

PLAT NO. S/D 78-56 MAP NO. 5951

NAME COTTONWOOD VILLAGE SECOND ADDITION

LOCATION: East of Woodlawn, in an area south of  
32nd St. North

ENGINEER VanDoren, Hazard, Stallings

OWNER Wichita Development Company % Robert Fox

APPLICATION FILED 6-5-78

SKETCH PLAT FILED \_\_\_\_\_

PRELIMINARY FILED \_\_\_\_\_

S/D ACTION \_\_\_\_\_

FINAL FILED 6-5-78

S/D ACTION 6-15-78 *approve*

MAPC ACTION 6-22-78 *Approved*

BCC ACTION 8-1-78 *Approved*

RECORDED August 10, 1978

REMARKS \_\_\_\_\_

S/D 78-56 - COTTONWOOD VILLAGE  
SECOND ADDITION - East of Woodlawn  
in an area south of 32nd St. North  
by VanDoren, Hazard, Stallings



REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS

SD 78-56

\_\_\_\_\_ COTTONWOOD VILLAGE 2nd \_\_\_\_\_ ADDITION was  
Re filed for record on September 11, 1978  
Barry J. McCall  
Register of Deeds

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

T9-328

*Division changes  
certain addition*

REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS

7  
8-16-78

\_\_\_\_\_ COTTONWOOD VILLAGE SECOND \_\_\_\_\_ ADDITION was  
filed for record on August 10, 1978  
Barry J. McCall  
Register of Deeds

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

T9-328

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 78-56 Name Cottonwood Village Second Addition  
Application & Sketch Filed: 6-5-78  
Preliminary Plat Filed: n/a Approved by S/D: n/a  
Final Plat Filed: 6-5-78 Approved by S/D: 6-15-78  
Approved by Metropolitan Area Planning Commission: 6-22-78

DESCRIPTION

General Location:

East of Woodlawn in an area north of 29th Street North

Surveyor or Engineer: Van Doren, Hazard & Stallings  
Owner: Wichita Development Company  
Address: 2225 Hathway Circle

- |   |   |
|---|---|
| 1. Gross Acreage of Plat <u>47</u>        | 6. Access Control                         |
| 2. Number of Lots:                        | St. <u>Woodlawn</u> No. Openings <u>0</u> |
| Residential <u>105</u>                    | St. _____ No. Openings _____              |
| Commercial _____                          | St. _____ No. Openings _____              |
| Industrial _____                          | 7. Req'd Improvements                     |
| Other _____                               | St. Paving <u>reqd</u> Water <u>reqd</u>  |
| Total Number of Lots: <u>105</u>          | Sidewalk <u>reqd</u> Drainage <u>reqd</u> |
| 3. Minimum Lot Area: <u>0.16</u> Acres    | Sewer <u>reqd</u> Other <u>none</u>       |
| 4. Existing Zoning <u>AA</u>              |   |
| 5. Special Problems Discussed <u>none</u> |   |

Valid petitions have been submitted guaranteeing the paving of all streets, extension of sanitary sewer to serve all lots, installation of storm sewer and extension of City water to serve all lots. An acknowledgment for construction of sidewalks on all streets has been submitted and a certificate certifying the petitions has been submitted.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. The applicant shall submit restrictive covenants which contain provisions to assure the sidewalk easements will not be obstructed by fencing or plattings.
- B. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Bell moved, Greider seconded and it carried unanimously. May, Hennessy, Savina were absent.

ACTION: Approve the petitions and instruct the Director of Law to prepare the necessary resolutions and instruct the City Clerk to file the acknowledgment, 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.

CERTIFICATE

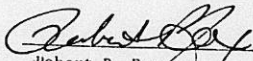
City of Wichita)  
Sedgwick County) ss  
State of Kansas)

I, The Wichita Development Company, owner and plat-  
tor of Cottonwood Village Second Addition, do hereby  
certify that petitions for the following improvements have been submitted to the  
Board of Commissioners of the City of Wichita, Kansas:

1. Water
2. Sanitary Sewer
3. Storm Sewer
4. Asphaltic Concrete Paving
- 5.
- 6.
- 7.

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

Signed this 19th day of July, 1978.



