

2. Review of SD-2025-01, application of KWH Investments, LLC, pursuant to City Code 16.04, who is petitioning for approval of a final plat for land located southeast of the intersection of Interurban Dr. and W 93rd St N. in Sedgwick County, KS.

- Chairperson opens hearing for comments from the public: TIME_____
- Chairperson closes public hearing: TIME_____

RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) SD-2025-01. Seconded by_____. For___ Against___

3. Review of RZ-2025-03, application of Michael & Tammy, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned R-1B, which is the City’s designation for a single-family residential district, to R-4, which is the City’s designations for a high-density multi-family residential district. The property is currently addressed at 135 N Ash, Valley Center, KS 67147.

- Chairperson opens hearing for comments from the public: TIME_____
- Chairperson closes public hearing: TIME_____

RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) RZ-2025-03. Seconded by_____. For___ Against___

4. Review of SP-2025-04, application of Andrew Sharon, pursuant to City Code 17.12, who is petitioning to add a drive-through window/lane at property currently addressed as 128 S Meridian, Valley Center, KS 67147.

- Chairperson opens hearing for comments from the public: TIME_____
- Chairperson closes public hearing: TIME_____

RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) SP-2025-04. Seconded by_____. For___ Against___

8) OLD/UNFINISHED BUSINESS

9) NEW BUSINESS

10) STAFF REPORTS

11) ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:

- | | | |
|-------------------|------------------------|-------------------|
| ___ Gary Janzen | ___ Steve Conway | ___ Dalton Wilson |
| ___ Paul Spranger | ___ Rick Shellenbarger | |
| ___ Amy Bradley | ___ Scot Phillips | |

12) ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BZA

Motion made by _____. Seconded by _____. For___ Against___

Note to Planning and Zoning Board Members: If you are unable to attend this meeting, please contact Kyle Fiedler (316-755-7320) prior to the meeting.

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice. At anytime during the regular Planning and Zoning Board meeting, the Planning and Zoning Board may meet in executive session for consultation concerning cases to be deliberated. This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the Community Development Department in a timely manner, at communitydevelopment@valleycenterks.org or by phone at (316)755-7320. For additional information on any item on the agenda, please visit www.valleycenterks.org or call (316) 755-7320.

**PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING
MINUTES
CITY OF VALLEY CENTER, KANSAS**

Tuesday, February 25, 2025 7:00 P.M.

CALL TO ORDER: Chairperson, Gary Janzen, called the meeting to order at 7:00 P.M. with the following board members present: Amy Bradley, Steve Conway, Rick Shellenbarger, Scot Phillips, and Dalton Wilson.

Members Absent: Paul Spranger

City Staff Present: Kyle Fiedler, Brittney Ortega and Brent Clark

Audience: Bill Fox, Benjamin Snider, Jessi Garrett, Rodney Bruntz, Gene Sharp, Janice Sharp, Jessica Rutschman, David Rutschman, Ray Schoeneder, Heather Eilerts, and Nancy Craven.

AGENDA: A motion was made by Janzen and seconded by Shellenbarger to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Janzen made a motion to approve January 28, 2025, meeting minutes. The motion was seconded by Phillips. Motion passed unanimously.

COMMUNICATIONS: none

PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS:

1. Continue review of SD-2025-01, which was tabled at the January 28th, 2025, meeting. Application of KWH Investments, LLC, pursuant to City Code 16.04, who is petitioning for approval of a preliminary plat for land located southeast of the intersection of Interurban Dr. and W 93rd St N. in Sedgwick County, KS.

Janzen opened the hearing for comments from the public: 7:02 PM

City staff met with the applicant and agent for the applicant to discuss and address necessary adjustments to ensure the plat complies with subdivision regulations. The new plat is similar to the previously presented version; however, any lots that were touching the city limits have been removed. As a result of this change, the plat is no longer required to meet city subdivision regulations. Instead, it must be in compliance with county subdivision regulations, which it successfully meets. City Staff are recommending approval of this application.

Bill Fox, Garber Surveying, agent for the applicant, addressed the board and was available for questions. There were none.

Benjamin Snider addressed the board in tentative support of this application.

Janzen closed the hearing for comments from the public: 7:09 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Janzen made a motion to approve the preliminary plat for SD-2025-01. Motion was seconded by Shellenbarger. The vote was unanimous. Motion passed.

2. Review of Landscaping Plan for SP-2025-02, Baughman Co, pursuant to City Code 17.03.36, submitted the landscaping plan for the new elementary school on property addressed as 1500 E Tanner Trail, located northwest of the intersection of Seneca St and Tanner Trail, Valley Center, KS 67147.

Janzen opened the hearing for comments from the public: 7:10 PM

Fiedler gave a summary of his staff report. This plan will include 23 trees of various species and sizes, along with shrubbery and grass. Jessi Garrett, with Baughman, addressed the board, explaining that she followed Wichita City standards, which align with state forestry service guidelines. This plan is economical, low maintenance, and drought tolerant. City staff are recommending approval of this landscape plan.

Janzen closed the hearing for comments from the public: 7:14 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Janzen made a motion to approve SP-2025-02. Motion was seconded by Conway. The vote was unanimous. Motion passed.

3. Review of SP-2025-03, application of Rodney Bruntz, pursuant to City Code 17.12, who is petitioning to build a 4,050 sq. ft. commercial building on property currently addressed as 595 W Clay, Valley Center, KS 67147.

Janzen opened the hearing for comments from the public: 7:15 PM

Fiedler explained there are two parts to this application, a site plan and landscape screening plan. The applicant has chosen to use fence and trees as their screening. Staff recommend approval of the site plan as presented and suggest that at least six cedar trees be planted to enhance screening. This addition would improve visual buffering while maintaining the integrity of the proposed plan. Rodney Bruntz, applicant, addressed the board, and was available for questions. Discussion was had and clarification was provided for screening requirements. Gene Sharp addressed the board with his concerns about this application. He would prefer to have an earth berm but stated that 100% screening would be fine with him.

Janzen closed the hearing for comments from the public: 7:32 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Wilson made a motion to approve SP-2025-03 . Motion was seconded by Shellenbarger. The vote was unanimous. Motion passed.

OLD/UNFINISHED BUSINESS: none

NEW BUSINESS: none

STAFF REPORTS: There are five applications on the agenda for the March, 25, 2025 meeting.

ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:

Gary Janzen - none

Paul Spranger - absent

Rick Shellenbarger - none

Scot Phillips - none

Steve Conway - none

Dalton Wilson - none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING: At 7:35 P.M., a motion was made by Janzen to adjourn and seconded by Wilson. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

/s/ Kyle Fiedler, Secretary

Gary Janzen, Chairperson

This variance request is not unique to this property. This zoning district typically has smaller lots, with accessory structures behind the principal structure, many of which are over the 720 square-foot limit.

2. *That granting of the variance will not adversely affect the rights of adjacent property owners or residents.*

The granting of this variance will not adversely affect the rights of adjacent property owners/residents. A public notice was published in *The Ark Valley News* and notice letters were mailed to all property owners within 200 feet of the applicant's property boundaries. To date there has been no contact with the City Staff regarding this variance request. Any further responses received after the creation of this staff report will be shared with the Board of Zoning Appeals during the March 25th, 2025, board meeting.

3. *That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

The variance requested would allow the property owner to build a new garage detached from the house. The strict application would not constitute unnecessary hardship, however many of the neighboring accessory structures are over the maximum square footage allowed and it is not uncharacteristic of the neighborhood.

4. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the surrounding neighbors or the community in general, if the variance request is approved.

5. *That granting the variance desired will not be opposed to the general spirit and intent of these regulations.*

The spirit and intent of the Zoning Regulations regarding accessory structures will be met. The building will still be subject to permitting where all other zoning regulations will be reviewed to ensure the vision triangle, lot coverage, height and other setbacks will be met, along with current code.

Staff Recommendation: Staff recommend that the Board of Zoning Appeals approves the variance allowing an accessory structure of 1,500 square feet at 625 W 3rd, Valley Center, KS 67147.

VARIANCE APPLICATION

This application is for a Variance before the City Board of Appeals. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Public Works, 545 W. Clay Street, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310.

Property owner(s) Name & Address Jason Chastain

Phone 1-620-664-0707 fax# NA

Petitioners Name & Address Jason Chastain 625 W 3rd St. Valley Center, KS 67147

Phone 1-620-664-0707 fax# NA

Contact email address jason@markborecky construction.com Contact Cell Phone 1-620-664-0707

Relationship of applicant to property is that of Owner Tenant Lessee Other

Variance Requested:
I am seeking permission to build a 30' x 50' garage in the back portion of my lot. We would like to turn our existing garage into living space so this structure would end up being our primary garage.

