

PLAT NO. S/D 77-102 MAP NO. 4650

NAME CEDAR DOWNS THIRD ADDITION

LOCATION: West side of 119th Street West, in an
area north of 21st St.

ENGINEER Air Capitol Land Surveyors

OWNER Raymond Van Skiver, et al

APPLICATION FILED 8-1-77

SKETCH PLAT FILED 8-1-77

PRELIMINARY FILED none required

S/D ACTION N/A

FINAL FILED 8-1-77

S/D ACTION 8-11-77 approve; 9-7-78 defer indef.

MAPC ACTION 8-18-77 Approved

BCC ACTION 11-7-78 Approved

RECORDED November 27, 1978

REMARKS _____

PLAT NO. S/D 77-102 MAP NO. 4650

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area north of 21st St.

ENGINEER Air Capitol Land Surveyors

OWNER Raymond Van Skiver, et al

APPLICATION FILED 8-1-77

SKETCH PLAT FILED 8-1-77

PRELIMINARY FILED none required

S/D ACTION 4/2

FINAL FILED 8-1-77

S/D ACTION 8-11-77 approve; 9-7-78 defer indef.

MAPC ACTION 8-18-77 Approved

BCC ACTION 11-7-78 Approved

RECORDED November 27, 1978

REMARKS _____

S/D 77-102 - CEDAR DOWNS THIRD ADD'N. -
West side of 119th St. West, in an
area north of 21st St. - Air Capitol
Land Surveyors.

Map No. 4650
Sec. No. 1
Twp. No. 26S
Range 2W

Subdivision Report and Progress

S/D No.: 77-102

Name: CEDAR DOWNS THIRD ADDITION TO SEDGWICK COUNTY, KANSAS

General Location: West side of 119th St. West, in an area north of 21st St.

Owner: Raymond Van Skiver, et al

Address: 2500 N. Curtis Lane, Wichita 67205 Phone: 722-0759

Subdivider: Same Phone: _____

Address: _____

Engineer/Surveyor: Air Capitol Land Surveyors

Address: 1525 W. 29th St. North, Wichita 67204 Phone: 838-9071

Application Received 8-1-77
Conf. with Applicant _____
Sketch Plat Received _____
Present Zoning "R-1"
Proposed Zoning "R-1"
Letter of Intent _____

PREL. PLAT RECEIVED N/A
S/D Comm. Action N/A
Dept. Report on Prel. N/A

TRACING PROGRESS:
Received 11-1-78
Released _____
Received _____
Released _____

FINAL PLAT RECEIVED 8-1-77
S/D Comm. Action 8-11-77 *approve*
**9-7-78-defer indef.*
Dept. Report on Final 8-15-77
M.A.P.C. ACTION 8-18-77 *Approved*
Dept. Report on Final 8-19-77
Letter on Irons Received NA
Title/Taxes Rec'd & Reviewed 11-1-78
Final Review 10-25-78
Referral to B.C.C. 10-25-78

B.C.C. ACTION 11-7-78 *Approved*

Recorded November 27, 1978

Comments:

** Applicant chose not to have final plat recorded and will agree with conditions of approval as established in 1977 - 9-8-78*

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

S/D 77-102 JB
no zone case
11-30-78
H

CEDAR DOWNS THIRD ADDITION was

filed for record on November 27, 1978

Robert J. McCarty
Register of Deeds

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

CEDAR DOWNS THIRD ADDITION

U S D 266
Attica Township

T9-328

T9-302 (2)

August 31, 1982

Dana J. Winkler, Assistant City Attorney

Robert A. Lakin, Director of Planning

Van Skiver Grievance

Attached for your information are a copy of our staff comments and excerpts from the Subdivision Committee minutes and the Planning Commission minutes when the plat of Cedar Downs Third Addition was reviewed. Both reviewing bodies required the covenant tying lots together into minimum 5-acre sites for use of lagoons. Also attached is a memo and suggested covenant from the Health Department. This covenant was modified only slightly by Mr. Van Skiver before being executed and submitted to the Planning Department for forwarding with the plat to the City Commission for final approval.

You mentioned that the recorded plat does not reference any restrictive covenant being required. It is true that the plat's text does not mention this but there is a film and page number written in the lower right hand corner of page one of the plat which gives the film (336) and page number (1508) of this restrictive covenant. Anyone looking at this plat in the Register of Deeds' Office or ordering a copy of the plat would have this information about the existence of a restrictive covenant. Since restrictive covenants can at times be quite lengthy, we do not require them to be placed in the plat's text. The plat's text usually is reserved for mention of dedications and easements and perhaps a minimum building pad requirement. If you think that restrictive covenants required for plat approval should be in the plat's text, please advise.

Robert A. Lakin
Director of Planning

RAL:LO:bh

Encl.

FINAL PLAT
SUBDIVISION REPORT

office copy
SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 77-102 Name Cedar Downs Third Addition
Date Application Rec'd. 8-1-77 Preliminary Approval N/A
Scheduled S/D Meeting 8-11-77

DESCRIPTION

General Location West side of 119th St. West, in an area north of 21st St. North.

Owner Raymond J. Van Skiver
Surveyor/Engineer Air Capitol Company
Address 1525 W. 29th St. North, 67204 Phone 838-9071

- | | | | |
|---|--|--|-------------------------------|
| 1. Gross Acreage of Plat | <u>78.5</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>70</u> R/W <u>4431</u> ft. | |
| Residential | <u>48</u> | b. <u>50</u> R/W <u>1973.62</u> ft. | |
| Commercial | | c. <u> </u> R/W <u> </u> ft. | |
| Industrial | | d. <u> </u> R/W <u> </u> ft. | |
| Other | | e. <u> </u> R/W <u> </u> ft. | |
| Total Number of Lots | <u>48</u> | TOTAL | <u>6404.62</u> ft. |
| 3. Minimum Lot Frontage | <u>88.46</u> ft. | 8. Sidewalk adjacent to all streets? | <u>yes</u> <u>X</u> <u>no</u> |
| 4. Minimum Lot Area | <u>54,450</u> Sq. ft. | | |
| 5. Existing Zoning | <u>"R-1"</u> | | |
| 6. Proposed Zoning | <u>"R-1"</u> | | |
| 9. Public Water Supply | <u>No</u> (Yes-No), Name <u> </u> | | |
| 10. Public Sanitary Sewers | <u>No</u> (Yes-No), Name <u> </u> | | |
| 11. Health Department Approval (where applicable) | <u>Yes</u> (Yes-No) | | |
| 12. City of Wichita | <u> </u> : Three-Mile Area <u>X</u> | | |

STAFF COMMENTS:

NOTE: This final plat is a portion of a previously approved overall preliminary plat called Cedar Downs.

- A. Soil conditions are such on subject property that the Health Department has advised the applicant that use of septic tanks cannot be permitted. Therefore, the applicant proposes to group lots together in groups of 4 to provide the minimum 5 acre sites required for use of individual waste stabilization lagoons.
- B. The applicant shall have prepared and shall submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons and which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.
- C. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.
- D. The applicant shall guarantee the improvement of West Cedar Downs Lane, East Cedar Downs Lane and Cedar Crest Drive. Said guarantee to be by performance bond, letter of credit, cash or actual construction to County specifications prior to recording of the plat.
- E. Recording of the plat within 30 days after approval by the Board of City Commissioners.