Robert R. Fox  
Attorney in fact for  
The Wichita Development Company

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

Be it remembered that on this 19th day of July, 1978, before  
me, a notary public in and for said County and State, came Robert R. Fox  
to me personally known to be the same person who executed the fore-going instrument  
of writing and duly acknowledge the execution of same.

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

Caroline R. Owen  
Notary Public

My Commission Expires:  
My Appointment Expires May 17, 1981



ACKNOWLEDGEMENT

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

I, Wichita Development Company, owner of  
(give name of proposed plat, if appropriate) Cottonwood  
Village Second Addition

do hereby acknowledge that in accordance with the sidewalk policy of the City of Wichita, construction of sidewalks is required on the following streets within the addition:

1. Thirty-Second Street North
2. Thirty-Second Street Courts
3. Brookfield
4. Thirtieth Street
5. Thirtieth Street Court
6. Bayberry - Cranberry serving Blocks 2, 3, 4 & 5
- 7.

This is to place on notice all owners of lots and subsequent owners thereof within said addition that as a result of the above cited policy, said owners and subsequent owners thereof are responsible for seeing that sidewalks are installed or guaranteed by cash or other acceptable financial means as a precondition of the issuance of a building permit for all development occurring on lots or portions there of within Cottonwood Village

Second Addition

Signed this 19th day of July, 1978.

Robert R. Fox  
Robert R. Fox  
Attorney in fact for  
Wichita Development Company

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

Be it remembered that on this 19th day of July, 1978, before me, a notary public in and for said County and State, came Robert R. Fox, to me personally known to be the same person 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.

Robert R. Fox  
Notary Public

My Commission Expires:  
My Appointment Expires May 17, 1981



PROTECTIVE COVENANTS

The following are Protective Covenants for Cottonwood Village Second Addition, a subdivision situated in Wichita, Sedgwick County, Kansas.

PART A - PREAMBLE

WHEREAS, Wichita Development Company, a Delaware Corporation is the sole owner in fee simple of the following land, to-wit:

Cottonwood Village Second Addition  
Wichita, Sedgwick County, Kansas

AND WHEREAS, the above-described owner is about to sell, convey, and dispose of the property above described, and desires to subject said property to certain protective restrictions, conditions, covenants, and charges, all of which are hereinafter set forth, to the end that harmonious and attractive development of the property may be accomplished, and that the health, comfort, safety, convenience, and general welfare of subsequent owners of the property may be promoted and safeguarded,

NOW, THEREFORE, the following Protective Covenants are adopted to regulate and control the use of the aforesaid land.

PART B - RESIDENTIAL AREA COVENANTS

B-1. Land Use and Building Type. No site shall be used except for residential purposes. Only single-family dwellings, private garages for not more than three cars, and other outbuildings directly incidental to remain on any site.

B-2. Architectural Control Committee. No building shall be erected, placed, or altered on any site until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, with respect to topography and finish-grade elevation. No fence or wall shall be erected, placed, or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in Part C of these Protective Covenants.

B-3-1. Dwelling and Size. The ground-floor area of the main structure, exclusive of one-story porches and garages, shall not be less than 750 square feet for one-story structures, and the main floor and top level of tri-levels, and 500 square feet for two-story structures and mid-entry homes (both exclusive of basements).

B-3-2. Move and Set. All construction within the subdivision shall be new construction and no previously erected building, structure, or improvement shall be moved and permanently set upon any lot from any other location.

B-4. Building Location. No building shall be located on any site nearer than 25 feet to the front nor 20 feet to the rear lot lines, nor nearer than 15 feet to any side street line. No building (excluding eaves and overhangs) shall be located nearer than 6 feet to an interior side site line. No building, or portion thereof, (including eaves and overhangs) shall ever encroach upon any adjacent site, nor shall any building encroach upon utility easements hereinafter provided for.

B-5. Site Area and Width. No dwelling shall be erected or placed on any site having a width of less than 45 feet at the building setback line, nor shall any dwelling be erected or placed on any lot having an area of less than 6,000 square feet.