Address/Location of Request 625 W 3rd St. Valley Center, KS 67147 - Back Yard

Parcel number(s) Parcel ID: 00316026

Property Zoning is now R-1B Single Family District

The applicant or his/her authorized agent acknowledges all of the following:

1. That he/she has received instruction material concerning the filing and hearing of this matter.
2. That he/she has been advised of the fee requirements established and that the fee accompanies this application.
3. That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal a decision of the Board of Zoning Appeals.
4. That all documents are attached to this petition as noted in the instructions.

<u>Jason Chastain</u>	<u>2/24/2025</u>	<u>NA</u>	<u>NA</u>
Applicant	Date	Agent (If any)	Date

Office use only

A pre-application meeting occurred with the applicant on _____. This application was received at _____ (am) (pm) on _____, 20__ by the Zoning Administrator acting on behalf of the Board of Zoning Appeals. It has been checked and found to be complete and accompanied by the required documents and a nonrefundable fee of **\$200**.

625 W. 3rd Street
Valley Center, KS 67147
February 24, 2025

City of Valley Center Public Works
ATTN: Zoning Administrator
545 W. Clay Street
Valley Center, KS 67147-0188
Facsimile: 316.755.7324

RE: 625 W. 3rd Street, Valley Center

To Whom it May Concern:

Please find attached Variance Application pertaining to the above-referenced property for your review and consideration. I am seeking your approval to construct a structure consisting of approximately 1,500 square feet, having dimensions of 30' x 50', located at the back, southern, portion of my lot as further depicted on the aerial included herein for reference. My intention is to turn my existing garage into a living space of which the proposed structure would then become my primary garage.

Should you have any additional questions concerning this matter, please do not hesitate to contact me at (620) 664-0707. Thank you in advance for your attention and consideration in this matter.

Sincerely,

Jason Chastain



Hexagon?Valuts



Geographic Information Services
 Sedgwick County...
 working for you

Date: 2/24/2025

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

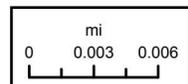
© 2025 Sedgwick County Kansas Government.
 All rights reserved.

