

PLAT. NO. S/D 80-54 MAP NO. 6050

NAME ~~WOODLANDS~~ TALLGRASS CLUBHOUSE

LOCATION: Northeast corner of Rock Road and 21st St. North.

ENGINEER Bill G. Yung Design

OWNER Pebble Creek Co.

APPLICATION FILED 7-11-80

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

PRELIMINARY FILED 7-11-80

S/D ACTION 7-24-80 approve

FINAL FILED \_\_\_\_\_

S/D ACTION 4-2-81 approve

MAPC ACTION 4-9-81 approve

BCC ACTION 5-5-81 Approved

RECORDED 5/22/81

REMARKS Assoc. DP-96

S/D 80-54 - Tallgrass Crossing Northeast  
corner of Rock Rd. & 21st St. No.  
BY: Bill G. Yung Design.

*POSTED*  
*7-31-80*

DATE  
*7-26-80*  
*4-2-81*  
*4-9-81*

**ACTION**

S/D COMMITTEE (*prelim*) *approve*  
S/D (*final*) *approve*  
M.A.P.C. *approve*  
B.C.C./B-GO-C. *Approved* **5-5-81**

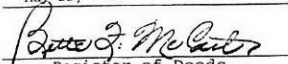


REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS

S/D 80-54 r  
Map 6050  
Assoc DP-96 u

TALLGRASS CLUBHOUSE ADDITION was

filed for record on May 22, 1981

  
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 80-54 Name Tallgrass Clubhouse  
Application & Sketch Filed: 7-11-80  
Preliminary Plat Filed: 7-11-80 Approved by S/D: 7-24-80  
Final Plat Filed: 3-20-81 Approved by S/D: 4-2-81  
Approved by Metropolitan Area Planning Commission: 4-9-81

DESCRIPTION

General Location: north of 21st in an area east of Rock Road

Surveyor or Engineer: Van Doren-Hazard-Stallings  
Owner: Tallgrass Company, Attention: W. J. Binter  
Address: 1900 Amidon 67203

- |                                        |                               |
|----------------------------------------|-------------------------------|
| 1. Gross Acreage of Plat <u>11.4</u>   | 6. Access Control             |
| 2. Number of Lots                      | St. _____ No. Openings _____  |
| Residential _____                      | St. _____ No. Openings _____  |
| Commercial _____                       | St. _____ No. Openings _____  |
| Industrial _____                       | 7. Req'd Improvements         |
| Other _____                            | St. Paving _____ Water _____  |
| Total Number of Lots: <u>1</u>         | Sidewalk _____ Drainage _____ |
| 3. Minimum Lot Area: <u>11.4</u> acres | Sewer _____ Other _____       |
| 4. Existing Zoning: <u>AA</u>          |                               |
| 5. Special Problems Discussed:         |                               |

This lot is part of the residential community unit plan DP-96 and has been approved for a clubhouse location. Sewer and water are available to serve the site. An avigational easement and restrictive noise covenant have been submitted.

Planning Commission Recommendation: Approve the plat subject to granting by separate instrument the ingress-egress and utility easement from the south end of this lot to 21st Street and subject to recording the plat within 30 days after approval by the Board of City Commissioners.

Bayouth moved, Gardner seconded and it carried unanimously. Wright was absent. One vacancy.

ACTION: Accept the avigational easement and restrictive noise covenant and instruct the City Clerk to file them with the Register of Deeds, the recording cost of which shall be billed to the applicant; approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign; ~~instruct the Planning Department to withhold release of the plat for recording until the ingress-egress and utility easement has been granted.~~ *accept the access and utility easements and instruct the City Clerk to file them with the Register of Deeds.*

GRANT OF EASEMENT

THIS GRANT OF EASEMENT made this 4<sup>th</sup> day of May, 1981, by TALLGRASS COMPANY, a Partnership, ("Grantor").

WHEREAS, Grantor is the owner of that certain real property situated in Wichita, Sedgwick County, Kansas, legally described as the Southwest Quarter of Section 5, Township 27 South, Range 2 East, Sedgwick County, Kansas; and

WHEREAS, there has been platted within said quarter section an addition known as Tallgrass Clubhouse, an addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, said addition does not have direct access to a public right-of-way; and

WHEREAS, Grantor desires to provide for such access by creating and granting a permanent easement for ingress and egress.

