitchell, Maintenance-Flood Control

Map No.: 5554  
Section No.: 16  
Twp. No.: 26  
Range: 15

S/D No. 75-38

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Wichita Truck Center

General Location: 61st Street North and I 35W Highway

Name of Property Owner: Ralph Korber Phone: 744-0602

Address: 415 East 61st St. North

Name of Subdivider: Wichita Truck Center, Inc. Phone: 838-4263

Address: 2302 North Hood

Name of Agent/Surveyor: Applby & Marsh Phone: 267-7883

Address: Insurance Building, 200 East First St.

Date of Application: May 7, 1975

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 79 acres
2. Number of Lots:
  - Residential -0-
  - Commercial -0-
  - Industrial 1
  - Other -0-Total Number of Lots 1
3. Minimum Lot Frontage entire tract ft.
4. Minimum Lot Area 79 acres ft.
5. Existing Zoning Light Industrial
6. Proposed Zoning same
7. Lineal Feet of New Streets:
  - a.          R/W          ft.
  - b.          R/W          ft.
  - c.          R/W          ft.
  - d.          R/W          ft.
  - e.          R/W          ft.
  - TOTAL          ft.
8. Sidewalk adjacent to all streets?          yes          no
9. Public Water Supply yes (Yes-No), Name Park City
10. Public Sanitary Sewers yes (Yes-No), Name Park City
11. Health Department Approval (where applicable)          (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: Ralph Korber

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

Received by TIB  
Date 5-7-75  
Fee Submitted \$50.00

FORM 223-021

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION

AMOUNT

*Plating sign 50.00*

Name

Address

Type

Due Date

Comments:

Date

By