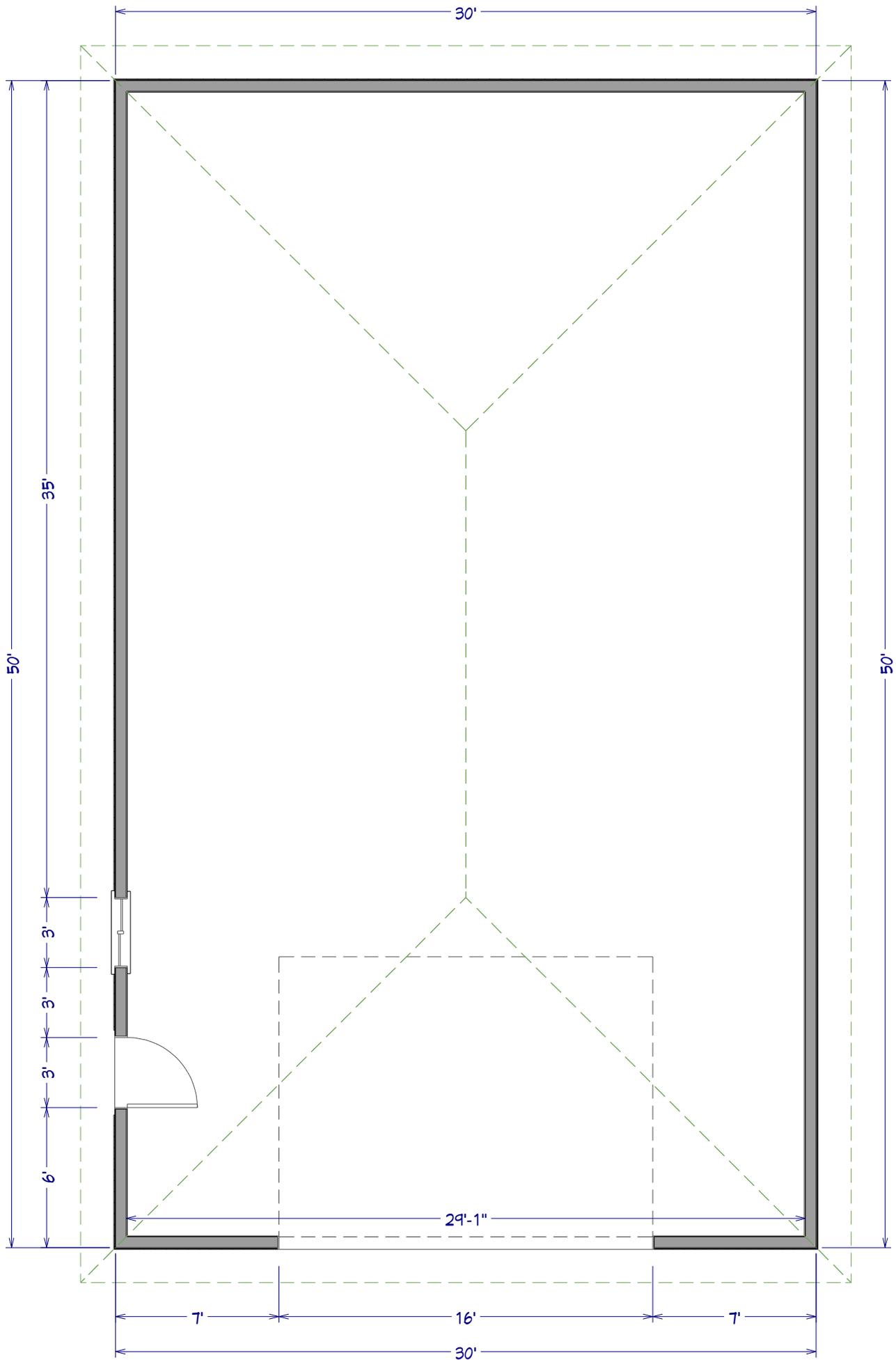
My Map

Sedgwick County, Kansas



1:564







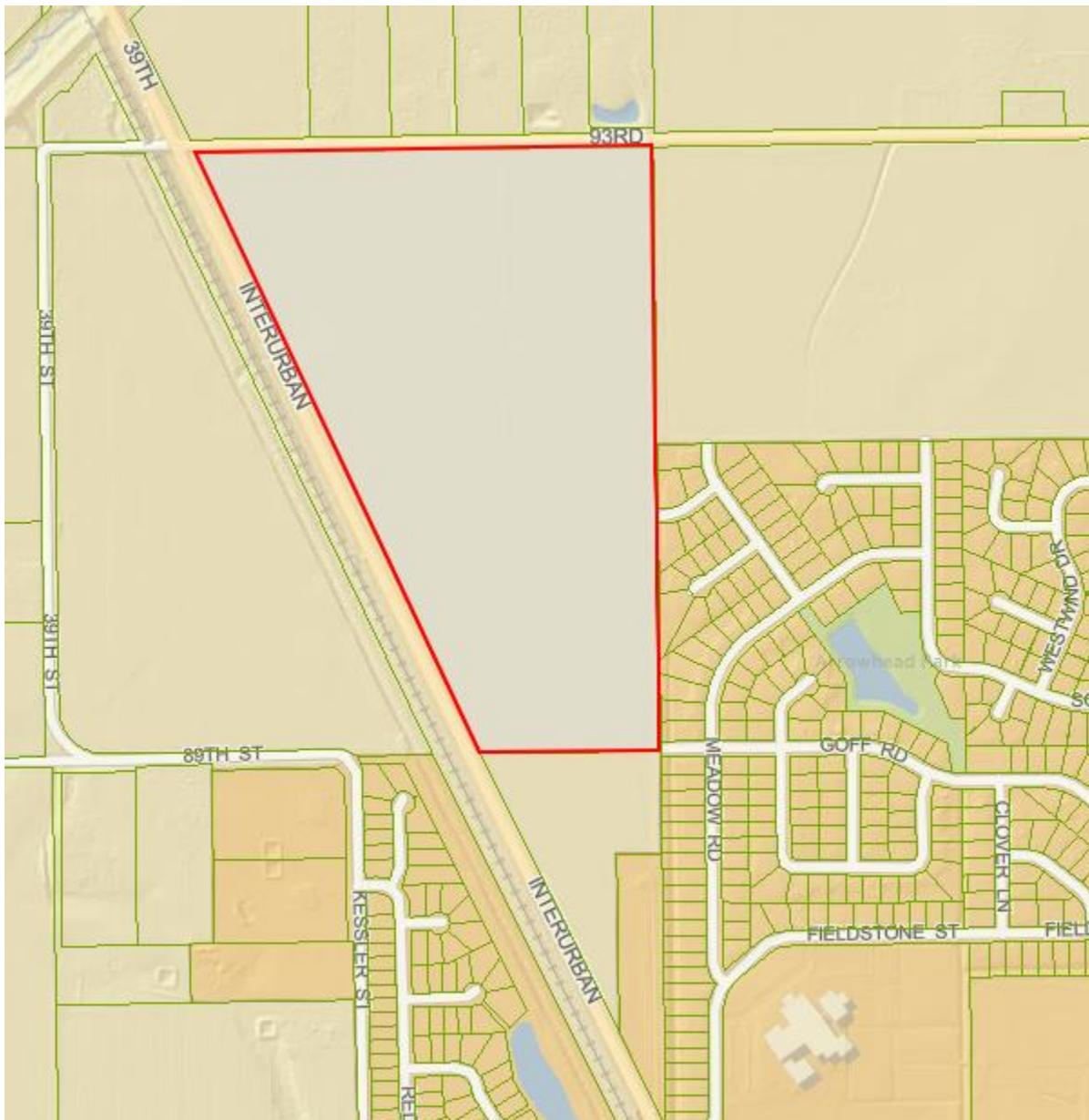
Date: March 25, 2025

To: City of Valley Center Planning and Zoning Board

From: Kyle Fiedler, *Community Development Director*

Final Plat Approval for Bobwhite Estates Subdivision Plat (SD-2025-01)

The KWH Investments, LLC, pursuant to Section 16.04., is petitioning the City of Valley Center Planning and Zoning Board to approve a final plat for the land (outlined in red below) currently unaddressed, located at the southeast corner of Interurban Dr. and W 93rd Street N., Sedgwick County, KS.



Applicant's Reasons for Platting:

The property owner is working to transform a portion of this existing agricultural property into a suburban-style neighborhood with new large single-family lots.

Staff Comments:

The final plat has been reviewed by the City Staff Review Team, which has provided comments/revisions that have been incorporated into the final plat documents, which are included as a separate attachment with this staff report. The final plat meets all the requirements listed in the required contents section (16.05.01) for final plats submitted to the City of Valley Center for approval. Once the final plat is approved by the Planning and Zoning Board, it will go to City Council for final approval in April. This property is currently zoned R-1 (Rural Residential), which is appropriate for the use in the County. As currently shown, this final plat will create a total of nine new parcels.

A public notice was published in *The Ark Valley News*, along with letters sent to all property owners within 200 feet of the boundary of the proposed plat for properties inside the incorporated boundary of Valley Center and 1,000 feet for property in the unincorporated area surrounding the land included in the proposed plat. As of the date of this report, there has been one inquiry regarding this application, and no one has submitted any protest against this proposed plat.

Staff Recommendation:

City staff recommends approval of this final plat application.

250054

CITY OF VALLEY CENTER PLATTING APPLICATION

PRELIMINARY PLAT \$350 (fee is nonrefundable)
X FINAL PLAT \$150 (fee is nonrefundable)
CORRECTING PLATTING ERROR \$100 (fee is nonrefundable)

Property owner(s) Name & Address KWH Investments, LLC (Kaleb Howell) 4208 S. 359th St. W., Cheney, KS 67025

Phone 316-249-3771 fax#

Petitioners Name & Address Garber Surveying Service, PA (Daniel Garber) 2908 N. Plum St., Hutchinson, KS 67502

Phone 620-665-7032 fax# 620-663-7401

Email address/ Cell Phone of contact person: dgarber@garbersurveying.com

Location of Subdivision W. 93rd St. N. & N. Interurban Drive (NW 1/4 of Section 25-25-01W)

Parcel(s) numbers 00315182

Property shown on Valley Center Land Use Plan as Rural Residential - Valley Center Extraterritorial Sub Zone

Total acreage of Plat 34.947 Acres

Total number of lots 9

The following materials must be submitted with the plat. The application is not considered complete and ready for review until all materials are submitted.

- This Application Form
One (1) original copy, two (2) scaled copies (24" x 36") and 12 11" x 17" copies
Layout of public improvements
Street plans and profiles (if applicable)
Soil testing results (if necessary)
Any Restrictive covenants
A list of all benchmarks
Property owners association (if applicable)
Final storm water runoff and erosion control plans
Copy of Developers Agreement (if any)
Dedication of Right-of-Way

Filed by: Daniel E. Garber

Office use only

Has pre-application consultation been completed?

Date of filing

Person certifying date and time of submittal

Application Number

BOBWHITE SUBDIVISION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 25 SOUTH, RANGE 1 WEST OF THE 6th PRINCIPAL MERIDIAN, VALLEY CENTER, SEDGWICK COUNTY, KANSAS

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, Professional Land Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on September 6, 2024 and the accompanying final plat prepared and that all monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

A portion of the West Half of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas more particularly described by Daniel E. Garber, Professional Surveyor #683, on November 7, 2024 as follows:
Beginning at the Northeast corner of the West Half of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian; Thence with a bearing South 00°44'14" East (basis of bearings is NAD 83 Kansas South Zone) along the East line of the West Half of said Northwest Quarter a distance of 661.08 feet; Thence South 89°18'09" West parallel with the North line of said Northwest Quarter a distance of 1,189.24 feet; Thence South 00°46'49" East a distance of 839.92 feet; Thence South 64°12'33" West a distance of 126.29 feet to the Northeastly right-of-way line of North Interurban Drive; Thence North 25°47'27" West along said right-of-way line a distance of 1,415.50 feet; Thence continuing along said right-of-way line with a bearing of North 21°52'08" West a distance of 292.40 feet to the North line of said Northwest Quarter; Thence North 89°18'09" East along the North line of said Northwest Quarter a distance of 2,007.85 feet to the point of beginning containing **34.947 Acres**.

Date: March 21, 2025



OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

This is to certify that the undersigned, Owner of the land described in the Surveyor's Certificate; has caused the same to be surveyed and subdivided on the accompanying plat into Lots, Block and Streets under the name of "BOBWHITE SUBDIVISION", a portion of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; that all easements and public streets as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas. Complete access control except three openings are hereby granted along West 93rd Street North and except two openings along North Interurban Drive. Utility Easement is hereby granted to the public as indicated for the construction and maintenance of all public utilities.

Date Signed: _____

KWH Investments, LLC

Owner: _____
Kaleb W. Howell, Member

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

BE IT REMEMBERED:

That on this _____ day of _____, 20____ A.D., before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kaleb W. Howell, MEMBER, who is known to me to be the same person who executed the foregoing plat and the within instrument of writing.

IN TESTIMONY WHEREOF:
I have hereunto set my hand and affixed my Notarial Seal the day and year last mentioned above.

My Commission Expires: _____

_____, Notary Public

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

Reviewed in accordance with K.S.A 58-2005 on this _____ day of _____, 20____.

(S E A L)

Tricia L. Robello, P.S. #1246

VALLEY CENTER PLANNING AND ZONING BOARD

STATE OF KANSAS)
CITY OF VALLEY CENTER) SS

This plat of "BOBWHITE SUBDIVISION", a portion of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian, Valley Center, Sedgwick County, Kansas, has been submitted to and approved by the Valley Center Planning Commission.

Dated this _____ day of _____, 20____.

By: _____ Chair
Gary Janzen

ATTEST: _____ Secretary
Kyle Fiedler

VALLEY CENTER CITY COUNCIL

STATE OF KANSAS)
CITY OF VALLEY CENTER) SS

This plat approved and all dedications shown hereon, if any, accepted by the Governing Body of the City of Valley Center, Kansas, on this _____ day of _____, 20____.

(S E A L) _____ Mayor
Jet Truman

ATTEST: _____ City Clerk
Kristi Carrithers

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
CITY OF VALLEY CENTER) SS

This Plat of "BOBWHITE SUBDIVISION", Valley Center, Sedgwick County, Kansas is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: _____, 2025.

By: _____
Barry Arbuckle, City Attorney

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____ m.

on this _____ day of _____, 2025, and duly recorded.

