

PLAT NO. S/D 76-107 MAP NO. 5442

NAME MacARTHUR BEACH

LOCATION: South of MacArthur Road, between Seneca
and Gold Streets

ENGINEER Professional Engineering Consultants P.A.

OWNER MacArthur Beach Properties

APPLICATION FILED 10-26-76

SKETCH PLAT FILED _____

PRELIMINARY FILED 10-26-76

S/D ACTION 11-4-76 approve

FINAL FILED 3-28-77

S/D ACTION 4-7-77 approve

MAPC ACTION 4-14-77 Approved

BCC ACTION 1-31-78 Approved

RECORDED February 9, 1978

REMARKS Assoc. specimens 1703 & 1718
and DP-72

S/D 76-107 - MacARTHUR BEACH -
south of MacArthur Road, between
Seneca and Gold Streets, by Pro-
fessional Engineering Consultants,
P.A.

ACTION

DATE

11-4-76

COMMITTEE (Action) approved

4-7-77

(Final) approved

4-14-77

M.A.P.C. Approved

1-31-75

B.C.C./B.C.C. Approved

S/D
S/P

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

51076-107 7

12-12-78

MAC ARTHUR BEACH

ADDITION was

Refiled for record on November 28, 1978

Barrett J. McArthur
Register of Deeds

Return to: Wichita-Sedgwick County
Metropolitan Area Planning Department
(Inter-Office Mail)

T9-328

*Corrected the dimension to a
sanitary sewer easement in lot 1*

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

3-18-78

MAC ARTHUR BEACH

ADDITION was

filed for record on February 9, 1978

Barrett J. McArthur
Register of Deeds

Return to: Wichita-Sedgwick County
Metropolitan Area Planning Department
(Inter-Office Mail)

T9-328

FORM 223-0

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - SECOND FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		162.00

DESCRIPTION	AMOUNT
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<i>Building Application</i>	
<i>Inspection Book Permit</i>	

Name *D.E.C.*

Address *1441 E. 2nd St*

Type *100-40000* Due Date

Comments:

Date *1/14/74* By *Carl H. [Signature]*

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 76-107 Name MacArthur Beach
Application & Sketch Filed: 10-26-76
Preliminary Plat Filed: 10-26-76 Approved by S/D: 11-4-76
Final Plat Filed: 3-28-77 Approved by S/D: 4-7-77
Approved by Metropolitan Area Planning Commission: 4-14-77

DESCRIPTION

General Location: South of MacArthur Road between Seneca and Gold Streets

Surveyor or Engineer: Professional Engineering Consultants
Owner: MacArthur Beach Properties
Address: 1900 Amidon, Wichita, Kansas 67203

- | | | |
|--|---|-----------------------|
| 1. Gross Acreage of Plat <u>39</u> | 6. Access Control | |
| 2. Number of Lots: | St. <u>McLean Blvd.</u> | No. Openings <u>0</u> |
| Residential <u>5</u> | St. <u>MacArthur</u> | No. Openings <u>1</u> |
| Commercial _____ | St. _____ | No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements | |
| Other _____ | St. Paving <u>not reqd</u> | Water <u>reqd</u> |
| Total Number of Lots: <u>5</u> | Sidewalk <u>not reqd</u> | Drainage <u>reqd</u> |
| 3. Minimum Lot Area: <u>4.02</u> Acres | Sewer <u>not reqd</u> | Other <u>accel-</u> |
| 4. Existing Zoning <u>AA</u> | | <u>decel lane</u> |
| 5. Special Problems Discussed | Noise barrier requirements adjacent to
<u>McLean Blvd.</u> | |

An acceptable drainage plan has been submitted to the Flood Control Office and a valid water petition for subject property was accepted by the City Commission on December 20, 1977. A valid petition has been submitted guaranteeing the construction of an accel-decel lane along the south side of MacArthur and the construction of a major entrance at MacArthur. A certificate has been submitted certifying the petition.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. the applicant submitting restrictive covenants which shall contain provisions for the requirements of establishing a Home-owners Association for the maintenance of all common non-public areas and private drives.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners..

Bayouth moved, Bell seconded and it carried unanimously. Greider, Savina absent; Porter resigned.

NOTE: Associated zone case Z-1703, "AA" to "R-6" and C.U.P. DP-72 have been approved by the Board of City Commission subject to platting.

ACTION:

Approve the accel-decel lane petition and instruct the Director of Law to prepare the necessary resolution, and instruct the City Clerk to file the certificate and restrictive covenants with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

January 23, 1978

Board of City Commissioners

Robert A. Lakin, Director of Planning

Noise barrier requirement for MacArthur Beach Addition, located on the west side of McLean Boulevard in an area south of MacArthur.

During the consideration of the plat of MacArthur Beach, there was discussion about noise protection requirements on this property since it abuts McLean Boulevard which is part of the designated Urban Highway System for Wichita. Any future improvement of McLean Boulevard at this location, using federal funds, will be subject to approval of a satisfactory environmental impact statement. In order to assure a satisfactory environmental impact statement, any development adjacent to the Urban Highway System must comply with the noise level requirements established by the Federal government. At issue here is whether the local government should require individual developers to comply with noise standards to insure federal compliance or whether local government itself should remedy any noise problems at the time of highway construction.

There are several ways to reduce excessive highway noise:

1. Traffic management
2. Construct physical noise barriers
3. Require setbacks or right-of-way equivalent to the 70 dba contour line (240' ± from centerline of roadway)
4. Require structure insulation sufficient to reduce interior noise (may not fully fulfill Federal requirements)
5. Combinations of the above

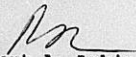
At a meeting held on January 17, 1978, with developers of the MacArthur Beach property and representatives of the Public Works and Planning Departments, the following alternatives, in order of preference, were suggested by the developers:

1. Eliminate truck traffic on McLean Blvd. at this location. (traffic management)
2. Improve McLean Blvd. entirely with local funds and thereby not have to comply with federal noise standards. Use federal funds on other roads.
3. Construct physical barriers to reduce noise:
 - a. Require guarantee from developer for barrier construction at time building permits are requested; or

- b. Require developer to guarantee the construction of the noise barrier before plat is recorded; or
 - c. Have the City guarantee the noise barrier construction at the time the McLean Blvd. improvement project is begun.
4. Take no action on the noise problem and allow the plat to be recorded.

The developers have complied with all other requirements of plat approval and the plat has been scheduled for your agenda of January 31, 1978. At that time it will be necessary to decide on what requirement, if any, you wish to make regarding the reduction of noise adjacent to major roads. This property is the first in Wichita to be newly developed adjacent to a federally funded roadway project and will likely set a precedent for future development along similar roads.