19. S/D 77-102 - Final Plat of CEDAR DOWNS THIRD ADDITION, generally located on the west side of 119th Street West in an area north of 21st Street North.

NEWBY outlined the area on the map and reviewed the staff comments. He recommended approval of the plat subject to the staff comments.

RAYMOND VAN SKIVER, applicant, felt that this Committee should recognize the letter that was originally given concerning the septic tank from the Health Department. He felt the lagoon system was an attractive nuisance. He asked that these items be deleted and go back to the original conditions.

NEWBY commented that on the original plat, Mr. Van Skiver received a memorandum from the Health Department indicating that the soil percolation tests were run on the property and the area to the east was not suitable for septic tanks, but the area to the west was suitable. The applicant engineer redesigned this plat of the east area with the suggestion of combining lots together to provide the minimum 5 acre tracts required for use of individual waste stabilization lagoons.

VAN SKIVER said that until another sewer system is arrived at, he will go to the 5-acre tracts. He felt five acres was too large to convey to someone else.

BAYOUTH asked how far away was the sewer.

NEWBY stated there was a sewer line at 13th and Maize Road, approximately 1½ miles away from this plat.

M.S. MITCHELL, Maintenance-Flood Control, stated that that line could not serve this property.

ROBERT BLEVINS, Kansas Gas & Electric, left his marked copy of the plat for easements to be shown on the final plat.

MOTION: HENNESSY moved, BAYOUTH seconded (SAVINA absent) that the Subdivision Committee recommend to the Planning Commission that this plat be approved, subject to:

- A. The applicant shall have prepared and shall submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.

- B. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.
- C. The applicant shall guarantee the improvement of West Cedar Downs Lane, East Cedar Downs Lane and Cedar Crest Drive. Said guarantee to be by performance bond, letter of credit, cash, or actual construction to County specifications prior to recording of the plat.
- D. Easements as indicated on the marked "engineer's copy" of the final plat shall be indicated on the final plat tracing.
- E. "East Cedar Downs Lane" should be relabeled as Wheatridge.
- F. "West Cedar Downs Lane" should be relabeled as Cedar Downs Lane.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

The meeting adjourned at 4:50 p.m.

DAVID BAYOUTH
ACTING CHAIRMAN

gb

Greider moved, Kamen seconded, and it carried unanimously. Taylor was absent.

-
11. S/D 77-102 - Final plat of CEDAR DOWNS THIRD ADDITION, generally located on the west side of 119th Street West in an area north of 21st Street North.

MOTION: That the Planning Commission recommend to the City Commission that this final plat be approved, subject to:

- A. The applicant shall have prepared and shall submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.
- B. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.
- C. The applicant shall guarantee the improvement of West Cedar Downs Lane, East Cedar Downs Lane and Cedar Crest Drive. Said guarantee to be by performance bond, letter of credit, cash, or actual construction to County specifications prior to recording of the plat.
- D. Easements as indicated on the marked "engineer's copy" of the final plat shall be indicated on the final plat tracing.
- E. "East Cedar Downs Lane" should be relabeled as Wheatridge.
- F. "West Cedar Downs Lane" should be relabeled as Cedar Downs Lane.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Greider moved, Kamen seconded, and it carried unanimously. Taylor was absent.

Chairman GOEBEL read the following statement which is applicable to all zoning cases in the City of Wichita.

As a result of the City Commission adopting a policy for considering zoning cases on the written record of the Planning Commission, this is to advise those of you who have an interest, either as proponents or opponents, that after we make our recommendation, if you

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE October 19, 1978



TO Curtis Newby, Junior Planner

FROM Steve Innes, Environmental Conservation Coordinator

SUBJECT Cedar Downs Third Addition
S/D 77-102

Attached is a copy of an approvable Restrictive Covenant with language modified from that as is proposed by the applicant. It addresses the problems which we have voiced in regard to satisfying permit requirements for waste stabilization ponds.

As you may notice, we are no longer insisting that the lots be pre-grouped into 5 acre sites and identified by covenant. Although the pre-grouping should be of great help to the developer and to potential buyers in insuring that odd, unbuildable lots are not left as buying progresses, we are willing to see what transpires.

If the attached covenant should be acceptable to the developer as is, please consider this as our approval for use of lagoons and individual water wells with the following conditions:

1. That a Sewerage Facility Permit is obtained from the Health Department for any new building (before the Building Permit).
2. That at such time as public sewers are available, they are utilized.
3. That water wells be constructed by a state licensed Water Well Contractor or otherwise in accordance with Article 30 of the State Health Regulations.


Steve Innes, Coordinator
Environmental Conservation

SI/lb

Attachment

cc: Raymond Van Skiver
2500 North Curtis Lane
Wichita, Kansas 67205

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, the owner of the following described real property, to wit:

All Lots in Cedar Downs Third Addition
Wichita, Sedgwick County, Kansas

do hereby create and impose on the above-described real property, the following restrictive covenant which shall be filed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, and which shall run with the above-described real property, and all deeds and conveyances of all or any part thereof shall be subject thereto, for the period of time hereinafter set forth.

Until such time as municipal or central sanitary sewer facilities are available and accessible to the above-described real property no construction or development of improvement upon said lots shall be permitted except:

(1) Upon an aggregate building site containing a minimum of 5 acres (public roads and other dedications not included),

AND

(2) Upon a parcel comprised of whole and contiguous lots (partial lots not included);

AND

(3) Upon lots which by their overall configuration provide a suitable building site which will satisfy state standards governing the positioning of an approved-type sewage waste stabilization pond.

Provided, however, this restrictive covenant shall become null and void and of no further force and effect only as soon as municipal or central sanitary sewer facilities are made available and accessible to each of the lots above-described or that said owner is able to establish by means acceptable to the Wichita-Sedgwick County Department of Community Health that a satisfactory soil percolation rate of 60 minutes/inch exists in native soil upon that single lot to be used as his building site, in which case a soil absorption system for sewage disposal may be approved.

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE August 26, 1982



TO Robert A. Lakin, Director of Planning
FROM Dana J. Winkler, Assistant City Attorney
SUBJECT Van Skiver Grievance

I have been assigned to review the "Petition for Redress of Grievance" which you forwarded to Mr. Dekker. It will assist me in this regard if you will provide copies of the documentation establishing that the restrictive covenant, filed by Mr. Van Skiver on November 14, 1978, regarding Cedar Downs Third Addition was, in fact, a requirement of the Metropolitan Area Planning Commission as a condition for approving the plat. The copy of the plat on file with the Register of Deeds does not appear to make any reference to such a restrictive covenant being required.

I have also obtained a copy of the restrictive covenant that the Van Skivers filed on July 14, 1981 and in it they refer to meeting the recommendations set forth by the Sedgwick County Health Department on May 5, 1969. This refers to a letter of that date from Mr. F. D. Deay, Chief of the Public Health Engineering Services at that time. They also filed a copy of this letter with the affidavit. This is the same letter that Mr. Van Skiver used in his lawsuit of approximately one and one half years ago when he attempted to force the Health Department to issue septic tank permits. It has been explained to Mr. Van Skiver on numerous occasions that the statements in this letter, regarding the area required for such a septic system, were not correct but since this is the most favorable documentation for his position he keeps coming back with it every time he wants the permits.

Also, in passing, Mr. VanSkiver did sell two lots in this addition and as a result was sued by the purchasers because title to the lots was not merchantable because the buyers could not get a permit for a septic system. This lawsuit resulted in a judgment for more than \$23,000.00 which has been appealed to the Kansas Court of Appeals. This is probably what has prompted Mr. Van Skiver to raise the issue one more time.