NOW, THEREFORE, the undersigned does hereby declare as follows:

1. Grantor does hereby grant and convey for the benefit of Tallgrass Clubhouse, an addition to Wichita, Sedgwick County, Kansas, a non-exclusive easement and right-of-way for the purpose of ingress and egress of pedestrian and vehicular traffic over, upon and across that portion of the Southwest Quarter of Section 5, Township 27 South, Range 2 East, Sedgwick County, Kansas, as more particularly described on Exhibit A attached hereto and made a part hereof as if fully set forth at this place.
2. The said easement shall be perpetual and shall be deemed appurtenant to and for the benefit of said addition and all owners thereof, their heirs, successors and assigns.
3. The easement herein created is superior and paramount to the rights of the owner of the servient estate and shall be deemed a covenant that shall run with the land and inure to the benefit of and be binding upon Grantor and its respective successors and assigns.

IN WITNESS WHEREOF, this Grant of Easement is executed the date first above written.

TALLGRASS COMPANY, a Partnership,  
BY: RITCHIE ENTERPRISES, a Partnership,  
Managing Partner

By [Signature]  
a Partner

"Grantor"

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) ss:

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 1981, by H. D. Ritchie, a partner on behalf of RITCHIE ENTERPRISES, a Partnership and Managing Partner of TALLGRASS COMPANY, a Partnership.

*William J. Burt*  
Notary Public

My Appointment Expires:

April 17, 1984



EXHIBIT A

Commencing at the southwest corner of the southwest quarter, Section 5, Township 27 south, Range 2 east of the 6th P.M.; thence easterly along the south line of said southwest quarter bearing N 89° 06' 26" E, 1983.34 feet; thence N 0° 53' 34" W, 40.00 feet to the point of beginning, said point being on the north right of way line of 21st Street North; thence N 0° 53' 34" W, 382.00 feet; thence N 61° 22' 11" E, 185.36 feet; thence N 0° 53' 34" W, 154.00 feet, thence along a curve to the left having a central angle of 12° 14' 33", a radius of 820.00 feet, a length of 175.21 feet, and a chord 174.88 feet long bearing N 14° 34' 48" W; thence S 88° 58' 58" W, 121.27 feet; thence along a curve to the right having a central angle of 14° 20' 11", a radius of 707.00 feet, a length of 176.90 feet and a chord 176.44 feet long bearing S 16° 50' 43" E; thence S 0° 53' 34" E, 140.95 feet; thence S 61° 22' 11" W, 135.49 feet; thence S 0° 53' 34" E, 418.26 feet to the north right of way line of 21st Street North; thence easterly along said north right of way line bearing N 89° 06' 26" E, 70.00 feet to the point of beginning, Sedgwick County, KS.

Taligraus

4-13-81

AMERICAN LAND TITLE ASSOCIATION COMMITMENT - 1966

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) 267-8371

CHICAGO TITLE INSURANCE COMPANY

*Alvin W. Long*  
President.

ATTEST:  
*Chester C. McLaughlin*  
Secretary.

*John Brown*  
Authorized Signatory



#### CONDITIONS AND STIPULATIONS

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



#### 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): See Added Page
9. Easement granted to Kansas Gas and Electric Company over the East 5 feet of the West 55 feet, and the North 5 feet of the South 55 feet of the West Half of the Southwest Quarter of the Southwest Quarter of Section 5, Township 27 South, Range 2 East, on Film 62, Page 401.
10. Easement granted to Kansas Gas and Electric Company over the East 5 feet of the West 55 feet of the South Half of the Northwest Quarter of the Southwest Quarter of Section 5, Township 27 South, Range 2 East on Film 62, Page 404.
11. Easement granted to Kansas Gas and Electric Company over the North 5 feet of the South 55 feet of the East 1,785.95 feet of the Southwest Quarter of Section 5, Township 27 South, Range 2 East, on Film 457, Page 213.
12. Rights of the public for road over the West 50 feet of subject property as disclosed by instruments filed in Book Misc. 308, Page 365 and Book Misc. 308, Page 367; and over the South 40 feet of subject property as disclosed by instruments filed in Book Misc. 612, Page 484, and Book Misc. 612, Page 488.
13. Utility easement established on Film 359, Page 381 over a portion of subject property. Affidavit of Publication filed on Film 401, Page 853 vacated a portion of this easement by the City of Wichita.