Sincerely,



Robert A. Lakin
Director of Planning

RAL:LO:et

cc:

E. H. Denton, City Manager
John Dekker, Director of Law
Ray Bruggeman, Director of Public Works
Dick Linn, City Engineer
E. D. Ritchie, P. O. Box 4048, Wichita, Kansas 67204
Bill Binter, MacArthur Beach Properties, 1900 Amidon, Wichita, Ks 67203
Gary Wiley, P.E.C., 1440 East English, Wichita, Kansas 67211

CERTIFICATE

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

I, Mac Arthur Beach Properties, owner of
(give name of proposed plat, if appropriate) _____
Mac Arthur Beach

do hereby certify that petitions for the following improvements
have been submitted to the Board of Commissioners of the City of
Wichita, Kansas:

1. Accel-Decel Lane and Major Entrance
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for
improvements, lots or portions thereof within _____
Mac Arthur Beach Addition may be subject to special
assessments assessed thereto for the cost of constructing the
above-described improvements.

Signed this 5th day of DECEMBER, 1977.

MACARTHUR BEACH PROPERTIES
BY H.R. Ritchie J.P. Ritchie

W.F. Bunter C.W. Bunter
PARTNERS

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

Be it remembered that on this 5th day of DECEMBER,
1977, before me, a notary public in and for said County and State,
came H.R. RITCHIE, J.P. RITCHIE, E.D. RITCHIE + W.F. BUNTER, to me personally
known to be the same persons who executed the foregoing 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.

R. K. Eshelman
Notary Public
R. K. ESHELMAN



My Commission Expires:
6-28-81

DECLARATION OF COVENANTS
AND CONDITIONS

THIS DECLARATION made this 13 day of Sept., 1977, by MAC ARTHUR BEACH PROPERTIES, hereinafter called the Grantor.

WITNESSETH:

WHEREAS, Grantor is the owner of certain hereinafter described real property and is desirous of subjecting said real property to the covenants and conditions hereinafter set forth, each and all of which are for the benefit of said property and for each owner thereof, and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest, and any owner thereof;

NOW, THEREFORE, Grantor hereby declares that the real property hereinafter described is, shall be, held, transferred, sold, conveyed, and occupied subject to the covenants and conditions hereinafter set forth.

1. Property. The real property which is subject to these covenants and conditions is legally described as Lots 1 through 5 inclusive, MAC ARTHUR BEACH, an addition to Wichita, Sedgwick County, Kansas.

2. General Purpose. The purpose of these covenants and conditions is to provide for the continued maintenance and upkeep of certain hereinafter described non-public common facilities so as to protect the owners of the several lots from unwarranted depreciation of the value of their property and in general to provide adequately for quality development of said property.

3. Present Common Facility. As of the date hereof, there has been established a common roadway for the mutual benefit of all of the lots in MAC ARTHUR BEACH, the exact boundaries of said roadway being as set out and described on Exhibit "A" attached hereto and made a part hereof. In order to provide for and assure the continued upkeep and maintenance of said roadway, it is hereby declared that each owner of each lot in MAC ARTHUR BEACH shall be fully responsible for the upkeep, care, and maintenance of all that portion of said private roadway appurtenant to his lot or lots. Said obligation for upkeep and maintenance shall include but not be limited to keeping said roadway neat and clean and free from debris and in a good state of repair; snow removal; enforcing parking restrictions, if any, as well as any and all other upkeep, repair, and maintenance required in order to maintain the roadway in a first class condition.

4. Future Common Facilities. The owner or owner of the lots in MAC ARTHUR BEACH may from time to time submit to the provisions of these covenants and conditions any other common space, driveways, parking areas, community recreational facilities, etc., by written instrument signed by all of the owners of lots in MAC ARTHUR BEACH so stating their intention to do so and describing, as appropriate, the nature and extent of such additional common facility.

5. Owners Association. All common facilities in MAC ARTHUR BEACH shall be, unless otherwise provided for, under the management or control of the owners association by whatever name it may be designated as hereinafter provided, as trustee, such association to be composed of the owners of the lots in MAC ARTHUR BEACH which association may or may not be incorporated as the members thereof may determine. Whether such association is incorporated or not, it is understood and agreed that the members thereof shall be limited to the owners of land within MAC ARTHUR BEACH as it exists from time to time. Such association shall have such further powers and duties as are hereinafter set forth all of which may be exercised or assumed at the discretion of the association. The association shall be the sole judge of the qualifications of its members and of their rights to participate in its meetings and proceedings.

(a) Membership. Each owner of a lot in MAC ARTHUR BEACH shall be deemed to be a member of the association and shall be entitled to one vote. In the event that any one lot is owned jointly by two or more persons, said lot shall have only one vote regardless of such multiple ownership. In the event that any one lot is owned in severalty by two or more persons, then and in that event each separate parcel of such lot shall be entitled to a vote equal to the percentage of square footage such parcel bears to the square footage of the total of such lot multiplied by one.

(b) Voting. At any owner's meeting at which any matter is submitted to vote, each lot shall be entitled to one vote as hereinabove provided which may be cast in person or by proxy by the owner of each lot. Unless otherwise provided for herein, all matters subject to vote by the owners must have 60% approval of all eligible to vote in order to be approved.

(c) Meetings. Meetings of the owner's association shall be held at such times and places as the owners from time to time determine.

(d) Duties and Powers. The association shall enforce, either in its own name or in the name of any owner, any or all of the covenants and conditions contained herein or as hereinafter modified.

Specifically, in relation to the hereinabove described private roadway, the association shall have the following duties and powers. In the event, and only in such event, should any one or more of the owners fail to perform his duties and obligations in regard to upkeep, care, and maintenance of said private roadway, the association, may, after giving notice as hereinafter provided to such owner or owners perform such duties and obligations and assess such owner or owners for the full cost thereof. Such assessment shall be as hereinafter provided.

In addition to the above rights and duties respecting said private roadway, the members of the association, may upon approval by 100% of the members thereof agree to have the association take over the duties and obligations for the upkeep, care, and maintenance of said private roadway upon such terms and conditions including, but not limited to the method of determining payment therefore, as they shall deem proper.

(e) Assessments. Any assessment made by the association hereunder shall become a lien on the real property as soon as it is due and payable and in the event of the failure of any owner or owners to pay such assessment on or before 30 days from the date of the notice to such owner of such assessment, such assessment shall bear interest at the rate of 10% per annum until paid. Such assessment may be made a lien upon the real estate by filing a copy thereof with the Register of Deeds of Sedgwick County, Kansas, and enforcement thereof by the association may be had in the same manner as the enforcement of mechanic's liens.

Such liens shall terminate automatically five years from the date of the filing thereof unless with in such time suit shall have been instituted for the collection of the assessment in which case the lien shall continue until the termination of said suit and until the sale of property under execution of the judgment establishing same.