Thank you for your assistance.

Dana J. Winkler
Dana J. Winkler
Assistant City Attorney

RECEIVED

DJW:dks

AUG 26 1982

METROPOLITAN PLANNING

ROUTE _____

FROM LAKIN DATE 8/17/82

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input checked="" type="checkbox"/> Schwartz	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Chambers	<input type="checkbox"/> Garland
<input type="checkbox"/> Hanson	<input type="checkbox"/> Curfman	<input type="checkbox"/> Fleck	<input type="checkbox"/> Singhal
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input type="checkbox"/> Nagley	<input type="checkbox"/> Whitney
<input type="checkbox"/> Lakin, E.	<input type="checkbox"/> Flynn	<input checked="" type="checkbox"/> Olivarez	<input type="checkbox"/> —
<input type="checkbox"/> Nelson	<input type="checkbox"/> Hart	<input type="checkbox"/> Shirkey	
<input type="checkbox"/> Scott	<input type="checkbox"/> Losew	<input type="checkbox"/> McDonald	
<input type="checkbox"/> —	<input type="checkbox"/> Shen		
	<input type="checkbox"/> Spain		
	<input type="checkbox"/> Vinson		
	<input type="checkbox"/> —		

<input type="radio"/> Note & Return	<input type="radio"/> Signature
<input type="radio"/> Handle	<input type="radio"/> Library
<input type="radio"/> At Staff	<input type="radio"/> Information
<input type="radio"/> Comment	<input type="radio"/> Files

REMARKS File with Cedar Downs Addition.

T9-105

August 16, 1982

Metropolitan Area Planning Commission
Robert A. Lakin, Director of Planning

Grievance - Raymond J. Vanskiver

Attached is a xerox of a letter we received by certified mail addressed to "Sedgwick County Planning Commission". Since I assume it was intended to reach the MAPC, I thought you would want a copy of this rather amazing letter. I am not sure what his grievance is except it is safe to assume that he is unhappy.

I have had my staff advise me as to any current activity with Mr. Vanskiver, and we find nothing of current activity. He owns land at 119th West and 21st Street, and has platted several subdivisions, the last of which is Cedar Downs 3rd Addition. This has been recorded for some time. As a condition of recording, the Health Department required a covenant to be filed that said that building sites must be a minimum of five acres for lagoon utilization. In March of 1981, Vanskiver asked the Health Department for septic tanks permits on individual platted lots of 1 to 1-1/2 acres. This was denied by the Health Department. A number of other notes in the file indicate that covenants have been filed for 1st and 2nd Addition, and subsequently Vanskiver has filed a covenant which "voided all previous covenants".

At the moment I know of no action the Commission should take individually or as a body. I have furnished copies of this letter to both the City Legal Department and County Legal Department. If anything further occurs, I will advise you. Should you have any direct contact concerning the matter, please let us or our legal staff know.

Robert A. Lakin
Director of Planning

RAL:eme
Attachment

cc: William D. Rustin, County Counselor
John Dekker, Director of Law

c/o Kansas State Attorney General

Certified Mail No. P26 444 0912

FROM: The signer, signers, et al:
(I/We/Us/Our/My*)
of attached petition

RE: Attached petition for Redress of
Grievance. †

The assumptive jurisdiction over our
(I/We/Us/Our/My*) rights, property
and pursuit of happiness.

This is a SPECIAL APPEARANCE
only to challenge and deny jurisdic-
tion as will be all related appearances.

Points and authorities in this text.

Dear Mr. Governor and Attorney General,

NOW COMES, RAYMOND J. VAN SKIVER, a natural individual person, asserting
introviros demands!

Greetings:

We are in dire need of your assistance in resolving and ending the Grievance that the City
of Wichita, KS, and its City Commission; together with Sedgwick County and its Com-
missioners, have authorized (Unlawful, illegal and unconstitutional) regulatory commit-
tees to deprive us* of our* inalienable rights!

We* are not lawyers (we* are acting as our own counsel, pro se) nor need we* be, we* are
relying on research, and Common Law as natural individual persons (Sovereign American
Freemen) should, and

The Sedgwick Planning Commission, the City-County Health Department, and the
County Zoning Department are in violation of Title 18, Sec. 241 and Sec. 242; Title 28,
Sec. 2072; Title 42, Sec. 1983 thur Sec. 1986, and

Article 1, Sec 10 (1) of the United States Constitution (impairing the Obligation of Con-
tracts), and Amendment 14, Section 1, (deprive any person of property without due
process of law), and

Kansas Statutes, K.S.A. 12 - 704, 12 - 704A, 12 - 705, 12 - 705C, and K.S.A. 12 - 708,
notwithstanding, and

It would be frivolous to say, "other cities have them, other counties have them, other
cities in the same counties have them." Again we rely upon the State Constitution --
"If it doesn't infringe upon our rights, it is their right to be regulated, and

We* do not, have not, and will not waive, knowingly, nor purposefully, nor otherwise,
our* Rights, Privileges, Immunities, and Protections under the Law, and

We* are not enfranchises of government at any level anywhere, and

We* are not a ward of the state in any way what-so-ever, and

We* are unenfranchised natural individual persons (Sovereign American Freemen), and

We* retain and possess title deed to all our* Rights and Immunities, (the attached peti-
tion is incomplete, absent this attachment, and the two are inseparable, and of no con-
sequence as to law of fact if considered separately), and

RECEIVED
AUG 10 1986
METRO-D
ROUTE

An amendment to the state constitution which may be involved does not operate in personam on use*, but is intended only to operate in rem against the world, against classes, or things — — such as state created persons — — or persons in a class of which class we* are not a member or beneficiary, and other invalidating causes, and

We* are protected in our* Immunity by other validating causes, and

We request that all enforcement proceedings in process or contemplated by the City of Wichita KS City Commission and Sedgwick County KS Commissioners, the City - County Planning Commission, the City County Health Department and the County Zoning Department, in this or any related or like case or matter be immediately TERMINATED and substantively reversed — — —, and

We* be restored to Status Quo ante until the complained of Commissions and Department et al. proves as herein asked that the challenged and denied and otherwise complained of jurisdiction exists and is LAWFULLY being applied to us*, and

Or challenge to and denial of, and attack upon the herein complained of jurisdiction of Commissions and their department et al, as a matter of law is proper [5 USC 706, 5 USC 558(B), 5 USC 554(D)(2)], and

The burden of proof is on the Commissions and their Departments et al. under 5 USC, 569 S. 2, 5 USC 556 (d), and

You, Mr. Governor of Kansas and State Attorney General of Kansas are required by your sworn oath of office to protect our* Rights as we* are natural individual persons (Sovereign American Freemen), and

We respectfully request you notify all agencies et al. of our* petition and help us* resolve this important matter !

Sincerely,


Raymond J. VanSkiver,
Signers, et al.

cc: Attorney General, State of Kansas et al.
Wichita City Commissioners et al.
Sedgwick County Commissioners et al.
Sedgwick County Health Department et al.
Sedgwick County Zoning Department et al.
Sedgwick City - County Planning Commission et al.

