



**AGENDA**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
July 02, 2024 7:00 PM



**I. CALL TO ORDER:** Mayor Jim Benage

**II. ROLL CALL**

Greg Davied \_\_\_\_ Tyler Dehn \_\_\_\_ Emily Hamburg \_\_\_\_  
Tom Schmitz \_\_\_\_ John Welch \_\_\_\_

**III. OPENING PRAYER:** Dr. Robert Lindsted

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**V. DETERMINE AGENDA ADDITIONS**

**VI. CONSENT AGENDA**

**A. Approval of Minutes of the June 18, 2024 City Council meeting.**

**B. Approval of the Mayor's Reappointment of Terry Ercolani to Seat 2 on the Bel Aire Utility Advisory Committee (UAC). If approved, the term will expire on August 1, 2027.**

**C. Approval of the Mayor's Reappointment of Dan Broyles to Seat 1 on the Bel Aire Utility Advisory Committee (UAC). If approved, the term will expire on August 1, 2027.**

**D. Confirm the Mayor's reappointment of John Charleston to the Planning Commission. If approved, the term will expire on April 1, 2027.**

**Action:** Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**A. Consideration of Appropriations Ordinance No. 24-12 in the amount of \$925,527.79.**

**Action:** Motion to (approve / deny / table) Appropriations Ordinance No. 24-12.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VIII. CITY REQUESTED APPEARANCES**

**IX. CITIZEN CONCERNS:** *If you wish to speak, please fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time. If more time is needed, you may request an extension from the Mayor.*

**X. PUBLIC HEARING**

**A. Industrial Revenue Bonds, WAM Investments - Phase 2:** The purpose of the public hearing is to hear from taxpayers, citizens and other interested parties in regard to the issuance by the City of Bel Aire, Kansas of its Industrial Revenue Bonds (WAM Investments - Phase 2), in a principal amount not to exceed \$3,700,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued by the Issuer under authority of K.S.A. 12-1740 et seq., as amended, to pay the costs of the acquiring, constructing and equipping of a commercial facility to be located at 9000 E. 46th Street North, Bel Aire, Kansas. The Issuer further intends to lease such facility to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the "Tenant").

**Action:** Motion to close the public hearing.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XI. REPORTS**

- A. Council Member Reports**
- B. Mayor's Report**
- C. City Attorney Report**
- D. City Manager Report**

**XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

**A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Industrial Revenue Bonds For The Purpose Of Financing The Acquiring, Constructing And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents (WAM Investments, Phase 2).**

**Action:** Motion to (adopt / deny / table) A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Industrial Revenue Bonds For The Purpose Of Financing The Acquiring, Constructing And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**B. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Revised Final Plat of Chapel Landing 7th.**

**Action:** Motion to (accept / deny / table) the dedications within the Revised Final Plat of Chapel Landing 7th, Bel Aire, Sedgwick County, Kansas, and authorize all required signatures.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Tom Schmitz \_\_\_\_\_ John Welch \_\_\_\_\_ Mayor Jim Benage \_\_\_\_\_

**C. Consideration of An Agreement Concerning The Development Of Chapel Landing 7th, Bel Aire, Sedgwick County, Kansas.**

**Action:** Motion to (approve / table / deny) An Agreement Concerning The Development Of Chapel Landing 7th, Bel Aire, Sedgwick County, Kansas and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**D. Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending A Conditional Use Permit For A Home Occupation Of In-Home Daycare On Property Zoned R-5 And Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas (CON-24-01).**

**Action:** Motion to (adopt/ deny / table) the Ordinance Approving a Conditional Use Permit in CON-24-01 and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Tom Schmitz \_\_\_\_\_ John Welch \_\_\_\_\_ Mayor Jim Benage \_\_\_\_\_