(f) Addresses. The association shall notify all owners insofar as the addresses of such owners are listed with said association, of the official address of said association, as to what place and time regular meetings of the association shall be held and in case of any changes such address, the association shall notify all owners insofar as their

addresses are listed with the association, of such new address. All notices provided for hereunder shall be given by mailing to the owner or the association by depositing the same in the United States mail, certified mail, return receipt requested.

6. Failure to Maintain. Upon the failure of the owners of said lots to provide for the upkeep, care, and maintenance of the above described private roadway, and upon the failure of the association to provide for such upkeep, care, and maintenance, the City of Wichita may cause notice to be served on the lot owners and the association of their failure to perform, setting out the manner in which they have failed to perform, and granting them thirty (30) days within which to perform all the items listed on the notice so delivered. After said thirty days the city may proceed upon the property to perform the work described in said notice and the cost of such work performed by the city may be assessed against the property in the same manner as provided by law for such assessment and said assessment shall be established as a lien against the land. Should the association or owners, upon receipt of said notice, take exception to any deficiencies listed therein, the association may within the thirty (30) day period appeal the contents of said notice to the Board of City Commissioners for a hearing thereon, and until said appeal is heard and determined the matter shall be stayed.

7. Use of Lake. All of the lots in MAC ARTHUR BEACH include as a portion thereof a portion of the lake located generally in the center of the addition. The lake is intended for the common use of all of the owners of lots in MAC ARTHUR BEACH and such use may be subject to such rules and regulations as the owners association may adopt. In no event, however, shall any use which shall constitute a nuisance as to the other owners of the lots in MAC ARTHUR BEACH, or to the owners of the other lands abutting said lake, be permitted.

8. Modification and Termination. This agreement may be terminated or modified and all of the land now or hereafter affected may be released from all of the terms and provisions hereof by the owners of two-thirds (2/3) of the area subject thereto at the time it is proposed to terminate this agreement, executing and acknowledging an agreement to this effect and filing the same of record in the office of the Register of Deeds of Sedgwick County, Kansas.

9. Covenants Running with the Land. All the provisions of this declaration shall be deemed to be covenants running with the land and shall be binding upon the grantors, their successors and assigns.

IN WITNESS WHEREOF this Declaration has been executed the date first above written.

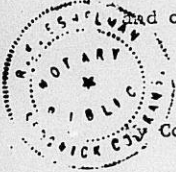
MAC ARTHUR BEACH PROPERTIES

By M. W. Pottier
a partner

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED, that before me, the undersigned,
a Notary Public in and For said county and state, on this
13th day of SEPTEMBER, 1977, personally appeared
E. D. RITCHIE, a partner of MAC ARTHUR BLACK PROPERTIES,
to me personally known to be the identical person who subscribed
the name of the maker thereof to the foregoing instrument as
a partner, and duly acknowledged to me that he executed the
same as his free and voluntary act and deed, and for and on
behalf of and as the free and voluntary act and deed of said
corporation, for the uses and purposes therein set forth.

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



R. K. Eselman
Notary Public R. K. ESELMAN

Commission Expires:
6-28-81

1-17-78

Draft cover
memo to BCC re special problem.

alt.

Take to BCC with following alt.

Rank order.

1. Traffic Impact - no requirement by devel
- deal by BCC
2. Build with all local money excepting Fed Regs & spend*
3. Physical Barriers -
 - a. no bid by Permit w/o guarantor ^{part} physical barrier.
 - b. guarantor wall by devel.
no guarantor by devel.
 - c. City guarantor wall at time project.

off comm.
w/o Rank.

3. No action.

* fed money in other places.

WICHITA-SEDGWICK COUNTY

DATE


METROPOLITAN AREA PLANNING DEPARTMENT

January 10, 1978

TO Curtis L. Newby, Junior Planner
FROM Robert A. Lakin, Director of Planning
SUBJECT MacArthur Beach

Please set up a meeting as quickly as possible between Bill Binter, Ray Bruggeman, Dick Linn and myself to discuss MacArthur Beach noise problems. It is my view that we have probably four alternatives in dealing with this problem, 1) establish setbacks, 2) provide for physical noise barriers, 3) develop a traffic management plan or, 4) waive the requirements relative to noise intrusion in this area. It is my view that we should discuss these alternatives with Binter and take these alternatives back to the Subdivision Committee for their consideration and recommendation and then forward to the Planning Commission and City Commission for final determination.

Public Works is going to provide cost estimates for physical construction alternatives to handle noise along this project area.


Robert A. Lakin
Director of Planning

RAL:rme

cc: Ray Bruggeman, Director of Public Works
Dick Linn, City Engineer
Jack H. Galbraith, Chief Planner

1700
20
34000.

Jan 17-78
Done with Bill Binter, Linn, Bruggeman, Wiley, JB, MZ, LD
Wiley - comment to build to interior level of 55 feet
RAL - Wall = 34m @ 20'

20

December 23, 1977

R. W. Linn, City Engineer

Robert A. Lakin, Director of Planning

MacArthur Beach - S/D 76-107

Your suggestion as to handling noise on the MacArthur Beach plat will probably be held unacceptable by the Federal Government in the development of that section of McLean in the event we use Federal funding. I am of the opinion that even if it can be legally accomplished, i.e., the waiving of any of the rights of objection to noise by the current property owner, that the intent and thrust of the noise law has to remove the level of noise from those people who would otherwise be exposed to it. The City Commission also on the Kellogg and Lulu noise report rejected a lack of protest as a valid response to a noise problem.

However, if this is the way the Department of Public Works wants to resolve the issue, I would request that you write FHWA and secure a written consent from them that such a waiver as you are suggesting will be accepted and permitted in a future project in the event we pave McLean Boulevard. If that is acceptable from FHWA (and from our own Legal Department) then this plat should go on the City Commission.

In the event that this is not acceptable, I think that a noise profile should be developed for the project and one of the five alternatives for abatement of the noise be developed and guaranteed as a part of the plat. The plat and this issue should be resubmitted to the Subdivision Committee so they may provide some guidance to the Board of City Commissioners and not let the debate take place there alone. If we do, it will more than likely be sent back to us.

In addition to the problems on this plat, it would be my recommendation that the Department of Public Works develop a procedure on all FAU designated streets as to however you want to handle noise problems.

ROL
Robert A. Lakin
Director of Planning

RAL:rme

cc: Ray Bruggeman, Director of Public Works
Dave Ritchie, Ritchie Paving, Inc.

THE CITY OF WICHITA

OFFICE OF

ENGINEERING

DATE

December 16, 1977

TO Robert Lakin, Director of Planning Department

FROM R. W. Linn, City Engineer

SUBJECT MACARTHUR BEACH
S/D 76-107



The final plat of MacArthur Beach was approved by MAPC on April 7, 1977, subject to several conditions. In addition to the specific requirements the applicant was advised to contact the Planning Department relative to the environmental noise protection issue as it relates to this plat.