PETITION FOR REDRESS OF GRIEVANCE

TO: Governor of State of Kansas
c/o State Attorney General
c/o Sedgwick County Commissioner †
c/o Sedgwick Co. Planning Commission †
c/o Wichita KS City Commissioners †
c/o Sedgwick Co. Health Department †
c/o Sedgwick Co. Zoning Department †

Date

Certified Mail

Re: Unconstitutional, illegal, unlawful acts of assumptive jurisdiction, over I/We/Us/Our* rights, property and pursuit of happiness:

FROM: The signer, signers, et al:
(I/We/Us/Our*)

PETITION FOR REDRESS OF GRIEVANCE+, under the first amendment of the United States Constitution and fifth, fourteenth, fourth, sixth, ninth, tenth, thirteenth amendments there to: and/or:

AFFIDAVIT

I/We/Us/Our*, being duly sworn, depose and state:

That I*, my family, and we* as a unit DEMAND all the Rights and Immunities of citizens of the several states as contemplated by and intended in the United States Constitution and as United States Citizens therein intended, as are secured otherwise by the Common Law of the several states, and declare that we* are severally a natural individual person (Sovereign American Freeman) and FREE inhabitant of America otherwise and as is contemplated and intended by the unequivocal grants of this land to me* and us* severally and in combination of free and common socage. And we* severally as natural individual persons demand the same and all other Rights and Immunities which are ours* by right and grant otherwise; and I* demand the same: and your power, and thus your jurisdiction over us*, an unenfranchised natural individual person (Sovereign American Freeman) is non-existent. And where jurisdiction is challenged, jurisdiction must be proven: and your (Wichita KS - Sedgwick County Commissions, their Planning Commission together with their Health and Zoning Departments) acts in rem and in personam against us* in personam and in rem are actionable. (title 18, Sec. 241, and Sec. 242, title 28, Sec. 2072, title 42, Sec. 1983 thur 1986). And therefore conduct yourself accordingly and timely, materially and substantively respond within 30 to the petition as 5 USC 555 (E), 5 USC 557 and 5 USC (B) (3) require.

- + Time is of essence, failure to properly and materially and substantially respond to this petition within 30 days, will be deemed to be recognition of an acquiescence in the matters of fact and law expressed and implied.
- * I/We/Us/Our/My - must be viewed and understood to mean that each and every one of the signatures, and attached signatures petitions for Redress of Grievance on their behalf as natural individual persons (Sovereign American Freeman) and not as a class.
- † County Commissioners, Planning Commissioners, City Commissioners, County Health Department, County Zoning Department, must be viewed and understood to mean that each person severally and individually is accountable to the petition as an individual and not as a class.

Name
Raymond Van Swin

Address
2220 N Cedar Creek Dr,
Wichita KS 67225

Raymond J. VanSkiver
2220 N. Cedar Crest Dr.
Wichita KS 67223



Salgwick County Planning Commission
City Bldg
Wichita KS.

CERTIFIED
P26 4440912
MAIL

RETURN RECEIPT REQUESTED

FROM: PO DATE: _____

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input checked="" type="checkbox"/> Chambers	<input type="checkbox"/> Garland
<input type="checkbox"/> Hanson	<input type="checkbox"/> Curfman	<input type="checkbox"/> Fleck	<input type="checkbox"/> Singhal
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input checked="" type="checkbox"/> Nagley	<input type="checkbox"/> Whitney
<input type="checkbox"/> Lakin, E.	<input type="checkbox"/> Flynn	<input checked="" type="checkbox"/> Olivarez	<input type="checkbox"/> _____
<input type="checkbox"/> Nelson	<input type="checkbox"/> Hart	<input type="checkbox"/> Shirkey	
<input type="checkbox"/> Scott	<input type="checkbox"/> Losew	<input type="checkbox"/> McDonald	
<input type="checkbox"/> _____	<input type="checkbox"/> Shen		
	<input type="checkbox"/> Spain		
	<input type="checkbox"/> Vinson		
	<input type="checkbox"/> _____		

Note & Return
 Handle
 All Staff
 Comment
 Signature
 Library
 Information
 Files

Esposito

REMARKS *Why do we have going involved w/ this person I'm not sure but he is probably complaining about not being able to get specific tank permits on his contractors' lots.*

We have no active cases of Mr. Van Skinner's.
His 3 Cedar Downs plots have been recorded.
The 1st and 2nd Additions were approved for
septic tanks. 3rd Addition required lagoons.
3rd Addition lots were generally 1 1/2 acres in
size. A covenant was required to be filed
which stated that building sites must be a
minimum of 5 acres. (Copy attached.)

Planning
Health

We originally tried to get Van Skinner to
specify which lots would be sold together
but he objected. Health Dept., in memo
dated 10-19-78, agreed to the covenant as worded.

In March 1981, Van Skinner asked Health Dept.
for septic tank permits for Cedar Downs 3rd.
This was denied, of course, and Mike Everhart
wrote to him reiterating the lagoon requirement.

Our Cedar Downs (1st) Add. file contains a letter
to Van Skinner from Jim Aiken saying that only
the west portion of his land (later platted as
Cedar Downs 1st and 2nd) was suitable for septic
tanks. Letter dated 7-21-72.

On July 14, 1982, Van Skinner received a covenant
on Film 486 Pg 603 which voided all previous covenants.
We did not know about this and I'm sure the Health
Dept. also did not know. I'm not sure how valid this
second covenant is.

Loise 8-16-82

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, the owner of the following described real property, to wit:

All lots in Cedar Downs Third Addition
Wichita, Sedgwick County, Kansas

do hereby create and impose on the above-described real property, the following restrictive covenant which shall be filed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, and which shall run with the above-described real property, and all deeds and conveyances of all or any part thereof shall be subject thereto, for the period of time hereinafter set forth.

Until such time as municipal or central sanitary sewer facilities are available and accessible to the above-described real property no construction or development of improvement upon said lots shall be permitted except:

(1) Upon an aggregate building site containing a minimum of 5 acres (public roads and other dedications not included).

AND
(2) Upon a parcel comprised of whole and contiguous lots (partial lots not included):

AND
(3) Upon lots which by their overall configuration provide a suitable building site which will satisfy state standards governing the positioning of an approved-type sewage waste stabilization pond.

*filed
11-14-78
4-13573*

Provided, however, this restrictive covenant shall become null and void and of no further force and effect only as soon as municipal or central sanitary sewer facilities are made available and accessible to each of the lots above-described or that said owner is able to have an approved testing laboratory establish that a satisfactory soil percolation rate of 60 minutes / inch exists in native soil upon that single lot to be used as his building site, in which case a soil absorption system for sewage disposal may be approved.

IN WITNESS WHEREOF, we have hereunto set our hands this *23* day of *October* 1978.