_____, Register of Deeds
Tonya E. Buckingham

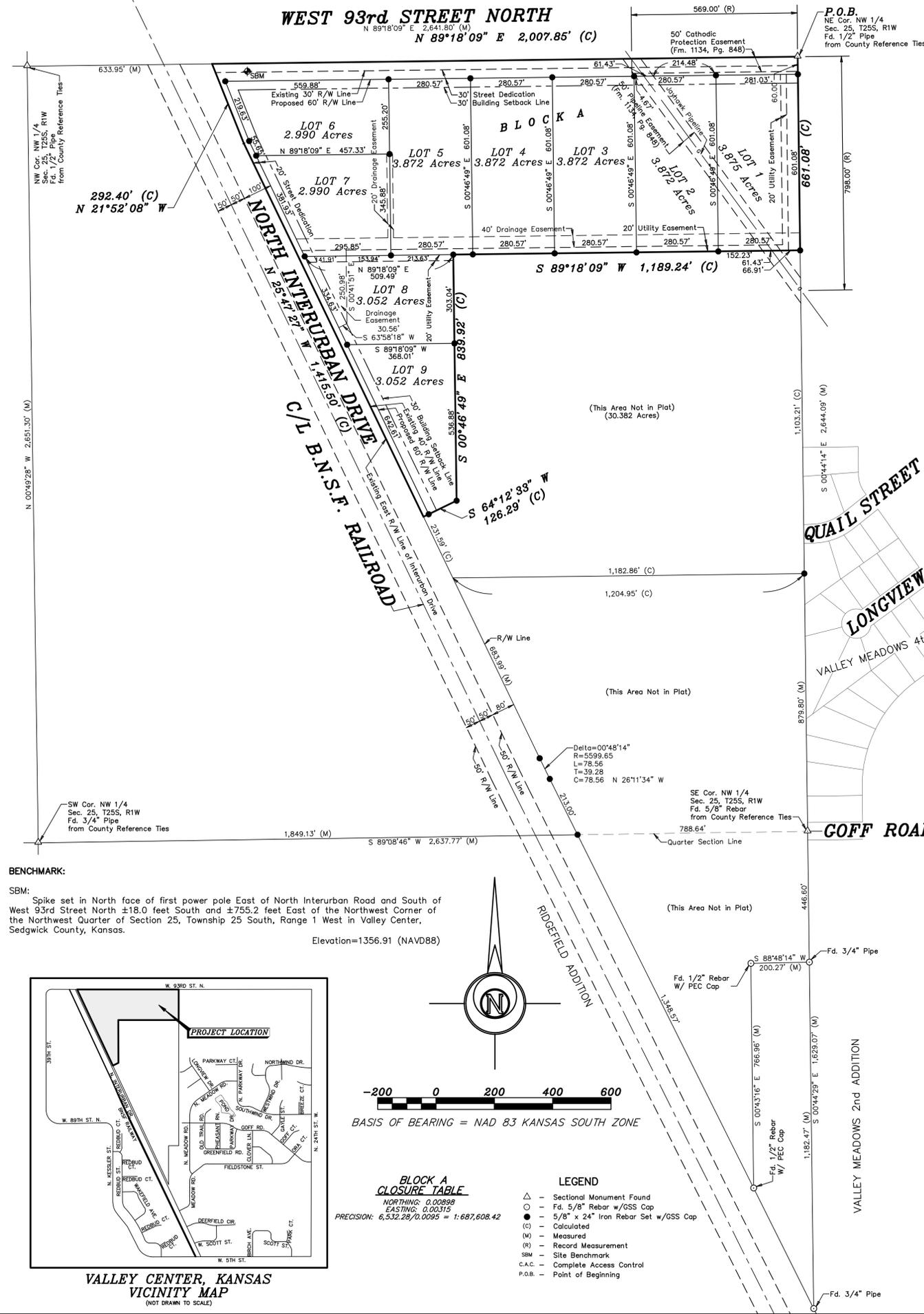
_____, Deputy Register of Deeds
Kenly Zehring

TRANSFER RECORD

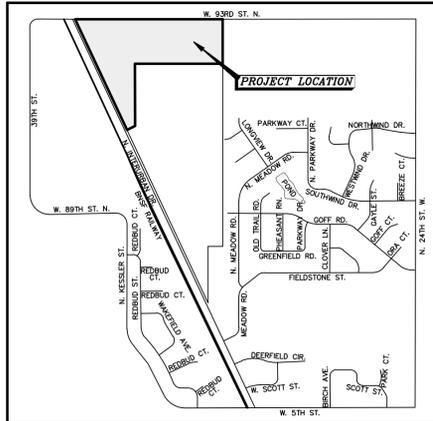
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

Entered on transfer record on this _____ day of _____, 20____.

_____, County Clerk
Kelly B. Arnold



BENCHMARK:
SBM: Spike set in North face of first power pole East of North Interurban Road and South of West 93rd Street North ±18.0 feet South and ±755.2 feet East of the Northwest Corner of the Northwest Quarter of Section 25, Township 25 South, Range 1 West in Valley Center, Sedgwick County, Kansas.
Elevation=1356.91 (NAVD88)



BASIS OF BEARING = NAD 83 KANSAS SOUTH ZONE

BLOCK A CLOSURE TABLE
NORTHING: 0.00889
EASTING: 0.00315
PRECISION: 6,532.28/0.0095 = 1:687,608.42

- LEGEND**
- △ - Sectional Monument Found
 - - Fd. 5/8" Rebar w/GSS Cap
 - - 5/8" x 24" Iron Rebar Set w/GSS Cap
 - (C) - Calculated
 - (M) - Measured
 - (R) - Record Measurement
 - SBM - Site Benchmark
 - C.A.C. - Complete Access Control
 - P.O.B. - Point of Beginning

FINAL PLAT
Description: **BOBWHITE SUBDIVISION**
SEDGWICK COUNTY, KANSAS

Prepared By: **Garber Surveying Service, P.A.**
2908 North Plum St. 67502
Branch Offices: MANHATTAN Ph. 785-320-4810
MCPHERSON Ph. 620-241-4441 NEWTON Ph. 316-283-5053
SALINA Ph. 785-404-6302 WICHITA Ph. 316-260-9933

Drawn By: CDS Scale: 1"=200' Date of Field Work: September 6, 2024 Job No:
Checked By: DEG Date: 03/21/2025 Sheet 1 of 1 Sheet(s) G2024-661

BOBWHITE SUBDIVISION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 25 SOUTH, RANGE 1 WEST OF THE 6th PRINCIPAL MERIDIAN, VALLEY CENTER, SEDGWICK COUNTY, KANSAS

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, Professional Land Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on September 6, 2024 and the accompanying final plat prepared and that all monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

A portion of the West Half of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas more particularly described by Daniel E. Garber, Professional Surveyor #683, on November 7, 2024 as follows: Beginning at the Northeast corner of the West Half of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian; Thence with a bearing South 00°44'14" East (basis of bearings is NAD 83 Kansas South Zone) along the East line of the West Half of said Northwest Quarter a distance of 661.08 feet; Thence South 89°18'09" West parallel with the North line of said Northwest Quarter a distance of 1,189.24 feet; Thence South 00°46'49" East a distance of 839.92 feet; Thence South 64°12'33" West a distance of 126.29 feet to the Northeastly right-of-way line of North Interurban Drive; Thence North 25°47'27" West along said right-of-way line a distance of 1,415.50 feet; Thence continuing along said right-of-way line with a bearing of North 21°52'08" West a distance of 292.40 feet to the North line of said Northwest Quarter; Thence North 89°18'09" East along the North line of said Northwest Quarter a distance of 2,007.85 feet to the point of beginning containing 34.947 Acres.

Date: March 21, 2025



OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

This is to certify that the undersigned, Owner of the land described in the Surveyor's Certificate; has caused the same to be surveyed and subdivided on the accompanying plat into Lots, Block and Streets under the name of "BOBWHITE SUBDIVISION", a portion of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; that all easements and public streets as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas. Complete access control except three openings are hereby granted along West 93rd Street North and except two openings along North Interurban Drive. Utility Easement is hereby granted to the public as indicated for the construction and maintenance of all public utilities.

Date Signed: _____

KWH Investments, LLC

Owner: _____
Kaleb W. Howell, Member

NOTARY CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

BE IT REMEMBERED:

That on this _____ day of _____, 20____ A.D., before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kaleb W. Howell, MEMBER, who is known to me to be the same person who executed the foregoing plat and the within instrument of writing.

IN TESTIMONY WHEREOF: I have hereunto set my hand and affixed my Notarial Seal the day and year last mentioned above.

My Commission Expires: _____

_____, Notary Public

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

Reviewed in accordance with K.S.A 58-2005 on this _____ day of _____, 20____.