**XIII. EXECUTIVE SESSION**

**A. Action:** Motion to recess into executive session to discuss with legal counsel and receive legal advice related to the Woodlawn Roadway Project. The discussions will be pursuant to K.S.A. 75- 4319(b)(2) for legal consultation with attorney Neil Gosch, which are deemed privileged in the attorney-client relationship. Invite the City Manager, City Attorney, City Engineer, and Neil Gosch. The meeting will be for a period of (\_\_\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_) p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**B. Action:** Motion to recess into executive session to discuss CCUA negotiations pursuant to K.S.A. 75-4319(b)(2): for legal consultation with the City Attorney which would be

deemed privileged in the attorney-client relationship. Invite the City Manager and the City Attorney. The meeting will be for a period of (\_\_\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_) p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**XIV. DISCUSSION AND FUTURE ISSUES**

**A. City Council Workshop - July 9, 2024, at 6:30 p.m.?**

**XV. ADJOURNMENT**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

*Additional Attachments:*

[A.](#) City Manager's Report - July 2, 2024

**Notice**

*It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed at [www.belaireks.gov](http://www.belaireks.gov) and on YouTube. Please make sure all cell phones and other electronics are turned off and put away.*





**MINUTES**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
June 18, 2024 7:00 PM



**I. CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Present were Councilmember Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch. Councilmember Greg Davied participated by videoconference. Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Director of Finance Barry Smith, City Clerk Melissa Krehbiel, and Thomas Schmitz.

**III. OPENING PRAYER:** John Barkett provided the opening prayer.

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Mayor Benage led the pledge of allegiance.

**V. DETERMINE AGENDA ADDITIONS**

**MOTION:** Councilmember Welch moved to add an Executive Session before Item XII on the agenda. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**VI. CONSENT AGENDA**

**A. Approval of Minutes of the June 4, 2024 City Council meeting.**

**MOTION:** Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

**VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**A. Consideration of Appropriations Ordinance No. 24-11 in the amount of \$574,734.28.**

**MOTION:** Councilmember Dehn moved to approve Appropriations Ordinance No. 24-11. Councilmember Smith seconded the motion. *Motion carried 5-0.*

**VIII. CITY REQUESTED APPEARANCES**

**A. Councilmember Justin Smith - Service Recognition**

Councilmember Justin Smith made remarks about the many successes and changes the City has experienced during his tenure. He thanked his family, the Mayor, Councilmembers, City staff, and the community for their support. He stated that it was an honor and a privilege to serve Bel Aire. Mayor Benage then made remarks about running for office with Councilmember Smith in 2017 and the many accomplishments the City has experienced during their tenure. He attributed much of the success to Councilmember Smith’s insight and ability to articulate thoughts on the desired direction of the City. Mayor Benage then thanked Councilmember Smith for his contributions and presented a plaque to him.

**B. Tamara Blackwell, Ms. Wheelchair Kansas 2024**

Mayor Benage presented a certificate to Ms. Blackwell to recognize her service to the community. Ms. Blackwell then made remarks about her mission to advocate for the disabled, requested support from the City, and offered help in identifying opportunities to make spaces in Bel Aire more wheelchair friendly. Ms. Blackwell will represent the state in the national Ms. Wheelchair America contest in August.

**C. Bob Henthorne and Ben Mabry, Professional Engineering Consultants – Woodlawn**

Mr. Henthorne and Mr. Mabry gave an overview of the Geotechnical Engineering Services Report regarding Woodlawn Monitoring Wells and stood for questions from the Council.

**IX. CITIZEN CONCERNS**

No one spoke.

City Manager Ted Henry noted that the Council received two letters by mail, which were distributed to each Councilmember.

**X. REPORTS**

**A. Council Member Reports**

Councilmember Dehn briefly reported on a recent Bel Aire walking group event at Eagle Lake, the WAMPO regional transportation transit public open house, and the latest Bel Air Chamber luncheon. He noted that the K-254 Corridor Development Association will hold a public meeting on Friday at 11:30 a.m.

Councilmember Hamburg reported that the next community cleanup will be held at 9 a.m. on Saturday, June 29<sup>th</sup> at Eagle Lake. She also received comments from a community member suggesting changes to the City’s website to make it easier to contact the governing body at large. She will speak to City staff about the possible changes.