B-6. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow, obstruct, or retard the flow of water in and through drainage channels in the easement. Easements are hereby granted as shown on the recorded plat for Lots 21 and 22, Block 2, and Lots 19 and 20, Block 4 for purposes of public access to the school site and no fence, gate or structure of any kind shall be constructed to block these pedestrian easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which public authority or one or more utility company is responsible.

B-7. Nuisance. No noxious or offensive activity shall be carried on upon any site, nor shall anything be done thereon which may be or may become an annoyance or nuisance in the neighborhood.

B-8. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any site at any time as a residence, either temporarily or permanently.

B-9. Water and Sewer. No individual water-supply system or sewage disposal system shall be permitted on any site, and all dwellings must attach to such facilities as may be provided by such water or sanitation district as may serve the area.

#### PART C - ARCHITECTURAL CONTROL COMMITTEE

C-1. Membership. The Architectural Control Committee is composed of Robert Millican, Thomas Hookanson, and Roger Hickok. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor such representatives as they may designate, shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the area of COTTONWOOD VILLAGE SECOND ADDITION shall have power, through a duly recorded instrument, to change the membership of the Committee or to withdraw from the Committee to restore to it any of its powers and duties. Architectural Control Committee address: 2225 Hathway Circle, Wichita, Kansas.

C-2. Procedure. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required, and the related covenants shall be deemed to have been fully complied with.

C-3. Criteria of Consideration. In addition to all the other criteria herein set forth, the Committee shall generally determine whether the proposed improvement will protect the then value and future values of the properties than located in the subdivision and to be erected therein. The Committee shall be in the exercise of its judgment and determination, use reason and good faith. Among the other considerations applied, the Committee will determine and base its approval or rejection upon the fact of whether said proposed improvements are reasonably compatible with other improvements erected and planned in said subdivision.

PART D - MISCELLANEOUS

D-1. Signs. No signs of any kind shall be displayed to the public view on any site except one professional sign of not more than one square foot; one sign of not more than six square feet advertising the property for sale or rent, or signs used and erected by a builder to advertise the property during the period when construction and sales of new dwellings occur.

D-2. Oil and Mining Operations. No oil drillings, oil-development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any site, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any site. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any site.

D-3. Livestock and Poultry. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any site, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose; and provided further, such dogs, cats, or other household pets shall not exceed two of any one type of animal for each site.

D-4. Garbage and Refuse Disposal. No site shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other wastes shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

D-5. Sight Distance at Intersection. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain on any corner site in conformity with the applicable resolutions, regulations, and restrictions of the city and county boards and agencies of the City of Wichita, County of Sedgewick, State of Kansas, nor shall any tree be permitted to remain within such areas unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.

D-6. Radio and TV Antennas. Radio and TV aerials and antennas shall not exceed eight feet higher than the ridge of any structure and shall be attached to said structure.

D-7. Storage of Boats, Campers, Trailers, Etc. No vehicles, boats, campers, trailers, or other such contraptions or devices shall be stored or permitted to remain for more than five (5) continuous days, on any lot, except within enclosed garages or in completely enclosed, 200-per-cent-secured-from vision areas in the rear yard of the residence structure situated thereon.

D-8. Off Street Parking Requirement: All Lots 16 through 20 inclusive, Block 5, served by Thirtieth Street Court; All Lots 1 through 9 inclusive, Block 1, served by Thirty-Second Street North and all Lots 13 through 17 inclusive Block 3, shall provide four (4) off-street parking spaces per lot. On-street parking will be permitted on the westerly side of each cul-de-sac only.

PART E - GENERAL PROVISIONS

E-1. Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date they are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the sites has been recorded agreeing to terminate said covenants or change them in whole or in part.

E-2. Enforcement. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violating or to recover damages, or both.

E-3. Severability. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

WICHITA DEVELOPMENT COMPANY

By *Robert R. Fox*  
Robert R. Fox  
Attorney of Fact

State of Kansas            )  
City and County of Wichita ) ss.

The foregoing instrument was acknowledged before me this Monday of June, 1978, by ROBERT R. FOX, as Attorney of Fact of Wichita Development Company.