(SEE ADDED PAGE)

(Schedule B continued)

Policy Number 296359  
Owners \_\_\_\_\_  
Policy Number \_\_\_\_\_  
Loan \_\_\_\_\_

14. Utility easement established on Film 419, Page 1430 over a portion of subject property.
15. Utility easement established on Film 456, Page 543 over a portion of subject property.
16. Drainage easement to the City of Wichita over a portion of subject property as established on Film 458, Page 349.
17. Minimum pad elevation on Lots 11 thru 28, inclusive, Block 1, Pebble Green Addition shall be 197.0, City of Wichita Datum.
18. Covenants and restrictions contained on Film 172, Page 879 (affects the SW $\frac{1}{4}$  of Sec. 5-27-2E), and the following affects that portions platted as Pebble Green Addition: Film 405, Page 457; Film 405, Page 459 and the lien of unpaid assessments, if any arising from the provisions thereof. You should ascertain that all assessments have been paid. Our Policy, when issued, will except the lien of unpaid assessments, if any, arising from the provisions thereof.
19. 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 Certificates, Resolutions, Amended Resolutions and Ordinances.

(Schedule B continued)

Policy Number 296359  
Owners

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

1980 taxes  $\frac{1}{2}$  paid. \$190.33, not paid. Key # C-213-UP  
1980 taxes  $\frac{1}{2}$  paid. \$66.70, not paid. Key # C-214-UP  
1980 taxes  $\frac{1}{2}$  paid. \$428.57, not paid. Key # C-215-1UP  
1980 taxes  $\frac{1}{2}$  paid. \$195.21, not paid. Key # C-216-UP  
1980 taxes  $\frac{1}{2}$  paid. \$195.21, not paid. Key # C-218-UP  
1980 taxes  $\frac{1}{2}$  paid. \$195.21, not paid. Key # C-219-UP  
1980 taxes  $\frac{1}{2}$  paid. \$195.21, not paid. Key # C-220-UP  
1980 taxes  $\frac{1}{2}$  paid. \$195.21, not paid. Key # C-221-UP  
1980 taxes \$4.34, paid. Key # C-41277  
1980 taxes \$6.51, paid. Key # C-41278

EASEMENT

THIS EASEMENT made this 30th day of April, 1981 by and between Tallgrass Company, a partnership of the first part and The City of Wichita, Kansas of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right of way and easement for the purpose of constructing, maintaining, and repairing their utilities, over, along and under the following described real estate situated in Sedgwick County, Kansas, do wit:

Commencing at the southwest corner of the southwest quarter, Section 5, Township 27 south, Range 2 east of the 6th P.M.; thence easterly along the south line of said southwest quarter bearing N 89° 06' 26" E, 1983.34 feet; thence N 0° 53' 34" W, 40.00 feet to the point of beginning, said point being on the north right of way line of 21st Street North; thence N 0° 53' 34" W, 382.00 feet; thence N 61° 22' 11" E, 185.36 feet; thence N 0° 53' 34" W, 154.00 feet; thence along a curve to the left having a central angle of 12° 14' 33", a radius of 820.00 feet, a length of 175.21 feet, and a chord 174.88 feet long bearing N 14° 34' 48" W; thence S 88° 58' 58" W, 121.27 feet; thence along a curve to the right having a central angle of 14° 20' 11", a radius of 707.00 feet, a length of 176.90 feet and a chord 176.44 feet long bearing S 16° 50' 43" E; thence S 0° 53' 34" E, 140.95 feet; thence S 61° 22' 11" W, 135.49 feet; thence S 0° 53' 34" E, 418.26 feet to the north right of way line of 21st Street North; thence easterly along said north right of way line bearing N 89° 06' 26" E, 70.00 feet to the point of beginning.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing their utilities, including the right to open and excavate in any streets or ways that may be constructed on the surface of said easements, provided that upon completion of the necessities of grantee's operations the surface of such easements shall be restored as nearly as possible to its original condition.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

William F. Binter

Tallgrass Company, a partnership

STATE OF KANSAS

ss:

SEDGWICK COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid William F. Binter to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

Dated at 2:05 pm this 30th day of April, 1981.

Katheryn S. Bauman  
(Notary Public)

My Appointment Expires: 2:2:83



LAW OFFICES

FOULSTON, SIEFKIN, POWERS & EBERHARDT

700 FOURTH FINANCIAL CENTER  
BROADWAY AT DOUGLAS

WICHITA, KANSAS 67202  
(316) 267-6371

ROBERT C. FOULSTON (1889-1947)  
GEORGE SIEFKIN (1888-1924)

COUNSEL  
STUART R. CARTER

GEORGE B. POWERS  
JOHN F. EBERHARDT  
ROBERT C. FOULSTON  
WALCOLM MILLER  
ROBERT H. PATRIDGE  
ROBERT M. SIEFKIN  
RICHARD C. HARRIS  
SERGIO SAWATZKY  
ROBERT L. HOWARD  
CHARLES J. WOODIN  
MIRIEL L. STOUT  
BENJAMIN G. LANGEL  
JERRY G. ELLIOTT  
WILLIAM H. DYE  
PHILLIP S. FRICK  
STANLEY G. ANDREEL  
FREDERICK L. HAAS  
RICHARD D. EWT  
DARNELL L. WARTA