Raymond J. VanSkiver
Raymond J. VanSkiver

Alma L. VanSkiver
Alma L. VanSkiver

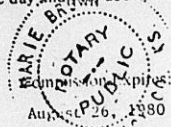
"OWNERS"

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, That on this *23* day of *October*, 1978, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Raymond J. VanSkiver and Alma L. VanSkiver, husband and wife, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

Marie Brown
Notary Public Marie Brown



F. 1 246 P. 1508

August 16, 1982

William D. Rustin, County Counselor
Robert A. Lakin, Director of Planning

VanSkiver Grievance

Attached is a letter which we received addressed to the "Sedgwick County Planning Commission" concerning a grievance of VanSkiver. I have furnished a copy to the City's Director of Law, as well as a copy of my staff's notes as to what has been going on in relation to any contact with VanSkiver. The notes are from Louise Olivarez. I have advised the Planning Commission that there is no action that we should take at this time. I know of nothing that anybody should be doing, but if there is any information that you need or your Commissioners, please advise. Feel free to contact Louise Olivarez or Jack Galbraith of our staff directly.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment

August 16, 1982

John Dekker, Director of Law

Robert A. Lakin, Director of Planning

VanSkiver Grievance

I furnished Borst, last Friday by hand, a copy of VanSkiver's letter addressed to the Attorney General, Commissioners and others. I have asked my staff what is current on VanSkiver, and the attached note from Louise Olivarez is furnished for your information. Also attached is a transmittal letter to the Planning Commission. Please advise me if there is any information you need from our staff.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment



March 4, 1981

RECEIVED

MAR 6 1981

METROPOLITAN PLANNING
RO _____

Mr. Raymond J. Van Skiver
2220 North Cedar Crest Drive
Wichita, Kansas 67223

Dear Mr. Van Skiver:

This letter is in reply to your written request for septic tank permits for Lots 1-13 of Block A, 1-12 of Block B and 1-17 of Block C, Cedar Downs Third Addition. Your request was, I believe, based on a letter dated May 5, 1969, from a Mr. F. D. Deay of the Wichita-Sedgwick County Department of Community Health which simply recommends that "none of the lots be platted with areas of less than 40,000 square feet." Although this statement may have been misleading at the time, it has, in fact, been explained to you on several occasions and it is apparent to me that Mr. Deay did not clearly understand the Subdivision Regulations which had gone into effect on July 1, 1968.

Those regulations required a percolation rate of 90 minutes per inch or less to qualify the lots for the use of septic tanks and lateral fields, and established a minimum lot size of 25,000 square feet. Prior to the effective date of these regulations it was a fairly common practice to simply enlarge the required size of lots to compensate for poorer percolation rates. This was the apparent reasoning behind Mr. Deay's statement in that letter.

Since that time, you have divided the original proposed Cedar Downs Addition into the First, Second and Third Addition and the lots in the First and Second Addition have, in most instances, been approved for individual septic tank/lateral systems. The Third Addition, however, did not pass the minimum percolation test requirements for platting under the Subdivision Regulations (which, in the mean time were revised, and more restrictive, effective July 1, 1975) and it was only through considerable effort by yourself and your attorney in discussions with this Department and the Metropolitan Area Planning Department that the platting of this addition was even allowed. In the restrictive covenant signed by yourself and Alma L. Van Skiver, as a condition of platting approval, you agreed that the building sites would consist of an aggregate of contiguous lots containing a minimum of five acres unless, and only if, you were able to provide data from an approved soil testing laboratory indicating percolation rates of 60 minutes per inch or less on each of the single lots to be used as building

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street - Wichita, Kansas 67214 (316)268-8401

Mr. Raymond J. Van Skiver
March 4, 1981
Page Two

sites. These five acre tracts were to be served by individual, single family sewage lagoons which are currently the best and most cost-effective technology for sewage disposal in soils having poor percolation rates.

To date we have not received any additional information which would alter our previous decision to not issue septic tank/lateral field permits for the Cedar Downs Third Addition and, at this point, I am denying your request for such consideration.

Sincerely,



Michael J. Eyerhart
Acting Environmental Health Director

MJE:pp

Attachments

cc Dr. Fred E. Tosh
Jack Galbraith
Steve Innes
Karen Page

May 5, 1969

Mr. R. J. Van Skiver
2850 North Curtis Lane
R R #7
Wichita, Kansas 67212

Dear Mr. Van Skiver:

On the 2nd of May, 1969, I analyzed the data from percolation tests which were conducted on eight test holes located on your property. This property, approximately 80 acres, is located on the west side of the road about 1/4 mile north of the intersection of 119th West and 21st Street North.

On the basis of my visual inspection of the soil excavated from the test holes and my analysis of the percolation test data, I recommend that none of the lots be platted with areas of less than 40,000 square feet.

Best Regards,



F. D. Deay, Chief
Public Health Engineering Services

FDD:pp

cc James F. Aiken, Jr.
John Gist

2220 N. Cedar Crest Drive
Wichita KS 67223

11 March 1981
Ame

Mr. Everhart - James Atkins:
Sedgwick County Health Department
Wichita, Sedgwick County, Kansas

Dear Sirs:

I hereby request septic permits on the following lots located in Cedar Downs third addition.

Block "A" - 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13;

Block "B" - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;

Block "C" - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.

Thank you for this consideration.



Raymond J. VanSkiver

MICROFILMED
FROM THE BEST
AVAILABLE COPY

TWO

PLEASE DO NOT FOLD OR MUTILATE

<p>IMPORTANT - IF THIS STATEMENT IS \$10.00 OR LESS, IT MUST BE PAID IN FULL.</p>	<p>PLEASE CONTACT COUNTY ASSESSOR ON QUESTIONS ABOUT ASSESSED VALUATION</p>	<p>LEGAL DESCRIPTION</p> <p>W 1/4 Sec 17 T 28 N R 35 W 30 ft & sec W 30 ft E 2101.36 ft N 1/4 Sec 17 T 28 N R 35 W 30 ft & sec W 30 ft E 2101.36 ft & sec E 30 ft S 300 ft E 1/4 Sec 17 T 28 N R 35 W 30 ft S 172 ft & sec Cedar Downs & Cedar Downs 2nd Addition Sec 1-27-28 11-8-77</p> <p style="text-align: right;">1977 Real Estate Tax</p>						
<p>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</p>	<p>77-00-7312-16-1-0 02-01 Vandiver, Raymond J. 56th 2621 N. Curtis Wichita, Mo. 67212</p>	<p style="text-align: center;">MAKE CHECKS PAYABLE TO SEDGWICK COUNTY TREASURER WICHITA, KANSAS 67203 PH. (316) 268-7651</p>						
<p>PLEASE INDICATE ANY CHANGE OF ADDRESS</p>		<p>INTEREST PAID RECEIPT NO.</p>						
<p>DATE</p>		<p>INTEREST PAID RECEIPT NO.</p>						
<p>76 DEC 20 77 319.98 100 319.98 7606079539</p>		<p>INTEREST PAID RECEIPT NO.</p>						
VALUATION	MILL LEVY	% GENERAL TAX	SPECIAL TAX	TOTAL TAX	FIRST HALF	SECOND HALF	1977 Real Estate Tax	010
10,172	.0172	.54	.00	319.98	159.99	159.99		
							TOTAL PAID	RECEIPT NO.

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 77-102 Name Cedar Down's Third Addition
Application & Sketch Filed: 8-1-77
Preliminary Plat Filed: N/A Approved by S/D: N/A
Final Plat Filed: 8-1-77 Approved by S/D: 8-11-77
Approved by Metropolitan Area Planning Commission: 8-18-77

DESCRIPTION

General Location: West side of 119th Street West in an area north
of 21st Street

Surveyor or Engineer: Air Capital Land Surveyors
Owner: Raymond Van Skiver
Address: 2500 N. Curtis Lane, 67205

- | | | |
|--|-----------------------------|---------------------------|
| 1. Gross Acreage of Plat <u>78.5</u> | 6. Access Control | |
| 2. Number of Lots: | St. <u>119th</u> | No. Openings <u>0</u> |
| Residential <u>48</u> | St. _____ | No. Openings _____ |
| Commercial _____ | St. _____ | No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements | |
| Other _____ | St. Paving <u>not req'd</u> | Water <u>not req'd</u> |
| Total Number of Lots: <u>48</u> | Sidewalk <u>not req'd</u> | Drainage <u>not req'd</u> |
| 3. Minimum Lot Area: <u>1.25</u> Acres | Sewer <u>not req'd</u> | Other <u>NONE</u> |
| 4. Existing Zoning <u>R-1</u> | | |
| 5. Special Problems Discussed _____ | | |

The Health Department has approved the use of individual water wells and waste treatment lagoons on subject property provided that minimum 5 acre sites are utilized until sewer is available. The County has accepted the streets which already have been constructed.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. The applicant shall submit a restrictive covenant tying the platted lots together in such a fashion as to permit one building site on each aggregate of 5 acres until such time as sanitary sewer is available.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Greider moved, Kamen seconded, and it carried unanimously. Taylor was absent.