Witness my hand and official seal.

My Appointment Expires: \_\_\_\_\_ My Appointment Expires May 17, 1981

*Caroline R. Jones*  
NOTARY PUBLIC



**THE CITY OF WICHITA**  
**OFFICE OF WATER DEPARTMENT**

**DATE** July 19, 1978



**TO** Jack H. Galbraith, Chief Planner  
**FROM** Bill H. Otten, Chief Engineer-Water Engineering

**SUBJECT** Cottonwood Village  
Second Addition

The plattors of Cottonwood Village, Second 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 August 1, 1978.

A handwritten signature in cursive script that reads "Bill H. Otten".

Bill H. Otten  
Chief Engineer-Water Engineering

BHO:bkd

## CHICAGO TITLE INSURANCE COMPANY

### COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, 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 six 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.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:  
THE SECURITY ABSTRACT &  
TITLE COMPANY, INC.  
434 North Main Street  
Wichita, Kansas 67202  
(316) AM 7-8371

CHICAGO TITLE INSURANCE COMPANY

*Alvin W. Long*  
President.

ATTEST:

*Chester C. McLaughlin*  
Secretary.

*Ernest C. B. Hahn, Jr.*  
Authorized Signatory



SCHEDULE A

Number  
266188

Effective Date  
June 28, 1978 @ 7:00 A. M.

1. Owners Policy to be issued: ALTA Form B - 1970 Amount: Unknown  
(Amended 10-17-70)  
Proposed Insured:

City of Wichita

Loan Policy to be issued: ALTA Form 1970 Amount:  
(Amended 10-17-70)  
Proposed Insured:

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

Wichita Development Company, a Delaware corporation

3. The land referred to in this Commitment is described as follows:

That part of the Southwest Quarter of Section 31, Township 26 South, Range 2 East, of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at the Northwest Corner of Lot 14, Block 1, Cottonwood Village First Addition to Wichita, Kansas; thence North along the East line of Woodlawn bearing North 1° 14' 30" West, 443.00 feet; thence North 88° 55' 01" East, 144.10 feet; thence along a curve to the left having a radius of 338.21 feet, a central angle of 30° 00' and an arc length of 177.08 feet; thence North 58° 55' 01" East, 6.0 feet; thence along a curve to the right having a radius of 408.21 feet, a central angle of 30° 00' and an arc length of 213.74 feet; thence North 88° 55' 01" East, 1006.22 feet; thence South 1° 14' 30" East, 1432.01 feet; thence South 88° 55' 01" West, 468.00 feet; thence North 1° 14' 30" West, 166.44 feet; thence along a curve to the left having a radius of 85.71 feet, a central angle of 45° 00' and an arc length of 67.32 feet; thence North 46° 14' 30" West, 172.86 feet; thence along a curve to the left having a radius of 86.18 feet a central angle of 44° 50' 29" and an arc length of 67.45 feet; thence South 88° 55' 01" West, 211.96 feet; thence North 1° 14' 30" West, 563.00 feet; thence South 88° 55' 01" West, 179.00 feet; thence South 1° 14' 30" East, 51.00 feet; thence South 88° 55' 01" West, 462.00 feet to the point of beginning.

## SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. 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.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): Year 1977 Taxes \$5,518.54 Paid. Key #PY-178 & C-172-UP. (assessed with other property).
9. Right of Way for highway over the West 50 feet of the SW $\frac{1}{4}$  as disclosed by instrument dated December 21, 1967, filed December 21, 1967, in Book Misc. 612, Page 317.
10. Easement to The City of Wichita, for sanitary sewer, over a strip of land 10.0 feet wide north of, adjacent to and parallel with the north line of Cottonwood Village First Addition from the east line of Woodlawn east to the west line of Brookfield, as created by instrument filed May 15, 1978, on Film 305, Page 85.
11. Easement to the City of Wichita, for sanitary sewer, over a strip of land 10.0 feet wide, east of, adjacent to and parallel with the east line of Cottonwood Village First Addition from the North line of 30th Street North, north to the north line of Lot 1, Block 2, of said Addition extended east, as created by instrument filed May 15, 1978, on Film 305, Page 86.
12. Easement to the City of Wichita, for sanitary sewer, over a strip of land 20.0 feet in width lying 10.00 feet on each side of the following described line: Beginning at the Northeast corner of Cottonwood Village First Addition, thence along a line bearing N 1° 14' 30" W, 75.00 feet to the end point, as created by instrument filed May 23, 1978, on Film 306, Page 560.
13. Restrictive Covenants dated October 15, 1974, filed October 16, 1974, on Film 119, Page 1490, as to the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 31-26-2E.