WILLIAM R. SANDSON  
HARVEY R. SCHENKEL  
CHRISTOPHER P. CHRISTIAN  
MICHAEL KIM MOORE  
JAMES M. ARMSTRONG  
MARY KATHLEEN BASCOCK  
CHARLES P. SPFLANDT  
JAMES D. OLIVER  
M. KAY ROYSE  
NICHOLAS W. DAILY  
LINDA K. COMSTABLE  
LARRY G. RAPP  
R. DOUGLAS BEGAN  
GLORIA C. FLEWITZ  
MARK G. AYERH  
JAY F. FOWLER  
RICHARD C. MORRIS  
S. ROSENE CLARK  
NOLA TEDESCO

April 27, 1981

RECEIVED

APR 28 1981

METROPOLITAN PLANN'NG

ROUTE  Louise  
 \_\_\_\_\_

Mrs. Louise Olivarez  
Metropolitan Area Planning Department  
City Hall - 10th Floor  
455 North Main Street  
Wichita, Kansas 67202

RE: Tallgrass Clubhouse Addition

Dear Louise:

One of the requirements for the platting of the above addition was an easement for ingress and egress. I am enclosing herewith a draft of a proposed grant creating such an easement for the benefit of that addition. I would appreciate your looking it over and letting me know if you have any questions, corrections, etc. Once we have it in an agreed form, we will have the original prepared for execution and filing subsequent to the filing of the final plat. Thank you for your help.

Very truly yours,

Phillip S. Frick  
of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/ms  
Enclosure  
cc: Ken Bengston

OK but also  
need grant of  
public utility  
easement

GRANT OF EASEMENT

THIS GRANT OF EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 1981, by TALLGRASS COMPANY, a Partnership, ("Grantor").

WHEREAS, Grantor is the owner of that certain real property situated in Wichita, Sedgwick County, Kansas, legally described as the Southwest Quarter of Section 5, Township 27 South, Range 2 East, Sedgwick County, Kansas; and

WHEREAS, there has been platted within said quarter section an addition known as Tallgrass Clubhouse, an addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, said addition does not have direct access to a public right-of-way; and

WHEREAS, Grantor desires to provide for such access by creating and granting a permanent easement for ingress and egress.

NOW, THEREFORE, the undersigned does hereby declare as follows:

1. Grantor does hereby grant and convey for the benefit of Tallgrass Clubhouse, an addition to Wichita, Sedgwick County, Kansas, a non-exclusive easement and right-of-way for the purpose of ingress and egress of pedestrian and vehicular traffic over, upon and across that portion of the Southwest Quarter of Section 5, Township 27 South, Range 2 East, Sedgwick County, Kansas, as more particularly described on Exhibit A attached hereto and made a part hereof as if fully set forth at this place.

2. The said easement shall be perpetual and shall be deemed appurtenant to and for the benefit of said addition and all owners thereof, their heirs, successors and assigns.

3. The easement herein created is superior and paramount to the rights of the owner of the servient estate and shall be deemed a covenant that shall run with the land and inure to the benefit of and be binding upon Grantor and its respective successors and assigns.

IN WITNESS WHEREOF, this Grant of Easement is executed the date first above written.

TALLGRASS COMPANY, a Partnership,  
BY: RITCHIE ENTERPRISES, a Partnership,  
Managing Partner

By \_\_\_\_\_  
a Partner

"Grantor"

STATE OF KANSAS            )  
                                  ) ss:  
COUNTY OF SEDGWICK        )

The foregoing instrument was acknowledged before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 1981, by  
\_\_\_\_\_, a partner on behalf of RITCHIE ENTER-  
PRISES, a Partnership and Managing Partner of TALLGRASS  
COMPANY, a Partnership.