The Engineering Division, Department of Public Works raised this issue based on the action to date on the Federal Aid Urban System project on McLean Blvd., from MacArthur Road to 29th Street South.

McLean Blvd. (immediately adjacent to the east side of this plat) is a part of the designated Urban Highway system for Wichita and any future improvement between MacArthur Road and 47th Street South will be subject to the same rules and regulations as the current project.

Elimination of noise sensitive problems caused by exceeding the standards can be accomplished in several ways:

1. Right-of-way and/or setback requirements at the 70 dba level.
2. Noise barriers
3. Structure insulation, air conditioning, storm windows, etc., to reduce interior noise.
4. Traffic management
5. Combination of the above


The problems associated with efforts to improve an arterial street adjacent to private development raises the issue - should development be permitted to occur adjacent to arterials with no consideration of the noise issue?

Acquiring right-of-way equivalent to the 70 dba contour lines (240'± from centerline) seems prohibitive. Establishing building setbacks of this magnitude may eliminate potential development completely on many ownerships. Reasonable setbacks combined with noise barriers and/or structural requirements may be an approach to solution of the problem.

Robert Lakin, Director of Planning Department
Page 2
December 16, 1977

A request by the property owner for improving of the adjacent arterial and waiver of the noise regulations might be a possible consideration if it could be binding to subsequent owners or tenants and if this could satisfy the Federal regulations.

Obviously I don't know the answer to the problem, but I think we should develop some policy recommendations for MAPC and City Commission consideration.



R. W. Linn
City Engineer

RWL/dla

cc: R. W. Bruggeman, Director of Public Works
Dave Ritchie, Ritchie Paving Inc.

Note: The final plat
should reflect a:

○ Vivian L. Gore & the Fourth
National Bank signing
the plat and the Covenants
as well as MacArthur Beach
properties.

○ Also need 11 taxes paid

Handwritten mark

THE CITY OF WICHITA

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

DATE Dec. 14, 1977

TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT - Mac Arthur Beach Adn.
S/D 76-107

Reference is made to my request before the Subdivision Committee for a Lot Grading Plan for subject Addition. Please be advised this date a Drainage Scheme has been submitted to this office which is satisfactory and is approved.

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
Central Insp/John Riddel.
MacArthur Beach Adn. Plat File



THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE December 7, 1977



TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Chief Engineer-Water Engineering
SUBJECT MAC ARTHUR BEACH ADDITION

The plattors of Mac Arthur Beach Addition have submitted a valid 100% petition for a water benefit district to serve this plat. Therefore, our requirements for water service to this area have been fulfilled. The petition and resolution will be placed on the City Commission Agenda for approval on or about December 20, 1977.

Bill H. Otten
Bill H. Otten
Chief Engineer-Water Engineering

BHO:sd

FOUR

PLEASE DO NOT FOLD OR MUTILATE

IMPORTANT - IF THIS STATEMENT IS \$10.00 OR LESS, IT MUST BE PAID IN FULL.

PLEASE CONTACT COUNTY ASSESSOR ON QUESTIONS ABOUT ASSESSED VALUATION.

LEGAL DESCRIPTION

E 137 FT W 274 FT E 1/2 NW 1/4 LY N Ditch
SEC 17-28-1E

PLEASE RETURN ALL COPIES OF THIS STATEMENT. DUE NOV. 1, FIRST HALF DELINQUENT DEC. 21, SECOND HALF DELINQUENT JUNE 21, WITH INTEREST AT 10% PER ANNUM

77-RE-00-7313-47-3-W
D-140-UP D-143-UP
MacArthur Beach Properties
Box 1048
Wichita, Kansas 67204

1977 Real Estate TAX
11/9/77

67-\$55.79

MAKE CHECKS PAYABLE TO

SEDGWICK COUNTY TREASURER
WICHITA, KANSAS 67203 PH. (316) 268-7651

INTEREST

PLEASE INDICATE ANY CHANGE OF ADDRESS

DATE

INTEREST

PAID

RECEIPT NO.

5A DEC 05 77

206.01

.00

206.01

5024040375

VALUATION
1420

MILL LEVY
105.150

GENERAL TAX
150.22

SPECIAL TAX
55.79

TOTAL TAX
206.01

FIRST HALF
103.01

SECOND HALF
103.00

1977 Real Estate TAX

cb

INTEREST

TC

RECF

TWO

PLEASE DO NOT FOLD OR MUTILATE

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PLEASE CONTACT COUNTY ASSESSOR ON QUESTIONS ABOUT ASSESSED VALUATION

LEGAL DESCRIPTION

D-333-UP & D-333-18-UP
BEG 901.9 FT W & 500 FT S NE COR
NW1/4 S 1358.8 FT TO RIVERSIDE DR
SE 929.2 FT TO BK N 1748.3 FT W
371.38 FT N 100 FT W 425 FT TO BEG
SEC 17-28-1E

PLEASE RETURN ALL COPIES OF THIS STATEMENT DUE NOV. 1, FIRST HALF DELINQUENT DEC. 21, SECOND HALF DELINQUENT JUNE 21, WITH INTEREST AT 10% PER ANNUM

77-RE-10-0046-15-0
-D-00333-00UP 67-07
ETHEL MORINSTER EST
RITCHIE BRUS
BOX 4048
WICHITA KS 67204

MAKE CHECKS PAYABLE TO
SEDGWICK COUNTY TREASURER
WICHITA, KANSAS 67203 PH. (316) 268-7651

INTEREST

CA

CK

PLEASE INDICATE ANY CHANGE OF ADDRESS

DATE

INTEREST

PAID

RECEIPT NO.

VALUATION	MILL LEVY	GENERAL TAX	SPECIAL TAX	TOTAL TAX	FIRST HALF	SECOND HALF	RECEIPT NO.
6,300	105.792	666.45	191.74	858.23	429.11	429.12	5024040371

1977 REAL ESTATE TAX

INTEREST

TOTAL PAID

RECEIPT NO.

TWO

PLEASE DO NOT FOLD OR MUTILATE

IMPORTANT - IF THIS STATEMENT IS \$10.00 OR LESS, IT MUST BE PAID IN FULL.