(See Added Page)

(Schedule B continued)

Policy Number \_\_\_\_\_  
OwnersPolicy Number \_\_\_\_\_  
Loan

14. It is noted for informational purposes only, and not as an exception to title which will appear in our policy, that captioned property may become subject to special assessments for various capital improvements as evidenced by numerous governmental filings of notice in the form of Resolutions.
15. It is noted for informational purposes only, and not as an exception to title which will appear in our policy when issued, that captioned property may become subject to special assessments for sewers as evidenced by ordinances filed on Film 67, Page 329 and Film 74, Page 708. The payment of said special have been delayed by an ordinance filed October 31, 1974, on Film 121, Page 797.
16. Consolidated Mortgage dated March 5, 1973, executed by Jack P. DeBoer Associates, Inc., to First National City Bank, filed March 5, 1973, in Book 50, Page 723. (with other property).
17. Supplemental First Mortgage dated May 4, 1973, executed by Jack P. DeBoer Associates, Inc., to First National City Bank, filed May 4, 1973, in Book 57, Page 1437. (with other property).
18. Second Supplemental First Mortgage dated August 13, 1973, executed by Comotara, Inc., to First National Bank, filed November 1, 1973, in Book 80, Page 323. (with other property).
19. Mortgage dated October 15, 1973, executed by Wichita Land Company, to First National City Bank, filed December 7, 1973, in Book 83, Page 1281, (with other property).
20. Second Mortgage dated March 2, 1973, executed by Jack P. DeBoer Associates, Inc., to First National City Bank, filed March 2, 1973, in Book 50, Page 342. (with other property).

June 22, 1978

Van Doren-Hazard Stallings  
260 North Rock Road  
Suite 250  
Wichita, Kansas 67206

Re: S/D 78-56 - Final plat of Cottonwood Village Second  
Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on June 22, 1978, the above captioned plat was considered. The action of the Planning Commission was to approve the plat subject to the conditions stated in our letter of June 16, 1978, except that Item "J" shall be revised as follows:

~~6~~ Ten-foot sidewalk easements shall be added to the plat between Lots 21 and 22 in the northeast part of the plat and between Lots 19 and 20 in the southeast part of the plat. The applicant shall guarantee by letter of credit, bond, or cash, that the construction of these walks will be completed within 90 days after the completion of the paving of Cranberry. Reference to these sidewalk easements shall be added to the plat's text as follows: "Sidewalk easements are hereby granted to the public for purposes of access to the school site and no fence, gate, or structure of any kind shall be constructed to block these sidewalk easements."

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 Department.
- ~~2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.~~
- 7-14-78 3. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plat.

Van Doren-Hazard-Stallings  
June 22, 1978  
Page 2

7-19-78 *cl* Certification that all taxes due and payable for 1977 and prior  
years have been paid.

If you have any questions, please call.

Yours very truly,

Jack H. Galbraith  
Chief Planner

JHG:bh

cc: Deah Sellers, Assistant City Engineer  
Wichita Development Co., c/o Robert Fox, 2225 Hathway Circle  
67226

June 16, 1978

Van Doren-Hazard-Stallings  
260 N. Rock Road  
Suite 250  
Wichita, Kansas 67206

Re: S/D 78-56 Final plat of Cottonwood Village Second Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, June 15, 1978, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

*petition*  
*petition*  
*petition*

- A. The applicant shall guarantee the extension of sanitary sewer to serve each lot being platted.
- B. The applicant shall guarantee the extension of City water to serve each lot being platted.
- C. The applicant shall guarantee the paving of all streets being platted. Thirty-second Street North may be paved at the 25-foot width.