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

My Appointment Expires:

\_\_\_\_\_

EXHIBIT A

Commencing at the southwest corner of the southwest quarter, Section 5, Township 27 south, Range 2 east of the 6th P.M.; thence easterly along the south line of said southwest quarter bearing N 89° 06' 26" E, 1983.34 feet; thence N 0° 53' 34" W, 40.00 feet to the point of beginning, said point being on the north right of way line of 21st Street North; thence N 0° 53' 34" W, 382.00 feet; thence N 61° 22' 11" E, 185.36 feet; thence N 0° 53' 34" W, 154.00 feet, thence along a curve to the left having a central angle of 12° 14' 33", a radius of 820.00 feet, a length of 175.21 feet, and a chord 174.88 feet long bearing N 14° 34' 48" W; thence S 88° 58' 58" W, 121.27 feet; thence along a curve to the right having a central angle of 14° 20' 11", a radius of 707.00 feet, a length of 176.90 feet and a chord 176.44 feet long bearing S 16° 50' 43" E; thence S 0° 53' 34" E, 140.95 feet; thence S 61° 22' 11" W, 135.49 feet; thence S 0° 53' 34" E, 418.26 feet to the north right of way line of 21st Street North; thence easterly along said north right of way line bearing N 89° 06' 26" E, 70.00 feet to the point of beginning, Sedgwick County, KS.



RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING Tallgrass Clubhouse, an addition

THIS DECLARATION made this 22nd day of April by  
Tallgrass Company, hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of Tallgrass Clubhouse  
an Addition to Wichita, Kansas, which property  
is located near McConnell Air Force Base and is accordingly  
subject to considerable noise from the operation of aircraft, and  
is exposed at times to aircraft noise which may infringe upon a  
resident's enjoyment of property and may, depending upon the degree  
of accoustical treatment of the dwelling, affect his health and/or  
well being, and

WHEREAS, the City of Wichita in connection with approval of  
the plat of said addition considers it to be in the public interest  
to require any buildings constructed on said addition to be designed  
and constructed giving proper consideration to noise pollution in  
the area:

NOW THEREFORE, Grantor, hereby declares that Tallgrass Clubhouse  
Addition, shall be and the same is subjected to the following re-  
strictive covenant, to-wit:

Any building constructed on the premises  
shall be so designed and constructed as  
to minimize noise pollution in any such  
structure, giving due consideration to  
the use for which such structure is de-  
signed and built. This covenant is for  
the benefit of said property and shall  
run with the land and shall inure to the  
benefit of and pass with said property  
and shall apply to and bind the successors  
in interest and any owner thereof.

EXECUTED the date and year first above written.

W. J. Binter  
W. J. Binter  
Tallgrass Company, a partnership

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the  
County and State aforesaid W. J. Binter for

Tallgrass Company

to me personally known to be the same person(s) who executed the  
foregoing instrument of writing and said person(s) duly acknowledged  
the execution thereof.

Dated at Wichita, Kansas, this 22nd day of April, 1981.



Katheryns J. Bauman  
Notary Public

(SEAL)  
(My Appointment expires February 2, 1983)

April 10, 1981

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

Re: S/D 80-54 - Final plat of Tallgrass Clubhouse

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, April 9, 1981, 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 April 3, 1981.

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:

- 4-22 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 4-13 2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor.
3. Certification that all taxes due and payable for 1980 and prior years have been paid.

*need record  
have paid*  
Please call if you have any questions.

Very truly yours,

Louise Olivarez  
Senior Planner

LO:bh

cc: Pebble Creek Co., 1900 Amidon, 67203

April 3, 1981

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

Re: S/D 80-54 - Final plat of Tallgrass Clubhouse

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on April 2, 1981, the above-captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- OK 4-21
- A. The proposed ingress-egress and utility easement shall be granted by separate instrument. The document shall be submitted to the Planning Department for review and, when approved, shall be recorded with the Register of Deeds. The recording data shall be shown on the final plat tracing. *submitted 5-4-81 and sent to PCC for acceptance.*
  - B. The applicant shall guarantee extension of water and sewer to serve the lots if these utilities are not already available. *Mike L. says no need for sewer now*
  - C. If any improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording. *4-22*
  - D. Based on the AICUZ report, the property is within the flight path of McConnell Air Force Base. Therefore, the applicant shall submit an avigational easement and a restrictive covenant assuring that adequate construction methods will be used to minimize noise pollution within any habitable building built on subject property.
  - E. In accordance with the C.U.P., fire hydrant installation and paved access to this building site shall be provided prior to the issuance of building permits.
  - F. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- 4-22*

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. The certificate

April 3, 1981

will be required if petitions are submitted. Forms for the bond and irrevocable letter of credit are available from this office.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 9, 1981, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Forrest L. Nagley  
Junior Planner

FLN:hh

cc: Tallgrass Clubhouse, a partnership, 1900 N. Amidon, 67204  
Mike Lindebak, City Engineering

THE CITY OF WICHITA

OFFICE OF DEPARTMENT OF ENGINEERING DATE March 31, 1981

TO Jack Galbraith, Chief Planner  
FROM Chris Breitenstein, Drainage and Flood Control Engineer  
SUBJECT Various Drainage Plans

The following items are approved:

L/S 0498 - Site Grading Plan. It does appear additional on-site storm sewer will be required.