**B. Mayor's Report**

Mayor Benage briefly reported on the tax cut passed by the Kansas Legislature, the Choose Wichita event, the most recent Walk Bel Aire event, and the WAMPO TPB meeting. He noted that former City Attorney Jaci Kelly is running for District Court Judge. He received two thank you notes: one regarding Dani’s excellent work at the Rec Center and another from the Glenwood HOA thanking City staff for their work in mowing a vacant lot and cleaning a stormwater culvert. He congratulated a regional organization with offices in Bel Aire, the South-Central Kansas Economic Development District (SCKEDD), for being awarded an investment grant from the United States Economic Development Administration. Mayor Benage also reported on the June 10<sup>th</sup> meeting of the USD 259 Board of Education. The Board announced proposals to add grade levels at Isely Elementary School and add an athletic facility at Northeast Magnet High School. The Board is conducting a public survey about the proposals: a link to the survey can be found on the City’s website.

**C. City Attorney Report**

City Attorney Maria Schrock briefly reported on Fireworks regulations in the City Code. This year, fireworks may be detonated until 11 p.m. on July 4<sup>th</sup>.

**D. City Manager Report**

City Manager Ted Henry thanked Councilmember Smith for his service on the Council. He reported that the Lions Club is working on plans to add park amenities to benefit individuals with disabilities; he suggested they work with Ms. Tamara Blackwell on the plan. Regarding water conservation, Cheney Reservoir, a major source of water for Wichita and Bel Aire, has recently had low levels of water, triggering stage 1 of the Municipal Water Conservation Plan. This stage of the plan recommends that residents be mindful of their water use, try to limit outdoor water use and make efficient use of water indoors. Staff will continue to monitor water conditions.

**XI. ORDINANCES, RESOLUTIONS AND FINAL MOTIONS**

**A. Consideration of a Letter of Intent to Issue IRB’s and Provide Other Incentives for Phase 2 of Bel Aire Industrial Park commercial strip center project (WAM Investments, Phase 2).**

**MOTION:** Councilmember Hamburg moved to approve a Letter of Intent to Issue IRB’s and Provide Other Incentives for Phase 2 of Bel Aire Industrial Park commercial strip center project (WAM Investments, Phase 2) and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

**B. Consideration of a Notice of Hearing regarding Issuance of Industrial Revenue Bonds For The Purpose Of Financing The Acquiring, Constructing And Equipping Of A Commercial Facility To Be Located In The City (WAM Investments, Phase 2).**

**MOTION:** Councilmember Welch moved to approve publication of a Notice of Hearing regarding Issuance of Industrial Revenue Bonds For The Purpose Of Financing The Acquiring, Constructing And Equipping Of A Commercial Facility To Be Located

In The City (WAM Investments, Phase 2). Councilmember Dehn seconded the motion.  
*Motion carried 5-0.*

**C. Consideration of an Agreement with Garver for the Design, Construction Staking and Construction Observation Services for the Skyview 2<sup>nd</sup>, Phase 2 water, sanitary sewer, drainage and street projects in the amount of \$309,296, Not to Exceed.**

**MOTION:** Councilmember Smith moved to accept the Agreement with Garver for the Design, Construction Staking and Construction Observation Services for the Skyview 2<sup>nd</sup>, Phase 2 water, sanitary sewer, drainage and street projects in the amount of \$309,296, Not to Exceed and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

**Executive Session**

**MOTION:** Councilmember Welch moved to recess into executive session for attorney-client consultation pursuant to K.S.A. 75-4319(b)(2): for consultation with an Attorney for the public body which would be deemed privileged in the attorney-client relationship. Invite the City Attorney. The meeting will be for a period of 10 minutes, and the open meeting will resume at 8:10 p.m. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

The Council then recessed into executive session. At 8:10 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

**XII. APPOINTMENT TO CITY COUNCIL**

**A. Consideration of confirming the Mayor's appointment of \_\_\_\_\_ to fill the seat vacated by Justin Smith. The seat will be up for re-election in November of 2025.**

**MOTION:** Councilmember Welch moved to table the appointment of the new councilmember until the next meeting on July 2<sup>nd</sup>. Motion died for lack of a second.