ACTION: Instruct the City Clerk to file the restrictive covenant with the Register of Deeds. the 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.

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, the owner of the following described real property, to wit:

All lots in Cedar Downs Third Addition
Wichita, Sedgwick County, Kansas

do hereby create and impose on the above-described real property, the following restrictive covenant which shall be filed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, and which shall run with the above-described real property, and all deeds and conveyances of all or any part thereof shall be subject thereto, for the period of time hereinafter set forth.

Until such time as municipal or central sanitary sewer facilities are available and accessible to the above-described real property no construction or development of improvement upon said lots shall be permitted except:

- (1) Upon an aggregate building site containing a minimum of 5 acres (public roads and other dedications not included).

AND

- (2) Upon a parcel comprised of whole and contiguous lots (partial lots not included):

AND

- (3) Upon lots which by their overall configuration provide a suitable building site which will satisfy state standards governing the positioning of an approved-type sewage waste stabilization pond.

filed 11-14-78 #4-13573

Provided, however, this restrictive covenant shall become null and void and of no further force and effect only as soon as municipal or central sanitary sewer facilities are made available and accessible to each of the lots above-described or that said owner is able to have an approved testing laboratory establish that a satisfactory soil percolation rate of 60 minutes / inch exists in native soil upon that single lot to be used as his building site, in which case a soil absorption system for sewage disposal may be approved.

IN WITNESS WHEREOF, we have hereunto set our hands this 23 day of October 1978.

Raymond J. VanSkiver
Raymond J. VanSkiver

Alma L. VanSkiver
Alma L. VanSkiver

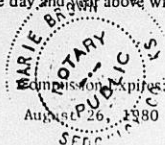
"OWNERS"

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, That on this 23 day of October, 1978, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Raymond J. VanSkiver and Alma L. VanSkiver, husband and wife, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

Marie Brown
Notary Public Marie Brown



File 336 Pg 1508

STATUTE WARRANTY DEED
(Joint Tenancy)

FILM 242 PAGE 1032

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AS
... 3:27:08 P.M.

MAY 4 1977
3 27081

NO.
BETTE F. MCCART
REGISTER OF DEEDS

This space for Reg. Deeds

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the Seller(s) convey(s) and warrant(s) to Buyers the hereinafter described real estate.

SELLER(S): Harold B. McDaniel and Helen A. McDaniel, his wife

BUYERS: Raymond J. VanSkiver and Alma L. Van Skiver, his wife

This title is conveyed to Buyers as joint tenants with rights of survivorship and not as tenants in common.

LEGAL DESCRIPTION: The East 127 acres of the Southeast Quarter of Section 1, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, Except the South 660' of the East 350', and Except the West 330 feet of the East 680', of the South 660' thereof; and Except beginning 680 feet West of the Southeast corner of the said Southeast Quarter, thence North 172', thence West 210', thence South 172', thence East 210' to point of beginning, and Except commencing at the Northwest corner of said East 127 acres of said Southeast Quarter, thence South 330'; thence East 330' on a line parallel with the North line of said Southeast Quarter, thence North 330' to the North line of said Southeast Quarter, thence West 330' to the point of beginning.

THE FEE SIMPLE TITLE conveyed hereby is subject to the following encumbrances:
Easements of record

EXECUTED this April 15, 1967.

Harold B. McDaniel Helen A. McDaniel
Harold B. McDaniel Helen A. McDaniel

ENTERED ON
TRANSFER RECORD

MAY 4 1977

DORJTHY K. WHITE
COUNTY CLERK

STATE OF KANSAS, County of Sedgwick: SS

On this April 15, 1967, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared:
Harold B. McDaniel and Helen A. McDaniel, his wife

to me personally known to be the same person(s) who executed the within and foregoing instrument of writing and acknowledged to me that the same was executed as a free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires:

March 4, 1968

S.F. Suellentrop
Notary Public
S.F. Suellentrop

Call CALLAHAN GUARANTEE for title evidence.

Raymond O. Van Skiver
1613 High

5.00

3550 Cedarcrest Drive, 67223

Original Compared
with Record

Of this copy

RAYMOND J. VAN SKIVER
& Borlase, Dennison,
Suhm, Inc., Realtors
Wichita, Kansas

TITLE OPINION

Real Estate Included:

The East 127 acres of the Southeast Quarter of Section 1, Township 27 South, Range 2 West of the 6th Principal Meridian, Except the South 660 feet of the East 350 feet and Except the West 330 feet of the East 680 feet, of the South 660 feet thereof; and Except beginning 680 feet West of the Southeast corner of the Southeast Quarter of Section 1, Township 27 South, Range 2 West of the 6th Principal Meridian, thence North 172 feet, thence West 210 feet, thence South 172 feet, thence East 210 feet to point of beginning, Sedgwick County, Kansas.

This is to certify that I have made a careful examination of the accompanying title evidence and based thereon my opinion is that merchantable title to the above described real estate is in:

Harold B. McDaniel and Helen A. McDaniel, his wife, as joint tenants with rights of survivorship and not as tenants in common

SUBJECT TO:

1. MORTGAGES: None shown in abstract
2. TAXES: First half of 1966 and prior years paid.
3. EASEMENTS AND RIGHTS OF WAY: (See below)
4. RESTRICTIVE COVENANTS: The Agreement at #51 is in the nature of restrictions and should be examined (258/365)
5. OTHER ENCUMBRANCES: None
6. Effective date of opinion is same as certification date on title evidence, to-wit: March 29, 1967

SUGGESTIONS

1. All mortgage and other liens should be paid on or before closing unless assumed, in which event you should receive a certificate as to the amount assumed.
2. Inquire as to the rights of anyone in possession and satisfy yourself as to the location of property lines.
3. Check with the City Clerk and/or County Treasurer for future installments of special assessments.
4. Determine that there are no unpaid bills for labor or material for improvements during the past four months that could form the basis for a mechanic's or materialmen's lien.

TITLE REQUIREMENTS - None

EASEMENTS:

1. Kansas Gas & Electric Co., easement appears at Entry #31 (130/389)
2. A ~~Gas~~ easement to Sedgwick County appears at Entry #42 (214/51)
3. A water right-of-way to The City of Wichita appears at Entry #54 (533/579)

EXAMINING ATTORNEY

By _____

John Callahan
Attorney at Law

8-1682

Film 486 P9603
document # 5-46556
recorded 7-14-81
executed by Mr-Mrs Van Spive

- 1) voids all previous covenants
- 2) establishes certain other restrictions. Eg.:
 - no trailers
 - single family only
 - etc.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE October 19, 1978



TO Curtis Newby, Junior Planner

FROM Steve Innes, Environmental Conservation Coordinator

SUBJECT Cedar Downs Third Addition
S/D 77-102

Attached is a copy of an approvable Restrictive Covenant with language modified from that as is proposed by the applicant. It addresses the problems which we have voiced in regard to satisfying permit requirements for waste stabilization ponds.