(S E A L)

Tricia L. Robello, P.S. #1246

VALLEY CENTER PLANNING AND ZONING BOARD

STATE OF KANSAS }
CITY OF VALLEY CENTER } SS

This plat of "BOBWHITE SUBDIVISION", a portion of the Northwest Quarter of Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian, Valley Center, Sedgwick County, Kansas; has been submitted to and approved by the Valley Center Planning Commission.

Dated this _____ day of _____, 20____.

By: _____, Chair
Gary Janzen

ATTEST: _____, Secretary
Kyle Fiedler

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

This plat of "BOBWHITE SUBDIVISION", a portion of the Northwest Quarter Section 25, Township 25 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita Kansas.

Dated this _____ day of _____, 20____.

By: _____, Chair
Bryan K. Frye

ATTEST: _____, Secretary
Scott A. Wadle

GOVERNING BODY CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

This plat approved and all dedications shown hereon, if any, accepted by the Board of County Commissioners of Sedgwick County, Kansas this _____ day of _____, 20____.

_____, Chairman
Ryan Baty, Fourth District

ATTEST: _____, County Clerk
Kelly B. Arnold

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____, m.

on this _____ day of _____, 2025, and duly recorded.

_____, Register of Deeds
Tonya E. Buckingham

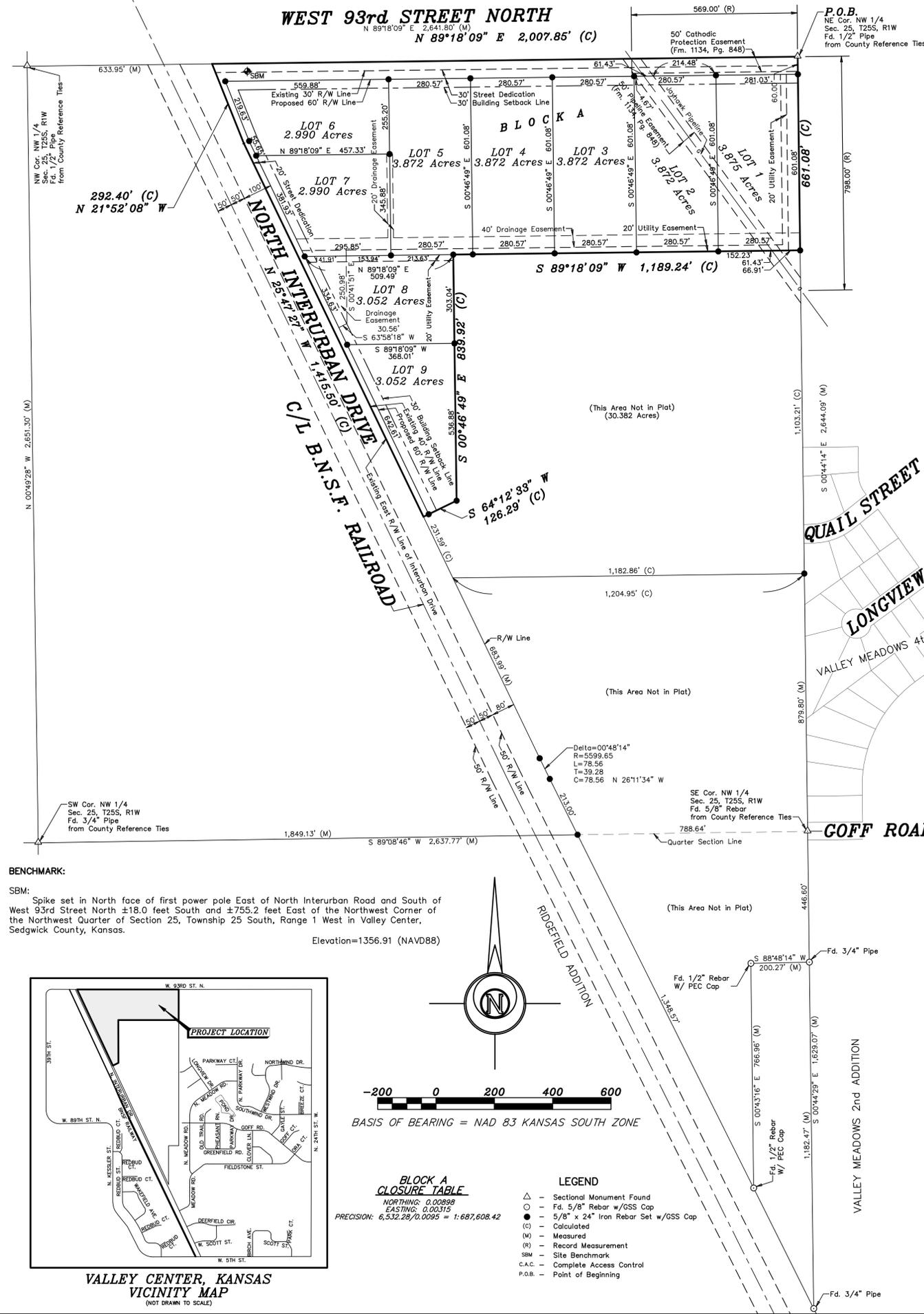
_____, Deputy Register of Deeds
Kenly Zehring

TRANSFER RECORD

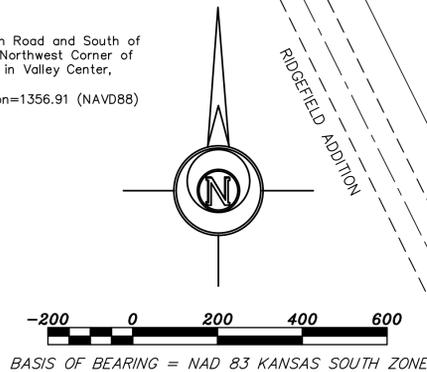
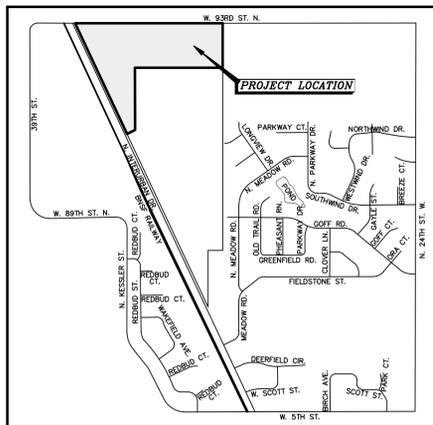
STATE OF KANSAS }
COUNTY OF SEDGWICK } SS

Entered on transfer record on this _____ day of _____, 20____.

_____, County Clerk
Kelly B. Arnold



BENCHMARK:
SBM: Spike set in North face of first power pole East of North Interurban Road and South of West 93rd Street North ±18.0 feet South and ±755.2 feet East of the Northwest Corner of the Northwest Quarter of Section 25, Township 25 South, Range 1 West in Valley Center, Sedgwick County, Kansas.
Elevation=1356.91 (NAVD88)



BLOCK A CLOSURE TABLE
NORTHING: 0.00889
EASTING: 0.00315
PRECISION: 6,532.28/0.0095 = 1:687,608.42

LEGEND
△ - Sectional Monument Found
○ - Fd. 5/8" Rebar w/GSS Cap
● - 5/8" x 24" Iron Rebar Set w/GSS Cap
(C) - Calculated
(M) - Measured
(R) - Record Measurement
SBM - Site Benchmark
C.A.C. - Complete Access Control
P.O.B. - Point of Beginning

FINAL PLAT BOBWHITE SUBDIVISION SEDGWICK COUNTY, KANSAS

Prepared By: Garber Surveying Service, P.A.

HUTCHINSON 2908 North Plum St. 67502
BRANCH OFFICES: MANHATTAN Ph. 785-320-4810
MCPHERSON Ph. 620-241-4441 NEWTON Ph. 316-283-5053
SALINA Ph. 785-404-6302 WICHITA Ph. 316-260-9933

Drawn By: CDS Scale: 1"=200' Date of Field Work: September 6, 2024 Job No:
Checked By: DEG Date: 03/21/2025 Sheet 1 of 1 Sheet(s) G2024-661



ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Issuing Agent:
Lawyers Title of Kansas, Inc.

By: _____
Kenneth D. DeGiorgio, President

By: _____
Lisa W. Cornehl, Secretary

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COMMITMENT CONDITIONS

1. DEFINITIONS

- a. “Discriminatory Covenant”: Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
 - b. “Knowledge” or “Known”: Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
 - c. “Land”: The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term “Land” does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - d. “Mortgage”: A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
 - e. “Policy”: Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - f. “Proposed Amount of Insurance”: Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
 - g. “Proposed Insured”: Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - h. “Public Records”: The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term “Public Records” does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. “State”: The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term “State” also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. “Title”: The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company’s liability and obligation end.
3. The Company’s liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I—Requirements;[and]
 - f. Schedule B, Part II—Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form].