Mayor Benage announced his recommendation of Tom Schmitz to fill the vacancy.

**MOTION:** Councilmember Hamburg moved to confirm the recommendation of Tom Schmitz to fill the seat vacated by Justin Smith. Councilmember Dehn seconded the motion. *Motion carried 4-0-1* with Councilmember Smith abstaining from the vote.

**B. Oath of Office for New Councilmember.**

The City Clerk administered the Oath of Office to Mr. Thomas Schmitz. Councilmember Schmitz then took his seat with the Council.

**XIII. EXECUTIVE SESSION**

**A. MOTION:** Councilmember Dehn moved to recess into executive session to discuss CCUA negotiations pursuant to K.S.A. 75-4319(b)(2): for legal consultation with the City Attorney which would be deemed privileged in the attorney-client relationship. Invite the City Manager and the City Attorney and Justin Smith, CCUA Board Member. The meeting will be for a period of 15 minutes, and the open meeting will resume in City

Council Chambers at 8:38 p.m. Councilmember Hamburg seconded the motion. **Motion carried 5-0.**

The Council then recessed into executive session. At 8:40 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

- B. MOTION:** Councilmember Dehn moved to go into executive session for the sole purpose of discussing the subject of: attorney-client consultation regarding contractual obligations pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Attorney, City Engineer, and Neil Gosch. The meeting will be for a period of 20 minutes, and the open meeting will resume in Council Chambers at 9:01 p.m. Councilmember Davied seconded the motion. **Motion carried 5-0.**

The Council then recessed into executive session. At 9:03 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

**XIV. DISCUSSION AND FUTURE ISSUES**

**A. Upcoming Council Meetings:**

July 2, 2024 - regular City Council meeting, 7:00 p.m.

July 9, 2024 - City Council Budget Workshop, 6:30 p.m.

Councilmembers briefly discussed the agendas for the two meetings listed above. The Council noted that there was a typo in the date of the workshop on the agenda. The workshop will be held on July 9, 2024 at 6:30 p.m.

The Council also briefly discussed a concern with the Recreation Center ball fields related to Bermuda kill. There was consensus to discuss the matter further at a future council meeting.