Kissire Addition - Drainage Plan.

Oak Knoll Industrial Park - Drainage Plan. A 10' private drainage easement adjacent to the South Line of plat will be required by separate instrument.

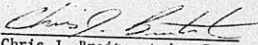
Oak Cliff Estates 2nd Addition - Drainage Plan.

Hedgecliff 3rd Addition - Drainage Concept. Drainage Plan should conform with plan for Storm Water Sewer #205.

Tallgrass Clubhouse Addition - Drainage Plan. Any structures put in should be approved by this office.

Bonnie Brae 3rd Addition - Site Grading Plan. Drainage Plans should be submitted to this department at time of issuing building permits.

Silver Springs Addition - Drainage Concept.

  
Chris J. Breitenstein, P.E.  
Drainage & Flood Control  
Engineer

CJB:md

cc: Louise Olivarez  
Mike Lindebak

RECEIVED

APR 2 1981

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Final plat  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 80-54 Name Tallgrass Clubhouse  
Date Application Rec'd. 3-20-81 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting April 2, 1981

DESCRIPTION

General Location south of 21st, in an area east of Rock Road

Owner Tallgrass Company, a partnership - Attention Bill Binter  
Surveyor/Engineer Van Doren-Hazard Stallings  
Address 260 N. Rock Road, Suite 250 Phone 686-7303

- |                                                                             |                                 |
|-----------------------------------------------------------------------------|---------------------------------|
| 1. Gross Acreage of Plat <u>11.4</u>                                        | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:                                                          | a. _____ R/W _____ ft.          |
| Residential _____                                                           | b. _____ R/W _____ ft.          |
| Commercial _____                                                            | c. _____ R/W _____ ft.          |
| Industrial _____                                                            | d. _____ R/W _____ ft.          |
| Other _____                                                                 | e. _____ R/W _____ ft.          |
| Total Number of Lots <u>1</u>                                               | TOTAL <u>0</u> ft.              |
| 3. Minimum Lot Frontage _____ ft.                                           | 8. Sidewalk adjacent to all     |
| 4. Minimum Lot Area <u>11.4 acres</u> ft.                                   | streets? <u>yes</u> <u>X</u> no |
| 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 lot was included in the overall preliminary plat called "Woodlands" which was approved July 24, 1980. It is part of a residential community unit plan D P-96. Proposed use is for a clubhouse and related recreational facilities.

- A. The proposed ingress-egress and utility easement shall be granted by separate instrument. The document shall be submitted to the Planning Department for review and, when approved, shall be recorded with the Register of Deeds. The recording data shall be shown on the final plat tracing.
- B. The applicant shall guarantee extension of water and sewer to serve the lots if these utilities are not already available.
- C. The City Engineer's representative shall be prepared to comment on the drainage plan for this lot and state whether any drainage improvement guarantees are required.
- D. Based on the AICUZ report, the property is within the flight path of McConnell Air Force Base. Therefore, the applicant shall submit an avigational easement and a restrictive covenant assuring that adequate construction methods will be used to minimize noise pollution within any habitable building built on subject property.
- E. In accordance with the C.U.P., fire hydrant installation and paved access to this building site shall be provided prior to the issuance of building permits.
- F. If any improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

WICHITA-SEDGWICK COUNTY

DATE  
August 7, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO John Wynkoop, Director of Water and Water Pollution Control  
FROM Jack H. Galbraith, Chief Planner  
SUBJECT Development Events for Pebble Green C.U.P.  
now being referred to as DP-96 - Bluestem.

The following are additional events that have taken place since our letter of July 9, 1980 which contained events #1 through #34.

35. Event: Filing of preliminary plat for the southwest quarter of the section covered by the C.U.P. Woodlands Add.

Date: July 11, 1980

Contact Person: Bill Yung

Remarks: Previous preliminary plat file, Glenrock Green, closed.

36. Event: Consideration of final plat of Bluestem by City Commission.

Date: July 15, 1980

Contact Person: N/A

Remarks: Final plat was approved. Plat was released for recording on July 22, 1980; has not been recorded as of August 7, 1980.

37. Event: Consideration of preliminary plat by Subdivision Committee. Woodlands Addition.

Date: July 24, 1980

Contact Person: Bill Yung

Remarks: Approved subject to conditions as outlined in our letter dated July 25, 1980. One condition required a new name for the plat and another condition required an administrative adjustment on the C.U.P.