4. COMPANY’S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company’s liability under Commitment Condition 4 is limited to the Proposed Insured’s actual expense incurred in the interval between the Company’s delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured’s good faith reliance to:

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- i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
 - b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
 - c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
 - d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
 - e. The Company is not liable for the content of the Transaction Identification Data, if any.
 - f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
 - g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
- 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**
 - a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
 - b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
 - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing[and authenticated by a person authorized by the Company].
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

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11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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COMMITMENT FOR TITLE INSURANCE SCHEDULE A

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e:

Issuing Agent: Lawyers Title of Kansas, Inc.

Issuing Office: 5715 SW 21st St Topeka, KS 66604

Issuing Office's ALTA® Registry ID: 0001247

Loan ID Number:

Issuing Office File Number: Order ID 70640

Property Address: , KS

Revision Number: N/A

1. Commitment Date: **05/04/2023 07:00 AM**
2. Policy to be issued:
 - (a) **2021 ALTA® Owner's Policy:**
Proposed Insured: Purchaser with contractual rights under purchase agreement with vested owner identified in Schedule A, Item 4.
Proposed Amount of Insurance: \$100.00
The estate or interest to be insured: Fee Title
3. The estate or interest in the Land at the Commitment Date is: **FEE SIMPLE.**
4. The Title is, at the Commitment Date, vested in:
Dixon Family Trust dated November 4, 2021
5. The Land is described as follows: **See Next Page Schedule A for Legal Description**

LAWYERS TITLE OF KANSAS, INC.

By: 
Authorized Signatory

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LTK Order ID 70640

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A
Legal Description

All of the Northwest Quarter lying East of the Santa Fe Railroad Track AND that part of the Southwest Quarter lying East of the Santa Fe Railroad Track of Section 25, Township 25, Range 1 West, Sedgwick County, Kansas, except 4 acres in the Southwest Quarter owned by the City of Valley Center.

[The following is/are the last document(s) transferring title of record and are provided for informational purposes only:

Quit Claim Deed dated November 4, 2021, executed by Clarke Dixon and Darlene Dixon, husband and wife, to Clarke S. Dixon and Darlene M. Dixon, Trustees of the Dixon Family Trust dated November 4, 2021, filed November 4, 2021 at 1:24 p.m., and recorded in Document No. 30113019.

Warranty Deed dated February 12, 2001, executed by C.E. and Shirley Dixon (No marital status given), to Clarke and Darlene Dixon, filed April 3, 2001 at 11:25 a.m., and recorded in Book 2174 Page 108.]

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LTK Order ID 70640

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. **The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**
2. **Pay the agreed amount for the estate or interest to be insured.**
3. **Pay the premiums, fees, and charges for the Policy to the Company.**
4. **Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**
5. **In the event that the subject property is subject to a Homeowners Association which collects dues or other assessments, furnish proof that said sums are paid.**
6. **Furnish for our file the attached Certification of Trust as to the Dixon Family Trust dated November 4, 2021, to be completed by the Trustee(s). The right is reserved to make additional requirements and/or exceptions, including requirement of copies of the pertinent provisions of the trust document.**
7. **Furnish for recording a Trustees Deed by the current trustee(s) of the Dixon Family Trust dated November 4, 2021, to Purchaser with contractual rights under a purchase agreement with the vested owner as identified at Schedule A, Item 4, together with Kansas Real Estate Validation Questionnaire fully completed and signed to accompany said Deed.**
COMPANY REQUIRES: If subject property is the homestead of the Trustee(s), then Trustee(s) and spouse, if married, must also execute the required deed as individuals.
8. **PLEASE BE ADVISED THAT OUR SEARCH DID NOT DISCLOSE ANY OPEN MORTGAGES OF RECORD. IF YOU SHOULD HAVE KNOWLEDGE OF ANY OUTSTANDING OBLIGATION, PLEASE CONTACT US IMMEDIATELY FOR FURTHER REVIEW PRIOR TO CLOSING.**
9. **Return for supplemental report.**

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LTK Order ID 70640

SCHEDULE B, PART II Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Easements or claims of easements, not shown by the Public Records.
4. Any encumbrance, violation, variation or adverse circumstance, boundary lines overlap, or encroachment that would be disclosed by an accurate and complete land title survey of the Land.
5. Any lien, or right to a lien, for services, labor, material, or equipment heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments, if any, not shown as existing liens by the Public Records; also taxes and assessments for the year 2023 and subsequent years.

For Informational Purposes Only:

2022 Real Estate Taxes

General Taxes: \$484.07

Special Taxes: \$4.16

Total Tax: \$488.23

ID Number - VC-00182-0001/00315182

ASSESSED ON: THAT PT NW/4 LY E AT&SF ROW

2022 Real Estate Taxes: \$58.89

ID Number - VC-00188-0002/00315194

ASSESSED ON: THAT PT SW/4 LY NE OF 80 FT CO RD ADJ TO NELY ROW AT&SF ROW EXC TRACT

(The above tax data is provided as a courtesy only, and no liability is assumed by the title company for

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providing the tax amount. Prior to closing this transaction, a check must be made at the office of the County Clerk to verify that the Identification Number, legal description, general taxes and special assessments are correct and complete.)

7. Any portion of the subject premises lying within public or private roadways.
8. Notice of Appropriation of Water recorded in Misc. Book 94 Page 255.
9. Right of Way Agreement to Socony-Vacuum Oil Company, Inc. recorded in Misc. Book 130 Page 454, assigned to Magnolia Pipe Line Company in document recorded in Misc. Book 455 Page 260, as affected by Agreement and Partial Release of Right of Way recorded on Film 1134 Page 848.
10. Right of Way Easement to Kansas Gas and Electric Company recorded in Misc. Book 166 Page 108, as affected by Partial Release of Easement recorded on Film 36 Page 1402, as affected by Affidavit recorded on Film 1120 Page 985.
11. Right of Way Agreement for road recorded in Misc. Book 381 Page 64.
12. Cathodic Protection Easement recorded in Misc. Book 498 Page 396, as affected by Agreement and Partial Release of Right of Way recorded on Film 1134 Page 848.
13. Notice of Contents of Order Determining and Establishing Vested Rights to Continue the Beneficial Use of Water recorded on Film 319 Page 751.
14. Agreement recorded on Film 772 Page 1484.
15. In the Matter of Vested Right, File No. SG 013 recorded on Film 921 Page 626.
16. Affidavit to give notice of restriction and encumbrance recorded on Film 1212 Page 146.
17. Certificate of Appropriation for Beneficial Use of Water Water Right, File No. 37,740 Priority date March 27, 1985 recorded on Film 1240 Page 288.
18. Correctional Order File No. 37,740 recorded on Film 1284 Page 1213.
19. Record title discloses subject land is encumbered by oil and gas leases, assignments of oil and gas leases, mineral conveyances, production agreements, oil and gas royalty conveyance and other instruments evidencing production of oil and gas. Company assumes no liability for any matters pertaining to the mineral interest including but not limited thereto rights outstanding by virtue of any oil and gas leases, assignments, agreements, oil and gas royalties, community or unitization leases or any other matter of oil and gas reserved or outstanding, or reservations of prior owners of any interest in the minerals. **NOTE: Mineral rights have been deeded to the City of Valley Center in Mineral Deed recorded on Film 1203 Page 1869.**
20. Vested Water rights deeded to the City of Valley Center in Warranty Deed recorded on Film 1203 Page 1870.

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- 21. Rights of Tenants now in possession of the Land by either month-to-month or under written leases.**
NOTE: This exception may be removed upon receipt of the signed seller(s) affidavit stating there are no tenants in possession of this property.
- 22. For each policy to be issued as identified in Schedule A, Item 2; the Company shall not be liable under this commitment until it receives a designation for an Amount of Insurance acceptable to the Company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.**

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Applicant's Reasons for Rezoning: The applicant is requesting a rezoning from R-1B (single-family) to R-4 (high density multi-family) to demolish the dilapidated single-family structure and build two new two-family structures. The applicant's request letter is attached to the end of this staff report.