**XV. ADJOURNMENT**

**MOTION:** Councilmember Dehn moved to adjourn. Councilmember Hamburg seconded the motion. **Motion carried 5-0.**

<b>CITY OF BEL AIRE</b>		
<b>AP ORD 2024-12</b>		
Vendor & Payroll Checks 06/12-06/23/2024		
AFLAC	EMPLOYEE MONTHLY PREMIUM	\$ 950.13
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINATION	\$ 78.00
ARC DOCUMENT SOLUTIONS	MAP PRINTER:SERVICE PLAN	\$ 480.00
ARC PHYSICAL THERAPY PLUS	DRUG SCREENING	\$ 455.00
ARMSTRONG, REBECCA	ALLIANCE MEMBERSHIP	\$ 125.00
BANK OF NEW YORK	541071:06/24 O&M /DEBT SVC	\$ 204,643.30
BEALL & MITCHELL, LLC	MONTHLY COURT DATE X2	\$ 1,237.98
BLUE CROSS AND BLUE SHIEL	07/24 ID:0421210	\$ 55,286.89
BRADY	CH:JANITORIAL SUPPLIES	\$ 903.18
BROWN, ERICA	SWIM LESSON REFUND	\$ 80.00
BURNS & MCDONNELL ENGINE	PROJECT MGT;SEWER FRAMEWORK	\$ 7,098.00
CERTIFIED ENGINEERING DES	BA LAKES SUB ENGINEERING	\$ 213,035.00
CITY OF NEWTON	PD PRE-EMPLOYMENT SCREENING	\$ 100.00
CMW	CH HVAC SYSTEM	\$ 63,054.53
COX COMMUNICATIONS	INTERNET/PHONE SVC	\$ 1,495.73
CRAFCO	STREET MATERIALS SUPPLIES	\$ 6,216.00
CREATIVE AWARDS & SCREEN	STAFF PLAQUES	\$ 185.75
CULLIGAN OF WICHITA	WATER SERVICE	\$ 78.40
EMC INSURANCE COMPANIES	LIABILITY INSURANCE PREM	\$ 559.62
EMPOWER RETIREMENT 457	KPERS 457	\$ 1,047.00
ENTWISLE, ANNABEL	REFUND POOL OVERCHARGE	\$ 5.00
EWING IRRIGATION PRODUCTS	IRRIGATION SUPPLIES	\$ 842.80
FICA/FEDERAL W/H	FED/FICA TAX	\$ 27,081.08
GARVER	45TH OLIVER-WOODLAWN DISCOVERY	\$ 17,797.34
HASTY AWARDS	REC PROGRAM AWARDS	\$ 226.11
HAWKS INTER-STATE PESTMAS	06/24:PEST CONTROL:POOL	\$ 575.71
IRONCLAD ENVIRONMENTAL	PORTABLE PUMP RENTAL:53RD LS	\$ 1,986.35
KANSAS ONE-CALL SYSTEMS	LOCATE FEES:284 FOR 05/24	\$ 340.80
KANZA CO-OPERATIVE ASSOC	BULK FUEL	\$ 2,498.26
KS DEPT REV:WITHHOLDING T	STATE TAX	\$ 4,770.01
KS PUBLIC EMPL RETIRE SYS	KPERS/KP&F	\$ 21,768.08
LIFESAVER LEARNING, INC.	CPR TRAINING	\$ 225.00
LINSTAR INC	ID CARDS:PD	\$ 12.80
LK ARCHITECTURE, INC	PW FACILITY STUDY PYT 4	\$ 2,500.00
MABCD	02/24-04/24 INSPECTIONS	\$ 3,150.00
MAXIMUM OUTDOOR EQUIPM	REC MAINTENANCE	\$ 16.89
MERIDIAN ANALYTICAL LABS	STORMWATER SAMPLE ANALYSIS	\$ 2,370.00
MIES CONSTRUCTION, INC	CHAPEL LANDING PH2	\$ 76,850.00
MIKE JOHNSON SALES, INC.	NEW CHECKS	\$ 214.49
OREILLY AUTO PARTS	AUTO REPAIRS/SUPPLIES	\$ 76.49
PACE ANALYTICAL SERVICES	SW:SUSPENDED SOLIDS TESTING	\$ 2,268.40

PARKS INC	PD FLEET MAINTENANCE	\$ 271.16
PAYLOCITY	FSA EMPLOYEE EXPENSE	\$ 1,735.76
PAYNE TOWNSHIP	ANNUAL MAINT SVC AGREEMENT	\$ 5,638.00
PEC	BASE MONTHLY SERVICES	\$ 10,000.00
PITNEY BOWES	POSTAGE REFILL	\$ 500.00
QUILL CORP	OFFICE SUPPLIES/EQUIP	\$ 784.30
SEDG CO DEPT FINANCE/JAIL	05/24 PRISONER HOUSING FEES	\$ 2,448.56
SEH INC	SCP 3RD CONS SERVICES	\$ 41,283.88
TRANSYSTEMS	53RD RECON OLIVER-WOODLAWN	\$ 5,814.72
UNITED INDUSTRIES INC	POOL:CHEMICALS	\$ 279.45
VISION ALLIANCE MARKETING	04/24 COURT SERVICES OFFICER	\$ 800.00
WASTE CONNECTIONS	05/24 RECYCLE OR TRASH SVC	\$ 45,533.13
WIENS, ANDREW	REFUND POOL OVERCHARGE	\$ 180.00
PAYROLL CHECKS	PAYROLL CHECKS ON 06/19/2024	\$ 87,573.71
	<b>CLAIMS TOTAL</b>	<b>\$ 925,527.79</b>

Approved  
  
 6-25-24

Gilmore & Bell, P.C.  
06/04/2024

**AFFIDAVIT OF MAILING AND PUBLICATION**

I, the undersigned, of lawful age, upon oath or affirmation, hereby declare under the penalties of perjury:

1. I am the duly appointed and acting Clerk of the City of Bel Aire, Kansas, and I was the duly appointed and acting Clerk at all times referred to in this affidavit.