Page Two  
John Wynkoop  
August 7, 1980

38. Event: Request for administrative adjustment for three parcels in the Bluestem C.U.P.

Date: July 29, 1980

Contact Person: Bill Yung

Remarks: Bill Yung and Art Chambers had two telephone conversations in early August to discuss the request. The adjustment was approved subject to the submission of four revised copies of the C.U.P. on August 6, 1980.

We will continue to keep you informed as the plats progress.

*Jack H. Galbraith*  
Jack H. Galbraith  
Chief Planner

JHG:ADC:e1

WICHITA-SEDGWICK COUNTY

DATE  
August 5, 1980

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Robert B. Feldner, Superintendent of Central Inspection  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** Request for Administrative Adjustment to the Bluestem C.U.P.-DP-96.  
Generally located between 21st and 29th Streets North, and  
between Rock Road and Webb Road.

I have attached a copy of a letter from Bill Yung requesting an administrative adjustment to the Bluestem C.U.P. A copy of the proposed site plan is also attached for your review. There are two changes being requested; one being the relocation of the boundaries of Parcel 12 to reflect expanded clubhouse facilities; and two, the termination (into cul-de-sacs) of the street shown on the approved C.U.P. serving Parcels 11 and 14. One of the conditions of approval of the Woodlands plat was that an administrative adjustment be granted to permit the above changes.


The proposed cul-de-sacs will still serve Parcels 11 and 14 as well as the area to the south and west (Independence Commons). Access for Parcel 11 will be through the northern cul-de-sac to Rock Road. Parcel 14 will have access to both cul-de-sacs.

I see no problem in permitting the boundaries of Parcel 12 being relocated since the approved C.U.P. does permit clubhouse facilities. The parcel description will have to be changed to reflect the current area, density, and number of apartments for Parcel 12. Four revised copies of the C.U.P. showing the new boundaries, cul-de-sacs, and parcel description for Parcel 12 should be submitted for our files. A note, referencing this letter, should be included on the revised C.U.P. indicating the changes.


Your signature will indicate that you concur that the requested changes do not substantially deviate from the intent and purpose of the C.U.P. Bill Yung will be notified by copy of this letter that his requested adjustments have been approved subject to the submission of four revised copies of the C.U.P. for administrative use.

Page Two  
Robert B. Feldner  
August 5, 1980

If you have any questions, please call.

  
Robert A. Lakin  
Director of Planning

APPROVED:

  
Robert B. Feldner, Superintendent  
of Central Inspection

RAL:ADC:el  
Attachments

cc: Bill Yung, 1355 North Waco, 67203  
Dave Ritchie, 1900 Amidon, 67203  
Louise Olivarez, Senior Planner - Current Plans

July 25, 1980

Bill G. Yung Design  
1355 N. Waco  
Wichita, Ks. 67203

Re: S/D 80-54 - Preliminary plat of Woodlands

Dear Mr. Yung:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 24, 1980, the above-captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat subject to the following:

- A. Prior to filing a final plat, the applicant shall submit a final drainage plan to both City Engineering and Flood Control. *submitted 5-4-81*
- B. The final plat shall indicate specific boundaries of the floodway.
- C. The final plat shall label Tara Ct and 22nd St. Ct. as Circles.
- THICKETS D. Since there is already a Woodland Addition, the applicant shall choose a substitute name for this plat.
- 8-5-80 E. Since the proposed lotting and street alignments do not match the parcel boundaries and roadway locations shown on the associated Community Unit Plan, the applicant shall request an administrative adjustment to the approved C.U.P. No final plat shall be filed until such time as the administrative adjustment has been granted. *CUP now being amended (3-81)*
- F. The applicant shall guarantee the extension of City water and sanitary sewer to serve all the lots being platted.
- G. The applicant shall guarantee all drainage improvements required by this plat.

Bill G. Yung Design  
Page 2  
July 25, 1980

- H. The applicant shall guarantee the paving of Tara Circle and 22nd Street Circle, including a sidewalk on one side of said streets.
- I. A Homeowners' Association Agreement shall be submitted which provides for the maintenance of the reserves. The agreement shall contain a provision which gives the City of Wichita the authority to maintain the reserves and charge the costs to the owner(s) in the event the owner(s) fail to maintain the reserves.
- J. The final plat shall indicate a 25-foot side and rear yard building setback on Lots 1, 3, 4, and 5.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- L. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

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

Sincerely, .