Review Criteria for a Zoning Amendment per 17.11.01.H (*criteria in italics*)

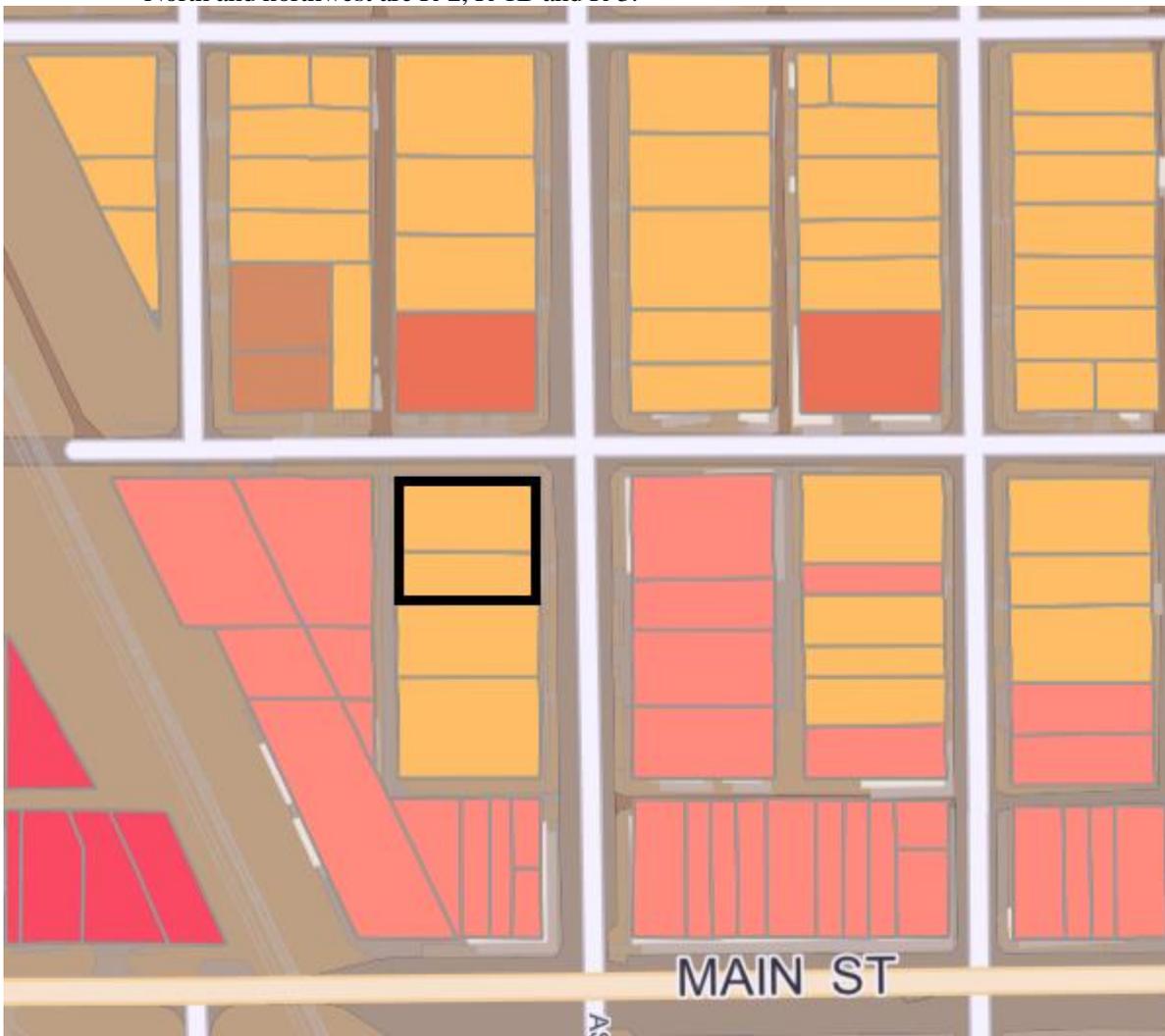
1. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?*

The subject property currently consists of a single-family home. Adjacent lots vary, including; C-1, R-1B, R-2 and R-3.

2. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning of the subject property is R-1B (Single-Family Residential District). The surrounding zoning and land uses are as follows (see map below, subject property outlined in black):

- Adjacent properties to the south and northeast are R-1B (Golden-yellow).
- Adjacent properties to the west and east are C-1 (peach/ pink)
- North and northwest are R-2, R-1B and R-3.



3. *Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?*

No

4. *Would the request correct an error in the application of these regulations?*

No

5. *Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?*

No, the property is in a residential neighborhood and the applicant wants to keep the property in residential use. The applicant is requesting R-4, high density, to be able to have duplexes closer to each other than other zoning districts allow.

6. *Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?*

Yes, public water, sanitary sewer, paved street, storm sewer and waste services are available to the subject property.

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?*

N/A, the subject property has already been platted and does not need to be replatted.

8. *Would a screening plan be necessary for existing and/or potential uses of the subject property?*

No

9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?*

No, the size of this property in an existing residential neighborhood is unique.

10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?*

N/A

11. *Is the subject property suitable for the uses in the current zoning to which it has been restricted?*

Yes

12. *To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?*

The rezoning request will not have a negative impact on the surrounding properties. This neighborhood has spot-zoning with multiple types of residential-use properties.

13. *Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?*

Yes

14. *Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?*

Yes, the Plan calls for additional housing variety.

15. *What is the nature of the support or opposition of the request?*

- City staff supports this rezoning. The standard public notice was published in *The Ark Valley News* and notices were sent out to surrounding property owners. As of the date of this report, there has been one person call in favor of the rezone, one was neutral, not wanting new two-story structures in the middle of town, one more opposed and sited drainage as a problem.

- Other public comments in support or opposition will not be known until the public hearing. Any comments received by staff between the day the packet is sent and the hearing will be shared with the Board.

16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?

No

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?

No

City staff recommends approval of this rezoning application.

250055

REZONING/LAND USE AMENDMENT APPLICATION

This application is for a Rezoning/Land Use Amendment before the City Planning Commission. The form must be completed and filed with the Zoning Administrator at Public Works, 545 W Clay Street, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310, ext. 103.

Property owner(s) Name & Address Michael & Tammy Miller 135 N Ash

Phone 316 212 7471 fax# _____

Petitioner's Name & Address Michael & Tammy Miller 701 Dover Drive

Phone 316 212 7471 fax# _____

Contact email address mlc_miller-3344@cox.net Contact Cell Phone 316 212 7471

Relationship of applicant to property is that of Owner ___ Tenant ___ Lessee ___ Other

Property Zoning/Land Use Plan is now R-1

Proposed Rezoning/Land Use Plan Amendment R-4

Property shown on Valley Center Land Use Plan is now R-1

Address/Location of Request 135 N Ash Valley Center

Justification for Rezoning/Land Use Plan Amendment (attach narrative to application)

The undersigned petitioner understands the following conditions of this application:

1. That he/she has been advised of the fee requirements established and that the fee accompanies this application for a Rezoning/Land Use Amendment.
2. That the Planning Commission can only recommend action and the City Council must ratify the Planning Commission's decision as the final decision of the City.

Applicant

Date

Agent (If any)

Date

Office use only

A pre-application meeting occurred with the applicant on _____. This application was received at _____ (am) (pm) on _____, 20__ by the Zoning Administrator acting on behalf of the Planning Commission and City Council. It has been checked and found to be complete. Nonrefundable fee varies, depending upon the zoning classification being requested.

Zoning Application fee for a rezoning is \$300 other than a PUD, which is \$500

Planning and Zoning Board,

This is a formal request to change the zoning for street address 135 N Ash Valley Center, KS from R1-B to R-4. The purpose of this zoning change is to allow for the razing of the current structure and build residential duplexes. There are three properties in close proximity to this lot that are zoned at R-3. One of the properties is a four-plex directly north of this property. Reason for requesting R-4 instead of R-3 is that the current plan to build the duplexes would face Ash and R-4 allows for more flexibility in this short side of the property while allowing for off street parking.

On the zoning map of Valley Center this property shows as two separate lots. However, they were combined at Sedgwick County more than a year ago.