*D. 7.27* The right-of-way width for the cul-de-sac streets shall be 58 feet rather than 59 feet.

*E.* The 58-foot streets shall provide for parking on the east sides. All lots on 58-foot streets shall provide for 4 off-street parking spaces. A covenant requiring these 4 parking spaces shall be submitted to the Planning Department prior to forwarding the plat to the City Commission.

*7-20-78*

Sidewalks will be required adjacent to all streets being platted. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.

*covenant  
say west  
side. Ken  
Benjamin  
will his  
be assigned  
the street  
play  
would  
design  
according  
to the  
covenants.*

Re: S/D 78-56  
June 16, 1978  
Page Two

G. Ten-foot utility easements shall be shown between Lots 11 and 12, west of Bayberry and between Lots 4 and 5 west of Bayberry. Also between Lots 22 and 23 in the southeast corner of the plat.

<sup>7-27</sup>  
H. Block numbers shall be added to the plat. *still need (7-27-78)*

I. The Subdivision Committee recommends a waiver of the lot frontage requirements.

<sup>157</sup>  
Several side lot pedestrian easements are needed to provide access to the school site east of this plat and shall be shown between lots east of Cranberry. The location of these easements shall be worked out prior to the June 22nd MAPC meeting. The applicant shall guarantee by letter of credit, bond, or cash, that the construction of these walks will be completed within 90 days after the completion of the paving of Cranberry. Reference to these pedestrian easements shall be added to the plat's text as follows: "Pedestrian easements are hereby granted to the public for purposes of access to the school site and no fence, gate or structure of any kind shall be constructed to block these pedestrian easements."

<sup>7-20-78</sup>  
Covenants which state that there will be no obstruction of the sidewalk easements shall be submitted for recording with the final plat.

<sup>7-27</sup>  
 L. Complete access control shall be labeled adjacent to all lots on the south side of 32nd Street North and the appropriate wording shall be added to the Plat's text.

M. Reference to a minimum pad elevation shall be added to the final plat. *173 city datum*

N. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of this property.

O. 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.

Re: S/D 78-56  
June 16, 1978  
Page Three

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, June 22, 1978, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Louise Olivares  
Junior Planner

LO:et

cc:

Dean Sellers, Assistant City Engineer  
Wichita Development Co., Robert Fox, 2225 Hathway Circle, Wichita,  
Kansas 67226

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 78-56 Name Cottonwood Village Second Addition  
Date Application Rec'd. 6-5-78 Preliminary Approval n/a  
Scheduled S/D Meeting 6-15-78

DESCRIPTION

General Location East of Woodlawn in an area south of 32nd Street North

Owner Wichita Development Company  
Surveyor/Engineer Van Doren-Hazard-Stallings  
Address 260 N. Rock Rd., Suite 250 (67206) Phone 686-7303

- |   |                                  |
|---|----------------------------------|
| 1. Gross Acreage of Plat _____  | 7. Lineal Feet of New Streets:   |
| 2. Number of Lots:  | a. <u>58</u> R/W <u>350</u> ft.  |
| Residential <u>105</u>  | b. <u>64</u> R/W <u>3300</u> ft. |
| Commercial _____  | c. <u>70</u> R/W <u>1550</u> ft. |
| Industrial _____  | d. _____ R/W _____ ft.           |
| Other _____   | e. _____ R/W _____ ft.           |
| Total Number of Lots <u>105</u>   | TOTAL <u>5200</u> ft.            |
| 3. Minimum Lot Frontage <u>49.96</u> ft.                                    | 8. Sidewalk adjacent to all      |
| 4. Minimum Lot Area <u>7245 sq.</u> ft.                                     | streets? <u>yes</u> <u>no</u>    |
| 5. Existing Zoning <u>AA</u>  |                                  |
| 6. Proposed Zoning <u>AA</u>  |                                  |
| 9. Public Water Supply <u>yes</u> (Yes-No), Name <u>City of Wichita</u>     |                                  |
| 10. Public Sanitary Sewers <u>yes</u> (Yes-No), Name <u>City of Wichita</u> |                                  |
| 11. Health Department Approval (where applicable) _____ (Yes-No)            |                                  |
| 12. City of Wichita <u>x</u> : Three-Mile Area _____                        |                                  |

STAFF COMMENTS:

NOTE: This plat was presented in preliminary form as part of Cottonwood Village (reviewed by Subdivision Committee February 9, 1978). It is not to be confused with Cottonwood Village Two (reviewed by Subdivision Committee March 9, 1978) which is located north of 32nd Street North.