PLEASE CONTACT COUNTY ASSESSOR ON QUESTIONS ABOUT ASSESSED VALUATION

LEGAL DESCRIPTION

BEG 274 FT E NW COR 8172 NN174 E
146.4 FT S 1840.32 FT NELY TO PT
1730 FT S OF BEG N TO BEG SEG
L7-23-1E

PLEASE RETURN ALL COPIES OF THIS STATEMENT. DUE NOV.1, FIRST HALF DELINQUENT DEC. 21, SECOND HALF DELINQUENT JUNE 21, WITH INTEREST AT 10% PER ANNUM

77-RE-10-0020-09-1
-0 -00155-000P 67-07
MAC ARTHUR BEACH PROPERTIES
BOX 1048
WICHITA KS 67204

PLEASE INDICATE ANY CHANGE OF ADDRESS

MAKE CHECKS PAYABLE TO
SEDGWICK COUNTY TREASURER
WICHITA, KANSAS 67203 PH. (316) 268-7651

INTEREST
CA
CK

DATE INTEREST PAID RECEIPT NO.

SA DEC 05 77 482.55 .00 482.55 5024040366

VALUATION	MILL LEVY	GENERAL TAX	SPECIAL TAX	TOTAL TAX	FIRST HALF	SECOND HALF	1977 REAL ESTATE TAX
1,580	165.792	167.15	315.40	482.55	241.27	241.28	1977 REAL ESTATE TAX

INTEREST TOTAL PAID RECEIPT NO.

NUMBER

Y 57,090

COMMITMENT FOR TITLE INSURANCE

Issued by

ST. PAUL TITLE INSURANCE CORPORATION

St. Paul Title Insurance Corporation, a Missouri corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate three months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment shall not be valid or binding until Schedules A and B are countersigned by an authorized signatory.

IN WITNESS WHEREOF, St. Paul Title Insurance Corporation has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A.

Attest:

Allen C. Priestly

Secretary

ST. PAUL TITLE INSURANCE CORPORATION

Julius H. Benson Jr.

President

Copyright, 1966, American Land Title Association.
42013 CFT Ed. 8-67 Printed in U. S. A.

TSP-113



The City of Wichita

SCHEDULE A

COMMITMENT NO. Y-57,090

1. Effective date: October 28, 1977 @ 7:00 A.M.

2. Policy or Policies to be issued:
 ALTA Owner's Policy Form A-1970 (Amended 10-17-70)
 (a) ALTA Owner's Policy Form B-1970 (Amended 10-17-70)

Amount Limited to \$ 250.00

Proposed Insured: The City of Wichita, a Municipal Corporation

(b) ALTA Loan Policy (Amended 10-17-70)

Proposed Insured: None proposed

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple title.

4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

TRACT I: Vivian L. Gore and The Fourth National Bank and Trust Company, Wichita, Testamentary Trustees; and
 Tract II: MacArthur Beach Properties, a co-partnership of J. P. Ritchie, H. D. Ritchie, E. D. Ritchie, and W. F. Binter

5. The land referred to in this Commitment is situated in the County of Sedgwick, State of Kansas, and is described as follows:

See EXHIBIT # 1

FIDELITY TITLE COMPANY, INC.
 Wichita, Kansas



William B. Malone
 Authorized Signatory

This Commitment valid only if Schedule B is attached

TSP-114A

EXHIBIT # 1

Legal Description:

TRACT I:

A Tract in the Northwest Quarter of Section 17, Township 28S, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at a point on the North line of said Northwest Quarter, 901.9 feet West of the Northeast Corner thereof; thence South parallel with the West line of the East Half of said Northwest Quarter, 500 feet for a place of beginning; thence continuing South parallel with the West line of said East Half of Northwest Quarter, 1358.8 feet, more or less, to the Northerly Right-of-Way line of Riverside Drainage Ditch; thence Southeasterly along said Right-of-Way, 939.2 feet, more or less, to the Westerly Right-of-Way of the Midland Valley Railroad; thence Northerly along said Railroad Right-of-Way, 1748.3 feet, more or less, to a point 600 feet South of the North line of said Northwest Quarter; thence West parallel with the North line of said Northwest Quarter, 371.38 feet, more or less, to a point 425 feet East and 100 feet South of the place of beginning; thence North parallel with the West line of the East Half of said Northwest Quarter, 100 feet; thence West 425 feet to the place of beginning.

TRACT II:

A Tract in the Northwest Quarter of Section 17, Township 28S, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as: Beginning 136.96 feet East of the Northwest Corner of the East Half of the Northwest Quarter of said Section 17; thence East 283.36 feet to a point, said point being 901.9 feet West of the Northeast Corner of said Quarter Section; thence South parallel with the West line of the East Half of said Section 1,840.32 feet to the North line of the Riverside Drainage Ditch Right-of-Way; thence Northwesterly along said North Right-of-Way line to a point South of the point of beginning on a line parallel to the West line of the East Half of said Quarter Section; thence North to point of beginning.

TO BE FLATTED INTO:

Mac ARTHUR BEACH, an Addition to Wichita,
Sedgwick County, Kansas



[Signature]
Authorized Signatory

SCHEDULE B-I
(REQUIREMENTS)

COMMITMENT
NO. Y-57,090

1. The following are the requirements to be complied with:

A. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.

B. Instruments in insurable form which must be executed, delivered and duly filed for record.

1. Said Plat to be executed by the co-partnership of Mac Arthur Beach Properties: J. P. Ritchie, H. D. Ritchie, E. D. Ritchie, and W. F. Binter; and by Vivian L. Gore and The Fourth National Bank and Trust Company, Wichita, Testamentary Trustees under the Will and of thd Estate of Ethel McKinster deceased. (Said co-partnership is purchaser under an Escrow Agreement as to Tract I.)

2. 1976 Real Estate Taxes show paid; Key Nos. D-143-UP; D-153-UP; D-333-1B-UP; and D-333-UP.

Need 77 taxes paid

FIDELITY TITLE COMPANY, INC.



TSP-114B-I

William B. Malone
Authorized Signatory

Schedule B-I of this Commitment consists of 1 pages.

SCHEDULE B-II
(EXCEPTIONS)

COMMITMENT
NO. Y-57,090

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. (A) Rights of dower, curtesy, homestead or other marital rights of spouse, if any, of any individual insured. (B) Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. (C) Survey: Any encroachments, measurements, party walls, or other facts which a correct survey of the premises would show. (D) Easements, or claims of easements, not shown by the public records. (E) Rights or claims of parties in possession not shown by the public records.
3. All assessments and taxes for the year 19 77 and all subsequent years.
4. **Any restrictions, covenants and conditions to be imposed subsequent to the recordation of the title.**
5. **Any easements, streets or right-of-ways to be dedicated to the public including but not limited to all abutter's rights or access to any streets, drainage rights of way, public utilities, approval of elevation or other restrictive matters that may be reserved, dedicated or granted in the recorded Plat.**
6. **Described property is subject to an Easement recorded in Misc. Book 693 at page 413 for Cities Service Gas Pipeline Right-of-Way which is described on the said Plat.**
7. **Described property is subject to an Easement for Cities Service Gas Pipeline Right-of-Way along the South portion of described property as recorded in Misc. Book 687 at page 369 which is shown and described on said Plat.**
8. **60 foot Gas Line Easement granted to Cities Service as recorded in Misc. Book 688 at page 541 as shown on said Plat.**
9. **16 foot Easement condemned by the City of Wichita in Sedgwick County District Court Case C-16220 for sewer purposes. (It is incorporated in the proposed said Plat.)**

continued

FIDELITY TITLE COMPANY, INC.
Wichita, Kansas



TSP-114B-II

William B. Malone
Authorized Signatory

Page 1

Schedule B-II of this Commitment consists of 2 pages.