As you may notice, we are no longer insisting that the lots be pre-grouped into 5 acre sites and identified by covenant. Although the pre-grouping should be of great help to the developer and to potential buyers in insuring that odd, unbuildable lots are not left as buying progresses, we are willing to see what transpires.

If the attached covenant should be acceptable to the developer as is, please consider this as our approval for use of lagoons and individual water wells with the following conditions:

1. That a Sewerage Facility Permit is obtained from the Health Department for any new building (before the Building Permit).
2. That at such time as public sewers are available, they are utilized.
3. That water wells be constructed by a state licensed Water Well Contractor or otherwise in accordance with Article 30 of the State Health Regulations.

Steve Innes
Steve Innes, Coordinator
Environmental Conservation

SI/1b

Attachment

cc: Raymond Van Skiver
2500 North Curtis Lane
Wichita, Kansas 67205

ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

<p>Administration Budget Controller Data Processing Purchasing Duplicating Stationery Stores Ret. & Insurance Treasury</p> <p>Airport Authority</p> <p>Art Museum</p> <p>City Manager C. P. O. City Clerk City Commission Com./Status of Women Personnel Personnel Training Public Affairs</p> <p>Civil Rights & E. E. O.</p> <p>Community Development Administration Community Action</p>	<p>Community Services Contracts Admin. Job Teams Local Housing Authority</p> <p>Community Facilities Building Services Community Arts Omnisphere</p> <p>Credit Union</p> <p>Economic Development Energy Resources Industrial Development</p> <p>Emergency Communications</p> <p>Fire Department</p> <p>Grievance Office</p> <p>Health Department</p> <p>Law Department</p> <p>Library</p> <p>M. T. A.</p> <p>Municipal Court</p> <p>Park Department Forestry Recreation</p>	<p>Planning Department Graphics Empl. & Training Center</p> <p>Police Department Motor Pool</p> <p>Public Works Administration Central Inspection Engineering Flood Control Maintenance Sanitation Traffic Engineering</p> <p>Urban Renewal</p> <p>Water Department Accounting Engineering Filter Plant Gas Utility Mains & Services Water Pot. Control</p>
--	---	--

For: 1-101- Curtis Newby

For your information _____ For your comments _____

MESSAGE:

Signed Health Date 10-19
#000-013 R76

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, the owner of the following described real property, to wit:

All Lots in Cedar Downs Third Addition
Wichita, Sedgwick County, Kansas

do hereby create and impose on the above-described real property, the following restrictive covenant which shall be filed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, and which shall run with the above-described real property, and all deeds and conveyances of all or any part thereof shall be subject thereto, for the period of time hereinafter set forth.

Until such time as municipal or central sanitary sewer facilities are available and accessible to the above-described real property no construction or development of improvement upon said lots shall be permitted except:

(1) Upon an aggregate building site containing a minimum of 5 acres (public roads and other dedications not included),

AND

(2) Upon a parcel comprised of whole and contiguous lots (partial lots not included);

AND

(3) Upon lots which by their overall configuration provide a suitable building site which will satisfy state standards governing the positioning of an approved-type sewage waste stabilization pond.

Provided, however, this restrictive covenant shall become null and void and of no further force and effect only as soon as municipal or central sanitary sewer facilities are made available and accessible to each of the lots above-described or that said owner is able to establish by means acceptable to the Wichita-Sedgwick County Department of Community Health that a satisfactory soil percolation rate of 60 minutes/inch exists in native soil upon that single lot to be used as his building site, in which case a soil absorption system for sewage disposal may be approved.

September 11, 1978

Mr. Raymond VanSkiver
2500 N. Curtis Lane
Wichita, Kansas 67205

Subject: S/D 77-102 - Final plat of Cedar Downs Third Addition,
generally located on the west side of 119th Street West
in an area north of 21st Street North

Dear Mr. VanSkiver:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, the above captioned matter was considered. The action of the Committee was to defer this matter indefinitely since you were not present or represented at the meeting.

I would appreciate your contacting our office as soon as possible regarding the rescheduling of your request for appeal of the plat approval conditions.

Sincerely yours,

Curtis L. Newby
Junior Planner

CLN:bh

cc: James Aiken, Director of Environmental Health, Community Health
Department,

August 22, 1978

Mr. Raymond Van Skiver
2500 N. Curtis Lane
Wichita, Kansas 67205

Subject: S/D 77-102 - Cedar Downs Third Addition

Dear Mr. Van Skiver:

After our phone conversation last week concerning the above referenced plat, I have had time to review the plat and find that the following conditions of the plat approval outlined to you in copies of our letters dated August 15, and 19, 1977, have not yet been completed:

- A. The applicant shall have prepared and submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.
- B. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.
- 11-1-78 C. Certification by an attorney that fee title is vested in the platlor.
- 11-9-78 D. Certification that all taxes due and payable for 1977 and prior years have been paid.

I have enclosed herewith a sample "restrictive covenant" referred to in Item A above and at such time as all 4 of the above listed conditions have been completed by you, I will be able to schedule your plat for final approval by the Board of City Commissioners and then recording. When you called earlier it had been so long since we had reviewed the case, I, like you, thought the only unresolved problem was the road improvement.

Mr. Raymond Van Skiver
8-22-78
Page 2

I also contacted the Health Department regarding the approved use of sewage lagoons and water wells on this plat. They advise me that no one has contacted them yet regarding the plat.

If you have any questions, or if I can be of any further help, please call.

Sincerely,

Curtis L. Newby
Junior Planner

Encl.
CLN:bh

cc: Air Capitol Land Surveyors, 1525 W. 29th St. North, 67204
Steven Innes, Environmental Health
Joe Freeman, Assistant County Engineer



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1018 STILLWELL
WICHITA, KANSAS 67213

PHONE 268-7901

G. C. McLURE, JR., P. E.
COUNTY ENGINEER/DIRECTOR OF PUBLIC WORKS

Shewly

August 4, 1978

Mr. Raymond Van Skiver
2500 North Curtis Lane
Wichita, Kansas 67205

SUBJECT: Streets in Cedar Downs Addition

Dear Mr. Van Skiver:

We have inspected the above-referenced streets and find they are substantially in compliance with our minimum street standards for suburban areas. Two items need to be done prior to our final acceptance for inclusion on the township system:

1. The removal of the weeds and grass that have grown up on the portions of the roadway.
2. Restoring the sand-gravel surfacing that has been removed.

Please advise us when you have completed the work required and we will inspect again before final approval.

By copy of this letter forwarded to the Metropolitan Area Planning Department, we are giving tentative approval of the roads in this addition.