Thank you,

Mike & Tammy Miller



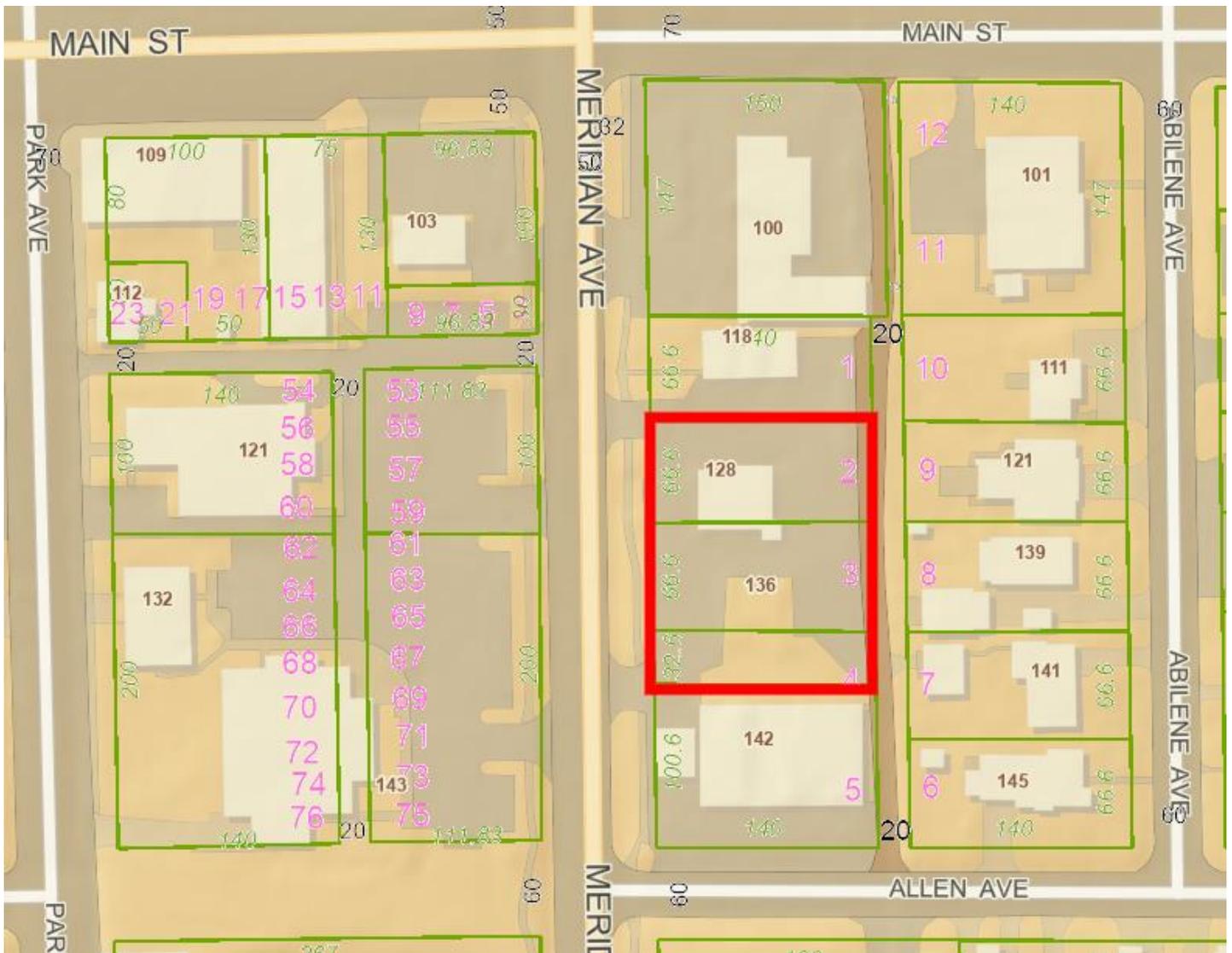
Date: March 25, 2025

To: City of Valley Center Planning and Zoning Board

From: Kyle Fiedler, *Community Development Director*

Applicant: Andrew Sharon (SP-2025-04)

Location of Site Plan: The proposed drive-thru will be added to property located at 128 S Meridian, Valley Center, KS 67147. The map below shows the lots on which the proposed drive-thru will be added (outlined in red).



Existing Zoning: C-2 (General Business District)

Size of Parcel: The property on which the proposed drive-thru will be added is 3 separate lots, all under the

same ownership. The total area is just over ½ of an acre. The submitted site plan meets all bulk regulations required of the zoning district.

Purpose of Site Plan Application:

17.12.05 Site Plan Requirements:

Projects which are subject to review by the Planning and Zoning Board generally are required to meet the following standards:

- A. *Show the location and dimensions of all right-of-way, easements and setback lines either required by these regulations or by platting or separate instruments.*
 - The proposed drive-thru will be constructed within the site development area noted on the associated site plans.

- B. *The site plan map generally should be oriented to the north with north arrow and scale plus dimensions and property boundary lines for the zoning lot.*
 - Dimensions are shown on the site plan and the site plan is generally oriented to the north and a scale is present. Property boundary lines are also shown on the site plan map.

- C. *Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.*
 - Topography by contour lines is not shown on the site drainage plan. Staff did not require this as there are not major changes occurring to the site.

- D. *Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.*
 - The site plan shows the dimensions of the existing building. The existing building is approximately 2,000 sq ft on the bottom floor and approximately 1,00 sq ft on the top floor. The only change to the building will be the addition of the drive-thru window.

- E. *Existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).*
 - This project will use the existing drives at the north and south end of the property. The applicant has noted where additional pavement will be placed for the drive-thru lane. With the new site plan and flow, there is also updated parking on the site, as the current parking on the north end of the building will be eliminated. The plan includes 10 parking spaces, appropriate for the use of the property. There is a sidewalk along front of the property.

- F. *Location, direction, and intensity of proposed lighting. All exterior lighting must be "full-cut-off" light fixtures when located near adjacent residential properties (no light should spill over on adjacent residential parcels)*
 - The applicant has shared they want to add one light above the drive-thru window which will be pointed down to be able to read the menu board. No other exterior lighting is planned.

- G. *Location and height of all existing (to remain) and proposed signs on the site, the setback dimensions from any sign to property lines, location and routing of electrical supply, surface area of the sign in square feet,*

size of letters and graphics, description of sign, frame materials and colors.

- There are no proposed signs with this project.

H. *If disposal containers will be on the site, indicate how such areas will be fully screened from public view by means of a structure (including swinging doors) constructed with either solid treated lumber walls, cement block (with or without brick), or other materials deemed acceptable. The enclosure must also have the capability of latching the doors in a closed position, or when trash is being picked up, in an open position. Outdoor storage areas may also need to be screened if required by these zoning regulations.*

- There is no external screening in the plan for disposal containers, as they intend for them to be carts as are currently being used for the property.

I. *Vehicular ingress and egress to and from the site and circulation within the site to provide safe, efficient and convenient movement of traffic, not only within the site but on adjacent roadways.*

- Vehicular ingress and egress to and from the site will be safe, efficient, and convenient.

J. *Site plan provides for the safe movement of pedestrians within the site.*

- The proposed development does provide for the safe movement of pedestrians within and along the front of the site.

STAFF RECOMMENDATION: City staff recommends approval of this site plan application.

250050

City of Valley Center

Case No. SP _____ - _____

SITE PLAN REVIEW APPLICATION

This application is for a Site Plan Review before the City Planning and Zoning Board. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Public Works, 545 W Clay, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310.

Property owner(s) Name & Address 143 Properties, LLC

Phone (316) 440-5660 fax# _____

Petitioners Name & Address Andrew Sharon 621 Scott Street, Valley Center, KS 67147

Phone (316) 461-7639 fax# _____

Contact email address seven143@att.net Contact Cell Phone (316) 461-7639

Relationship of applicant to property is that of Owner Tenant Lessee Other

Property now used for Bakery/Coffee Shop

Property Zoning/Land Use Plan is now 2105 Strip Store Center

Proposed Rezoning/Land Use Plan Amendment Add Drive Thru Window

Property shown on Valley Center Land Use Plan is now C-2 General Business

Address /Location of Request 124 S. Meridian Ave, Valley Center, KS 67147

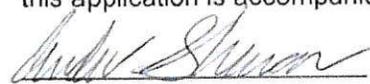
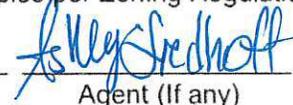
Parcel number(s) 00264000, 00264001, 00264002

Legal Description LOT 2 DORA E. CREASSER ADD., LOT 3 DORA E. CREASSER ADD.

LOT 4 EXC S 34 FT DORA E. CREASSER ADD.

Dimensions of the Property are 140 feet deep by 168 wide with frontage proposed on Meridian Ave. and having a total of 23,469 square feet.

I realize that this application cannot be processed unless it is complete per Zoning Regulations section 17.12.05 and any other site plan criteria as agreed to in the pre-application meeting, and this application is accompanied by sufficient copies per Zoning Regulations section 17.12.04.

	<u>02/23/2025</u>		<u>2/24/25</u>
Applicant	Date	Agent (If any)	Date

Office use only
A pre-application meeting occurred with the applicant on _____. This application was received at _____ (am) (pm) on _____, 20__ by the Zoning Administrator acting on behalf of the Planning Commission and City Council. It has been checked and found to be complete and accompanied by the required documents and a nonrefundable fee of \$200.00.