SCHEDULE B-II
(continued)

Commitment
Policy
Number: Y-57,090

FOR INFORMATION:

10. Company has been provided with copy of proposed Plat which indicates an additional access Easement across adjoining property that is recorded in Film 228 at page 98 being a 30 foot wide Easement to Northeast edge of described property.
- (a) Complete access control across the North side of described property to Mac Arthur Road except for one opening.
 - (b) 30 foot access Easement for tenant and fire lines along the West, South and East portion of the described property.
 - (c) 10 foot water line Easement as shown on said Plat, approximately 30 feet of the Border along the West, South and East side of described property.
 - (d) 10 foot Utility Easement along the West side of described property.
 - (e) Complete access control to the City of Wichita of the described property across the East side.
 - (f) Riverside Drainage Ditch across the South side of the described property.

FIDELITY TITLE COMPANY, INC.
Wichita, Kansas

TSP-104:3/77
(3 PART)



AUTHORIZED SIGNATURE

Page 2

CONDITIONS AND STIPULATIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

ALTA Commitment — 1966

**Commitment
for
Title Insurance**



GENERAL OFFICE:
1650 West Big Beaver Road
Troy, Michigan 48064

July 18, 1977

E. H. Denton, City Manager

Jack H. Galbraith, Chief Planner

Z-1703, "AA" to "R-6", DP-72, MacArthur Beach C.U.P.
and S/D 76-107, MacArthur Beach Addition. Request
for platting time limit extension.

We have received a copy of a letter to you from E. D. Ritchie requesting a six month extension of the platting time requirement of the above referred to zone case and C.U.P. We would concur in the requested extension of six months to a new completion deadline of January 1, 1978.

Our files indicate this is a third request for platting time extension and that the associated final plat of MacArthur Beach has been approved by the Planning Commission subject to several conditions. In accordance with Planning Commission policy statement #5, it will be necessary to schedule this request for consideration. We would recommend that this be scheduled for the August 2, 1977 City Commission meeting as this is the next City Commission meeting for planning items to be considered. If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

APPROVED BY:

Robert A. Lakin
Director of Planning

JHG:CLN:rme

cc: E. D. Ritchie, Ritchie Brothers Construction Co.,
P. O. Box 4048, 67204
William Keltner, Professional Engineering Consultants,
1440 E. English, 67211

8-9-77 B.C.C. granted extension to 1-1-78

June 27, 1977

Mr. E. D. Ritchie
Ritchie Brothers Construction Co.
P. O. Box 4048
Wichita, Kansas 67204

Re: Z-1703 "AA" to "R-6";
DP-72 MacArthur Beach
residential community
unit plan; and S/D
76-107 MacArthur Beach
Addition to Wichita.

Dear Mr. Ritchie:

On July 1, 1975, the Board of City Commissioners approved the above referenced zone case and community unit plan subject to the area being platted within one year, or the cases be considered denied and closed. Since then, two platting time extensions have been granted. The current deadline for recording the plat is July 1, 1977.

The associated plat has been approved by the Metropolitan Area Planning Commission subject to the satisfactory completion of several items. To our knowledge, these items are still incomplete. Since it will not be possible to record the plat by July 1, 1977, you will need to request an additional extension of the platting time. Please address your request to Mr. E. H. Denton, City Manager and send a copy to Jack Galbraith of this office.

If we can be assistance to you in this matter, please call.

Sincerely,

Louise Olivarez
Planning Analyst

LO:rme

cc: Bill Keltner, Professional Engineering Consultants
1440 East English, 67211

April 14, 1977

Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Re: S/D 76-107 - Final plat of
MacArthur Beach

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on April 14, 1977, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of April 12, 1977.

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

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
- 12-7-77 ✓ Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- ✓ Submission of a title report by an abstract or title insurance company, or an attorney's opinion that fee title is vested in the platator.
- ✓ Certification that all taxes due and payable for 1976 and prior years have been paid.

Please call if you have any questions.

Sincerely,

JHG:bh

cc: MacArthur Beach Properties, 1900 Amidon, 67203
Dean Sellers, Assistant City Engineer

Jack H. Galbraith
Chief Planner

April 12, 1977

Professional Engineering
Consultants
1440 East English
Wichita, Kansas 67211

Re: S/D 76-107 - Final plat of
MAC ARTHUR BEACH

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 7, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

A. There are several corrections and additions which need to be incorporated in the engineer's text and in the plat's text. The Planning Department shall be contacted regarding this matter.

petition B. *ok* The applicant shall guarantee the construction of the accel-decel lane on MacArthur and as well, the major entrance to Lot 1 all as indicated on the associated C.U.P. DP-72.

ok The applicant shall submit an overall drainage plan as required by the C.U.P. to M. S. Mitchell of the Flood Control Office. A letter obtained from Mr. Mitchell, approving said plan, shall be submitted to the Planning Department.

ok *submitted copy to Homeowner agreement*
The applicant shall submit a Home Association Agreement. Said agreement shall contain provisions for the installation and continued maintenance of all non-public common space, circulation, driveways, parking areas, community recreational facilities, etc. Said agreement shall also contain a provision or clause which will assure that the City can upon proper notice and hearing cause necessary maintenance to be done to said areas and facilities, and the cost thereof assessed to the benefiting properties in the event the Home Association fails to do so. As part of this agreement, or as a separate agreement, assurance should be given that the owner of that portion

S/D 76-107
April 12, 1977
Page 2

of the lake not included in this plat will be protected from any adverse conditions created in the lake as a result of the development around the portions of the lake included in this plat.

- E. The applicant shall also submit an overall traffic circulation site plan for review and approval. *before building*
- F. *permits are issued*
It is noted that a portion of the existing pipeline crossing the south part of subject property is not within the existing easement for said line and therefore an additional easement should be provided this portion of the line.
- G. *petition*
The applicant shall guarantee the extension of city water to serve the lots being platted.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

In addition to the above, the applicant and/or his engineer shall contact the Planning Department relative to the environmental noise protection issue as it relates to the platting of this property.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 14, 1977, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

cc: MacArthur Beach Properties, 1900 Amidon, 67203
Dean Sellers, Assistant City Engineer

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 76-107 Name MAC ARTHUR BEACH
Date Application Rec'd. 1026-76 Preliminary Approval 11-4-76
Scheduled S/D Meeting 4-7-77

DESCRIPTION

General Location South of MacArthur Road, between Seneca and Gold Streets.