2. On June 20, 2024, I mailed a letter and attached Notice of Public Hearing addressed as follows:

Board of Education  
Unified School District No. 375  
901 Main  
P.O. Box 9  
Towanda, Kansas 67144

Board of County Commissioners of  
Sedgwick County, Kansas  
100 N. Broadway, Suite 660  
Wichita, Kansas 67202

The foregoing items were mailed by first-class mail with adequate postage. Each envelope was endorsed with the return address of my office. Copies of the letter and notice mailed are attached to this affidavit.

3. Neither package was returned undelivered.

4. The Notice of Public Hearing mailed as stated above was published once in *The Ark Valley News*, the official City newspaper, on June 20, 2024, which date was at least seven days prior to the date the public hearing was held. A true copy of the affidavit of publication of the Notice of Hearing is attached to this affidavit.



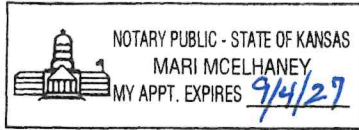
Melissa Krehbiel, Clerk



STATE OF KANSAS )  
 ) SS:  
COUNTY OF SEDGWICK )

Subscribed and sworn or affirmed before me this 25<sup>th</sup> day of June, 2024.

[SEAL]



My Appointment Expires:  
9/4/27

Mari E McElhane  
Notary Public

Mari E McElhane  
Typed or Printed Name of Notary Public

June 20, 2024

Board of Education  
Unified School District No. 375  
901 Main  
P.O. Box 9  
Towanda, Kansas 67144

Board of County Commissioners of  
Sedgwick County, Kansas  
100 N. Broadway, Suite 660  
Wichita, Kansas 67202

Re: Not to Exceed \$3,700,000  
City of Bel Aire, Kansas  
Industrial Revenue Bonds  
(WAM Investments - Phase 2)

We have enclosed for your information a Notice of the Public Hearing and Issuance of Industrial Revenue Bonds proposed by the City of Bel Aire, Kansas pursuant to K.S.A. 12-1749c and K.S.A. 12-1749d, as amended.

Very truly yours,

CITY OF BEL AIRE, KANSAS



Melissa Krehbiel, Clerk

Enclosure

7651 East Central Park Avenue  
Bel Aire, Kansas 67226  
PHONE (316) 744-2451  
FAX (316) 744-2451

(Published in *The Ark Valley News*, June 20, 2024)

**NOTICE OF PUBLIC HEARING  
AND OF  
ISSUANCE OF INDUSTRIAL REVENUE BONDS**

Public notice is hereby given that the City Council of the City of Bel Aire, Kansas (the "Issuer"), will conduct a public hearing on July 2, 2024 at 7:00 p.m., or as soon thereafter as may be heard at City Hall, 7651 E. Central Park Ave., Bel Aire, Kansas, in regard to the issuance by the Issuer of its Industrial Revenue Bonds (WAM Investments - Phase 2), in a principal amount not to exceed \$3,700,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued by the Issuer under authority of K.S.A. 12-1740 *et seq.*, as amended, to pay the costs of the acquiring, constructing and equipping of a commercial facility to be located at 9000 E. 46<sup>th</sup> Street North, Bel Aire, Kansas. The Issuer further intends to lease such facility to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the "Tenant"). The governing body of the Issuer will not pass an ordinance authorizing the issuance of such revenue bonds until the public hearing has been concluded.

Notice is further given, in accordance with K.S.A. 12-1744e, that the Issuer intends to issue the Bonds and lease the facility to the Tenant as set out above.