Forrest L. Nagley  
Junior Planner

FLN:bh

cc: Ken Bengtson, Van Doren, Hazard and Stallings  
260 N. Rock Road, 67206  
Dean Sellers, Acting City Engineer  
Paul Johnston, Flood Control

Preliminary plat  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 80-54 Name Woodlands  
Date Application Rec'd. 7-10-80 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 7-24-80

DESCRIPTION

General Location Northeast corner of Rock Road and 21st Street North

Owner Pebble Creek Co.  
Surveyor/Engineer Bill G. Yung Design  
Address 1355 N. Waco, 67211 Phone 264-0676

- |                                                                      |                                 |
|----------------------------------------------------------------------|---------------------------------|
| 1. Gross Acreage of Plat <u>137+</u>                                 | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:                                                   | a. <u>64</u> R/W <u>670</u> ft. |
| Residential <u>5</u>                                                 | b. _____ R/W _____ ft.          |
| Commercial _____                                                     | c. _____ R/W _____ ft.          |
| Industrial _____                                                     | d. _____ R/W _____ ft.          |
| Other _____                                                          | e. _____ R/W _____ ft.          |
| Total Number of Lots <u>5</u>                                        | TOTAL <u>670</u> ft.            |
| 3. Minimum Lot Frontage <u>NA</u> ft.                                | 8. Sidewalk adjacent to all     |
| 4. Minimum Lot Area <u>NA</u>                                        | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>R-1</u>                                        |                                 |
| 6. Proposed Zoning <u>AA with C.U.P. DP-96 Village of Bluestem</u>   |                                 |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name _____               |                                 |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name _____           |                                 |
| 11. Health Department Approval (where applicable) <u>NA</u> (Yes-No) |                                 |
| 12. City of Wichita <u>Three-Mile Area</u>                           |                                 |

STAFF COMMENTS:

- A. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept plan.
- B. Since the proposed lotting and street alignments do not match the parcel boundaries and roadway locations shown on the associated Community Unit Plan, the applicant shall request an administrative adjustment to the approved C.U.P. No final plat shall be filed until such time as the administrative adjustment has been granted.
- C. The applicant shall guarantee the extension of City water and sanitary sewer to serve all the lots being platted.
- D. The applicant shall guarantee all drainage improvements required by this plat.
- E. The applicant shall guarantee the paving of Tara Court and 22nd Street Court, including a sidewalk on one side of said streets.
- F. A Homeowners' Association Agreement shall be submitted which provides for the maintenance of the reserves. The agreement shall contain a provision which gives the City of Wichita the authority to maintain the reserves and charge the costs to the owner(s) in the event the owner(s) fail to maintain the reserves.
- G. The final plat shall indicate a 25-foot side and rear yard building setback on Lots 1, 3, 4, and 5.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: 6050  
Section No.: 5  
Twp. No.: 27S  
Range: 2E

S/D No. 80-54

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Woodlands  
General Location: S. 1/4 Sec. 5 N.E. Cor. Rock Road and 21st Street North  
N.E. Corner of Rock Road and 21st Street North.  
Name of Property Owner: Pebble Creek Co.  
Address: 1900 Amidon, Wichita, Kansas Phone: 838-9301  
Name of Subdivider: Pebble Creek Co.  
Address: 1900 Amidon, Wichita, KS Phone: 838-9301  
Name of Agent/Surveyor: Bill G. Yung Design  
Address: 1355 N. Maco, Wichita, Kansas Phone: 264-0676  
Date of Application: July 10, 1980

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 137+
2. Number of Lots:
  - Residential 5
  - Commercial \_\_\_\_\_
  - Industrial \_\_\_\_\_
  - Other \_\_\_\_\_
3. Minimum Lot Frontage NA ft.
4. Minimum Lot Area NA ft.
5. Existing Zoning R-1
6. Proposed Zoning AA with C.U.P. DP96 <sup>Wichita</sup> ~~Bluestem~~
7. Lineal Feet of New Streets:
  - a. 64 R/W 670 ft.
  - b. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - TOTAL 670 ft.
8. Sidewalk adjacent to all streets? yes  no
9. Public Water Supply Yes (Yes-No), Name \_\_\_\_\_
10. Public Sanitary Sewers Yes (Yes-No), Name \_\_\_\_\_
11. Health Department Approval (where applicable) NA (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: Bill G. Yung agent for Pebble Creek Co.

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

Received by LO  
Date 7/11/80  
Fee Submitted \$ 235.00

FORM 7021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
Supervision application	235 <sup>00</sup>
Work order location	

NAME *H. H. H. Co.*

ADDRESS *1900 S. Broadway*

FUND *11-4671-3-00* DUE DATE *7-14-80*

COMMENTS

DATE *7-1-80* BY *SL*