- A. The applicant shall guarantee the extension of sanitary sewer to serve each lot being platted.
- B. The applicant shall guarantee the extension of City water to serve each lot being platted.
- C. The applicant shall guarantee the paving of all streets being platted. Twenty-five feet of paving width has been requested on 32nd Street North even though the right-of-way is seventy feet. This is acceptable for a collector without parking and without driveway access from adjacent lots. If the narrower paving is to be requested, complete access control shall be labeled adjacent to all lots on the south side of 32nd Street North and the appropriate wording shall be added to the plat-tor's text.
- D. The right-of-way width for the cul-de-sac streets shall be 58 feet rather than 59 feet.
- E. The applicant or his agent shall be prepared to discuss which side of the 58-foot streets shall be designated for parking. All lots on 58-foot streets shall provide for 4 off-street parking spaces. A covenant requiring these 4 parking spaces shall be submitted to the Planning Department prior to forwarding the plat to the City Commission.
- F. Sidewalks will be required adjacent to all streets being platted. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.

- G. Ten-foot utility easements shall be shown between Lots 11 and 12, west of Bayberry and between Lots 4 and 5 west of Bayberry.
- H. Block numbers shall be added to the plat.
- I. A number of lots on the cul-de-sacs or at the curved intersection of two streets do not meet the minimum frontage requirements as specified in 7-204(D) of the Subdivision Regulations. Lot lines shall be adjusted so that the minimum frontage requirements are met.
- J. Several side lot pedestrian easements are needed to provide access to the school site east of this plat and shall be shown between lots east of Cranberry. The location of these easements shall be discussed at the Subdivision Committee meeting. The applicant shall guarantee by letter of credit, bond, or cash, that the construction of these walks will be completed within 90 days after the completion of the paving of Cranberry. Reference to these pedestrian easements shall be added to the plat's text as follows: "Pedestrian easements are hereby granted to the public for purposes of access to the school site and no fence, gate or structure of any kind shall be constructed to block these pedestrian easements."
- K. It is assumed that the decel lane on the east side of Woodlawn just south of 32nd Street North is no longer desired.
- L. The applicant shall contact Larry L. Henry of the Soil Conservation Service relative to taking proper precautions to prevent soil erosion from wind and water during the development of this property.
- M. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Map No.: 5951  
Section No.: 31  
Twp. No.: 26  
Range: 2E

S/D No. 78-56

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Cottonwood Village Second Addition  
General Location: East of Woodlawn in an area south of 32nd Street North  
Name of Property Owner: Wichita Development Company c/o Robert Fox  
Address: 2225 Harkness Circle 67226 Phone: 686-7451  
Name of Subdivider: same Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name of Agent/Surveyor: Mr. Dorey Howard Stallinge  
Address: 260 N Rock Road Suite 250 Ok Phone: 686-7303  
Date of Application: 6-5-78

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat \_\_\_\_\_
2. Number of Lots:
  - Residential 105
  - Commercial \_\_\_\_\_
  - Industrial \_\_\_\_\_
  - Other \_\_\_\_\_Total Number of Lots 105
3. Minimum Lot Frontage 49.96 ft.
4. Minimum Lot Area 7245.29 ft.
5. Existing Zoning AA
6. Proposed Zoning AA
7. Lineal Feet of New Streets:
  - a. 58' R/W 350 ft.
  - b. 64' R/W 3300 ft.
  - c. 70' R/W 1550 ft.
  - d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.TOTAL 5200 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) \_\_\_\_\_ (Yes-No)
12. City of Wichita X 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: see s/d 78-3 for signed application

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

Received by L.O.  
Date 6-5-78  
Fee Submitted with plan