Owner MacArthur Beach Properties

Surveyor/Engineer Professional Engineering Consultants

Address 1440 E. English Phone 262-2691

- | | | | |
|---|------------------------|--|--|
| 1. Gross Acreage of Plat | <u>39</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>35</u> R/W <u>283.36</u> ft. | |
| Residential | <u>5</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>5</u> | TOTAL | <u>283.36</u> ft. |
| 3. Minimum Lot Frontage | <u>284</u> ft. | 8. Sidewalk adjacent to all streets? | <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> |
| 4. Minimum Lot Area | <u>183,750</u> sq. ft. | | |
| 5. Existing Zoning | <u>AA</u> | | |
| 6. Proposed Zoning | <u>R-6</u> | | |
| 9. Public Water Supply Yes (Yes-No), Name | <u>City of Wichita</u> | | |
| 10. Public Sanitary Sewers Yes (Yes-No), Name | <u>City of Wichita</u> | | |
| 11. Health Department Approval (where applicable) | <u> </u> | | (Yes-No) |
| 12. City of Wichita <input checked="" type="checkbox"/> : Three-Mile Area | <u> </u> | | |

STAFF COMMENTS:

- A. There are several corrections and additions which need to be incorporated in the engineers text and in the plat text. The Planning Department shall be contacted regarding this matter.
- B. The applicant shall guarantee the construction of the accel-decel lane on MacArthur and as well, the major entrance to Lot 1 all as indicated on the associated C.U.P. DP-72.
- C. The applicant shall submit an overall drainage plan as required by the C.U.P. to M.S. Mitchell of the Flood Control Office. A letter obtained from Mr. Mitchell, approving said plan shall be submitted to the Planning Department.
- D. The applicant shall submit a Homes Association Agreement. Said agreement shall contain provisions for the installation and continued maintenance of all nonpublic common space, circulation, driveways, parking areas, community recreational facilities, etc. Said agreement shall also contain a provision or clause which will assure that the City can upon proper notice and hearing cause necessary maintenance to be done to said areas and facilities, and the cost thereof assessed to the benefiting properties in the event the Homes Association fails to do so. As part of this agreement or as a separate agreement, assurance should be given that the owner of that portion of the lake not included in this plat will be protected from any adverse conditions created in the lake as a result of the development around the portions of the lake included in this plat.
- E. An access easement 30 feet in width shall be indicated on each lot to provide a continuous circulation drive across all lots. The applicant shall also submit an overall traffic circulation site plan for review and approval with the submission of the final plat.

T9-303

(OVER)

- F. It is noted that a portion of the existing pipeline crossing the south part of subject property is not within the existing easement for said line and therefore an additional easement should be provided this portion of the line.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

December 21, 1976

E. H. Denton, City Manager

Jack H. Galbraith, Chief Planner

Zone case Z-1703, "AA" to "R-6", Residential Community Unit Plan, DP-72 and associated plat S/D 76-107 - MacArthur Beach - request for extension of platting time limit.

We are in receipt of a copy of a letter to you from Mr. E. D. Ritchie requesting a 6-month extension of the one year platting time limit associated with the above referenced zone case and C.U.P. Our files indicate that this is the second request for extension of the one year time limit and it will expire on January 1, 1977. The associated preliminary plat of MacArthur Beach has been approved by the Subdivision Committee of the Planning Commission. We therefore would concur in a 6-month extension of the platting time limit beyond the January 1, 1977 deadline. Since this is the second request for platting time extension, in accordance with Planning Commission Policy Statement #5, the request must be considered and acted upon by the Board of City Commissioners.

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

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: E. D. Ritchie, Ritchie Paving, Inc., P. O. Box 4048, 67204
Bill Keltner, Professional Engineering Consultants,
1440 East English, 67211

December 15, 1976

Mr. E. D. Ritchie
Ritchie Brothers Construction Co.
P.O. Box 4048
Wichita, Kansas 67204

Re: Z-1703: "AA" to "R-6"; and
✓S/D 76-107: MacArthur
Beach plat.

Dear Mr. Ritchie:

This letter is to remind you that the current deadline for completing the plat of MacArthur Beach so that the associated zone change can become effective is January 1, 1977. Since it will not be possible to record the plat by that date, you should request an additional extension of the platting time. Please address your request to Mr. E. H. Denton, City Manager and send a copy to Jack Galbraith of this office. Since this is the second request for platting time extension, it will be necessary for the Board of City Commissioners to approve the request.

Sincerely,

Louise Olivarez
Planning Analyst

LO:rme

cc: Bill Keltner, Professional Engineering Consultants
1440 E. English, 67211

November 8, 1976

Professional Engineering
Consultants
1440 East English
Wichita, Kansas 67211

Re: S/D 76-107 - Preliminary plat
of MAC ARTHUR BEACH

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, November 4, 1976, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. Ten feet of additional right-of-way for an accel-decel lane along the south side of MacArthur Road shall be indicated adjacent to Lot 1.
- B. The applicant shall guarantee the construction of the accel-decel lane on MacArthur and as well, the major entrance to Lot 1 all as indicated on the associated C.U.P. DP-72.
- C. The applicant and/or his engineer shall work with the Department of Public Works relative to providing additional right-of-way for the Riverside Drainage protection ditch. Although 50 feet was requested, the Subdivision Committee recommended that no more than 25 feet be required to be dedicated from this plat.
- D. The applicant shall submit an overall drainage plan as required by the C.U.P. to M. S. Mitchell of the Flood Control Office. A letter obtained from Mr. Mitchell, approving said plan shall be submitted to the Planning Department.
- E. "Access control except for one opening" shall be indicated on Lot 1 adjacent to MacArthur.
- F. The applicant shall submit a Homes Association Agreement covering that portion of the overall preliminary plat which is intended to be finalized at this time. Said agreement shall

contain provisions for the installation and continued maintenance of all nonpublic common space, circulation, driveways, parking areas, community recreational facilities, etc. Said agreement shall also contain a provision or clause which will assure that the City can upon proper notice and hearing cause necessary maintenance to be done to said areas and facilities, and the cost thereof assessed to the benefiting properties in the event the Homes Association fails to do so. As part of this agreement or as a separate agreement, assurance should be given that the owner of that portion of the lake not included in this plat will be protected from any adverse conditions created in the lake as a result of the development around the portions of the lake included in this plat.

cd "Complete access control" shall be indicated adjacent to McLean Boulevard.