Yours very truly,

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

cc: Jack Galbraith, MAPD
Mr. Henry Blase, Attorney





SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1015 STILLWELL
WICHITA, KANSAS 67214

268-7901
PHONE 268-7901

G. C. MCLURE, JR., P. E.
COUNTY ENGINEER/DIRECTOR OF PUBLIC WORKS

December 14, 1977

Newby

Raymond Van Skiver
2500 North Curtis Lane
Wichita, Kansas 67205

RE: Cedar Downs Third Addition

Dear Mr. Van Skiver,

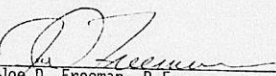
This office has inspected the road improvements in the above-named addition and have the following comments:

1. In many areas the depth of the road ditches is inadequate.
2. The grade of the road ditches is insufficient to prevent siltation or to provide adequate capacity for storm runoff.
3. Two cross-road culverts are undersized and an additional cross-road culvert is needed.
4. Further drainage improvements are needed within the drainage easements.
5. The landowner to the north of the plat must agree to the drainage improvements made between Lots 2 and 3 of Block A. This is necessary as the development of the plat and the drainage improvements required will increase the storm runoff onto this property.

Enclosed is a set of plans showing the corrections necessary to complete the road improvements so as to comply with County standards. Please inform this office when road improvements are complete. If you have any further questions, please contact this office.



Yours very truly,
G. C. McLure, Jr., P.E.
County Engineer/Director
of Public Works

BY 
Joe D. Freeman, P.E.
Assistant County Engineer

cc: Curtis Newby, MAPD

October 27, 1977

Ms. Chris Brennenstuhl, County Public Works Department
Curtis L. Newby, Junior Planner

Cedar Downs Third Addition - street improvements

As you will recall, one of the conditions of the approval of the above referenced plat was that the applicant guarantee the improvement of the streets to suburban standards. The applicant, Mr. Van Skiver, has advised me that the streets have already been constructed. Therefore, I would appreciate your advising me, by letter, when the streets have been inspected and approved by the County Engineer. As on the previous plats in the area, if there are any changes or additional work which needs to be done on the streets to make them acceptable to the County, please have Joe Freeman of the County Engineers office contact Mr. Van Skiver as soon as possible so he can have the changes or additions done.

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

Curtis L. Newby
Junior Planner

CLN:et
cc: Joe Freeman, County Engineers Office
Raymond Van Skiver

August 18, 1977

Air Capitol Land Surveyors
1525 West 29th Street, North
Wichita, Kansas 67204

Re: S/D 77-102 - Final plat of
CEDAR DOWNS THIRD ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on August 18, 1977, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of August 15, 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.

8-23-77 Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.

11-1-78

Certification by an attorney that fee title is vested in the plattor.

11-9-78

Certification that all taxes due and payable for 1976 and prior years have been paid. *JH. Taylor*

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:bb

cc: Raymond Van Skiver, et al, 2500 N. Curtis Lane, 67205
Dean Sellers, Assistant City Engineer
Joe Freeman, County Building, Planning and Inspection

August 15, 1977

Air Capitol Land Surveyors
1525 West 29th Street North
Wichita, Kansas 67204

Re: S/D 77-102 - Final plat of
CEDAR DOWNS THIRD ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 11, 1977, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. The applicant shall have prepared and shall submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.
- B. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.

Q. The applicant shall guarantee the improvement of West Cedar Downs Lane, East Cedar Downs Lane and Cedar Crest Drive. Said guarantee to be by performance bond, letter of credit, cash, or actual construction to County specifications prior to recording of the plat.

D. Easements as indicated on the marked "engineer's copy" of the final plat shall be indicated on the final plat tracing.

E. "East Cedar Downs Lane" should be relabeled as Wheatridge.

S/D 77-102
August 15, 1977
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- F. ✓ "West Cedar Downs Lane" should be relabeled as Cedar Downs Lane.
- G. ✓ Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, August 18, 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: Raymond Van Skiver, et al, 2500 N. Curtis Lane, 67205
Dean Sellers, Assistant City Engineer
Joe Freeman, County Building, Planning & Inspection

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 77-102 Name Cedar Downs Third Addition
Date Application Rec'd. 8-1-77 Preliminary Approval N/A
Scheduled S/D Meeting 8-11-77

DESCRIPTION

General Location West side of 119th St. West, in an area north of 21st St. North.
Owner Raymond J. Van Skiver
Surveyor/Engineer Air Capitol Company
Address 1525 W. 29th St. North, 67204 Phone 838-9071

1. Gross Acreage of Plat 78.5
2. Number of Lots:
 - Residential 48
 - Commercial _____
 - Industrial _____
 - Other _____Total Number of Lots 48
3. Minimum Lot Frontage 88.46 ft.
4. Minimum Lot Area 54,450 Sq. ft.
5. Existing Zoning "R-1"
6. Proposed Zoning "R-1"
7. Lineal Feet of New Streets:
 - a. 70 R/W 4431 ft.
 - b. 50 R/W 1973.62 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL 6404.62 ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply No (Yes-No), Name _____
10. Public Sanitary Sewers No (Yes-No), Name _____
11. Health Department Approval (where applicable) Yes (Yes-No)
12. City of Wichita Three-Mile Area x

STAFF COMMENTS:

- NOTE: This final plat is a portion of a previously approved overall preliminary plat called Cedar Downs.
- A. Soil conditions are such on subject property that the Health Department has advised the applicant that use of septic tanks cannot be permitted. Therefore, the applicant proposes to group lots together in groups of 4 to provide the minimum 5 acre sites required for use of individual waste stabilization lagoons.
 - B. The applicant shall have prepared and shall submit a covenant joining lots together into minimum 5 acre sites for use of the individual waste stabilization lagoons and which shall provide that only one residence per 5 acre site will be permitted until such time as sanitary sewer is available to serve the individual platted lots.
 - C. The applicant shall contact the Environmental Health Division of the Department of Community Health and obtain a letter stating the temporary use of the waste stabilization lagoons and the use of private water wells is approved for subject property.
 - D. The applicant shall guarantee the improvement of West Cedar Downs Lane, East Cedar Downs Lane and Cedar Crest Drive. Said guarantee to be by performance bond, letter of credit, cash or actual construction to County specifications prior to recording of the plat.
 - E. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Map No.: 4650
Section No.: 1
Twp. No.: 26 S
Range: 2 W

S/D No. 77-102

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: CEDAR DOWNS THIRD ADDITION TO SEDGWICK COUNTY, KANSAS

General Location: TWENTY-FIRST STREET NORTH & ONE-HUNDERD NINETEENTH STREET WEST
West side of 119th St West in an area north of 21st St.

Name of Property Owner: RAYMOND VAN SKIVER & ALMA VAN SKIVER

Address: 2500 N. CURTIS LN., WICHITA, KANSAS (25) Phone: 722-0759

Name of Subdivider: SAME

Address: _____ Phone: _____

Name of Agent/Surveyor: AIR CAPITOL LAND SURVEYORS

Address: 1525 W. 29th ST. NORTH, WICHITA, KANSAS (04) Phone: 838-9071

Date of Application: AUGUST 3, 1977

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 78.538
2. Number of Lots:
 - Residential 48
 - Commercial _____
 - Industrial _____
 - Other _____Total Number of Lots 48
3. Minimum Lot Frontage 88.46 ft.
4. Minimum Lot Area 54450 50 sq. ft.
5. Existing Zoning R-1
6. Proposed Zoning R-1
7. Lineal Feet of New Streets:
 - a. 70' R/W 1431 ft.
 - b. 50 R/W 1973.6 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL 1431 6404.6 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply NO (Yes-No), Name _____
10. Public Sanitary Sewers NO (Yes-No), Name _____
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: Raymond Van Skiver

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

Received by Debra Hendry
Date 8-1-77
Fee Submitted N/A