- H. An access easement 30 feet in width shall be indicated on each lot to provide a continuous circulation drive across all lots. The applicant shall also submit an overall traffic circulation site plan for review and approval with the submission of the final plat.
- I. The applicant's engineer shall contact KG&E and Southwestern Bell relative to providing easements for their utilities.
- J. The existing Cities Service pipeline and easement at the south line of this property shall be shown on the final plat.
- K. The applicant's engineer shall contact M. S. Mitchell of the Flood Control Office relative to establishing minimum building pad elevations.
- L. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

cc: MacArthur Beach Properties, 1900 Amidon, 67203
Dean Sellers, Assistant City Engineer

SCCD-Cons-5 (11/75)

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

Property Name MacArthur Beach

MAILED TO:

Location South of MacArthur Road Between

_____ Name

Seneca and Gold Streets

Professional Engineering Consultants
Firm

Date 11-4-76

_____ Phone

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

Requested by: Wichita-Sedgwick County Metropolitan
Area Planning Commission

A. SOIL TYPE: 25% Canadian fine sandy loam Class I

75% Waldeck sandy loam Class IIIw-1



B. SITUATION: This area has a very high wind erosion potential. Cover must be maintained at all times.

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

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

- 1. Disturb only the area needed for construction.
- 2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.
- 3. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.
- 4. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.
- 5. Install erosion and sediment control practices according to the Sedgwick County Conservation District standards and specifications.

* CONTINUED *

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

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

STANDARD RATES:

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

SPECIAL RATES: _____

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

STANDARD RATES:

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

SPECIAL RATES: _____

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

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

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

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 76-107 Name MAC ARTHUR BEACH
Date Application Rec'd. 10-26-76 Preliminary Approval _____
Scheduled S/D Meeting 11-4-76

DESCRIPTION

General Location South of MacArthur Road, between Seneca and Gold Streets
Owner MacArthur Beach Properties
Surveyor/Engineer Professional Engineering Consultants
Address 1440 E. English Phone 262-2691

- | | | | |
|--------------------------|------------------------|--------------------------------------|------------------------|
| 1. Gross Acreage of Plat | <u>39</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. _____ R/W _____ | ft. |
| Residential | <u>5</u> | b. _____ R/W _____ | ft. |
| Commercial | _____ | c. _____ R/W _____ | ft. |
| Industrial | _____ | d. _____ R/W _____ | ft. |
| Other | _____ | e. _____ R/W _____ | ft. |
| Total Number of Lots | <u>5</u> | TOTAL | ft. |
| 3. Minimum Lot Frontage | <u>284</u> ft. | 8. Sidewalk adjacent to all streets? | <u>yes</u> <u>X</u> no |
| 4. Minimum Lot Area | <u>183,750</u> sq. ft. | | |
| 5. Existing Zoning | <u>AA</u> | | |
| 6. Proposed Zoning | <u>R-6</u> | | |
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X: Three-Mile Area _____

STAFF COMMENTS:

- A. Associated cases Z-1703, "AA" to "R-6" and DP-72, Residential Community Unit Plan have been approved by the Board of City Commissioners subject to platting.
- B. Ten feet of additional right-of-way for an accel-decel lane along the south side of MacArthur Road shall be indicated adjacent to Lot 1.
- C. The applicant shall guarantee the construction of the accel-decel lane on MacArthur and as well, the major entrance to Lot 1 all as indicated on the associated C.U.P. DP-72.
- D. Additional right-of-way for both the Riverside Drainage protection ditch and for McLean Boulevard are needed from subject property. The representatives from the Department of Public Works on the Utility Advisory Committee shall be prepared to discuss the amounts of right-of-way needed at the Subdivision Committee meeting.
- E. The applicant shall submit an overall drainage plan as required by the C.U.P. to M. S. Mitchell of the Flood Control Office. A letter obtained from Mr. Mitchell, approving said plan shall be submitted to the Planning Department.
- F. "Access control except for one opening" shall be indicated on Lot 1 adjacent to MacArthur.
- G. The plat proposes an additional access point to MacArthur immediately west of McLean Boulevard. The applicant shall be prepared to discuss the location of this access point in relation to the McLean Boulevard and MacArthur Road intersection to avoid a potential traffic hazard by having a private driveway entrance too close to a major street intersection.
- H. The applicant shall submit a Homes Association Agreement covering that portion of the overall preliminary plat which is intended to be finalized

Map No.: 5442
Section No.: 17
Twp. No.: 28S
Range: 1E

S/D No. 76-107

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: MacArthur Beach

General Location: NW 1/4, Sec. 17, T28S, R1E, 6P.M. (South of MacArthur Road, between Seneca and Gold Streets)

Name of Property Owner: MacArthur Beach Properties

Address: 1900 Amidon Wichita, Ks. 67203 Phone: 838-9301

Name of Subdivider: MacArthur Beach Properties

Address: 1900 Amidon Wichita, Ks. Phone: 838-9301

Name of Agent/Surveyor: Professional Engineering Consultants, P.A.

Address: 1440 E. English Wichita, Ks. 67211 Phone: 262-2691

Date of Application: October 25, 1976

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 39
2. Number of Lots:
 - Residential 5
 - Commercial 0
 - Industrial 0
 - Other -Total Number of Lots 5
3. Minimum Lot Frontage 284 ft.
4. Minimum Lot Area 183,750 sq.ft.
5. Existing Zoning AA
6. Proposed Zoning Assoc. C.U.P. DP 72, Z-1703, Z-1718
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-~~XX~~), Name City of Wichita
10. Public Sanitary Sewers (Yes-~~XX~~), Name City of Wichita
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.

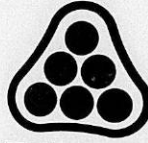
Owner's Signature: William J. Bantz - partner

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

Received by Lucretia Newby
Date 10/26/76
Fee Submitted \$62.00

DIRECTORS

L. K. BAXTER, JR., P.E.
C. O. KNOP, P.E.
E. E. HYSOM, P.E.
R. B. PEUGH, P.E.
C. J. FREUND, P.E.
W. H. KELTNER, P.E.
R. D. PLETCHER, P.E.
F. D. MIDDLETON, JR., P.E.
J. L. MARTIN, P.E.
K. R. HORNOR, P.E.



**PROFESSIONAL
ENGINEERING
CONSULTANTS**
PROFESSIONAL ASSOCIATION

October 24, 1976

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

Re: MacArthur Beach Preliminary Plat
PEC Project No. 30-75001-369

Dear Mr. Newby:

Transmitted herewith are twenty-nine (29) copies of the preliminary plat of the referenced property.

Also enclosed is the Application for Subdivision Approval and a check in the amount of \$62.00 for the plat filing fee.

Please review and advise our office of any questions you may have.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P. A.

Charles S. Brown
Charles S. Brown
Project Engineer

cc: Mr. Bill Binter
(w/enclosures)

1440 EAST ENGLISH
WICHITA, KANSAS 67211
(316) 262-2691