A copy of this Notice, together with a copy of the inducement resolution of the Issuer to be considered for adoption on July 2, 2024, indicating the intent of the governing body of the Issuer to issue such Bonds and a report analyzing the costs and benefits of such property tax exemption are on file in the office of the Clerk, or will be as soon as completed, and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: June 20, 2024

CITY OF BEL AIRE, KANSAS

Melissa Krehbiel, Clerk

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 20th day of June, 2024, with subsequent publications being made on the following dates:

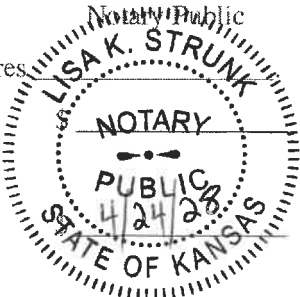
\_\_\_\_\_, 2024 \_\_\_\_\_, 2024  
\_\_\_\_\_, 2024 \_\_\_\_\_, 2024  
\_\_\_\_\_, 2024 \_\_\_\_\_, 2024

Chris Strunk

Subscribed and sworn to before me this 20th day of June, 2024.

Lisa K. Strunk

My commission expires \_\_\_\_\_  
Additional copies \_\_\_\_\_  
Printer's fee \_\_\_\_\_



## Bel Aire public notice

(Published in The Ark Valley News June 20, 2024.)

### NOTICE OF PUBLIC HEARING AND OF ISSUANCE OF INDUSTRIAL REVENUE BONDS

Public notice is hereby given that the City Council of the City of Bel Aire, Kansas (the "Issuer"), will conduct a public hearing on July 2, 2024 at 7:00 p.m., or as soon thereafter as may be heard at City Hall, 7651 E. Central Park Ave., Bel Aire, Kansas, in regard to the issuance by the Issuer of its Industrial Revenue Bonds (WAM Investments - Phase 2), in a principal amount not to exceed \$3,700,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued by the Issuer under authority of K.S.A. 12 1740 et seq., as amended, to pay the costs of the acquiring, constructing and equipping of a commercial facility to be located at 9000 E. 46th Street North, Bel Aire, Kansas. The Issuer further intends to lease such facility to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the "Tenant"). The governing body of the Issuer will not pass an ordinance authorizing the issuance of such revenue bonds until the public hearing has been concluded.

Notice is further given, in accordance with K.S.A. 12 1744e, that the Issuer intends to issue the Bonds and lease the facility to the Tenant as set out above.

A copy of this Notice, together with a copy of the inducement resolution of the Issuer to be considered for adoption on July 2, 2024, indicating the intent of the governing body of the Issuer to issue such Bonds and a report analyzing the costs and benefits of such property tax exemption are on file in the office of the Clerk, or will be as soon as completed, and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: June 20, 2024

CITY OF BEL AIRE, KANSAS  
Melissa Krehbiel, Clerk

(Published in *The Ark Valley News*, June 20, 2024)

**NOTICE OF PUBLIC HEARING  
AND OF  
ISSUANCE OF INDUSTRIAL REVENUE BONDS**

Public notice is hereby given that the City Council of the City of Bel Aire, Kansas (the "Issuer"), will conduct a public hearing on July 2, 2024 at 7:00 p.m., or as soon thereafter as may be heard at City Hall, 7651 E. Central Park Ave., Bel Aire, Kansas, in regard to the issuance by the Issuer of its Industrial Revenue Bonds (WAM Investments - Phase 2), in a principal amount not to exceed \$3,700,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued by the Issuer under authority of K.S.A. 12-1740 *et seq.*, as amended, to pay the costs of the acquiring, constructing and equipping of a commercial facility to be located at 9000 E. 46<sup>th</sup> Street North, Bel Aire, Kansas. The Issuer further intends to lease such facility to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the "Tenant"). The governing body of the Issuer will not pass an ordinance authorizing the issuance of such revenue bonds until the public hearing has been concluded.

Notice is further given, in accordance with K.S.A. 12-1744e, that the Issuer intends to issue the Bonds and lease the facility to the Tenant as set out above.

A copy of this Notice, together with a copy of the inducement resolution of the Issuer to be considered for adoption on July 2, 2024, indicating the intent of the governing body of the Issuer to issue such Bonds and a report analyzing the costs and benefits of such property tax exemption are on file in the office of the Clerk, or will be as soon as completed, and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: June 20, 2024

CITY OF BEL AIRE, KANSAS

Melissa Krehbiel, Clerk

Gilmore & Bell, P.C.  
06/04/2024

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUIRING, CONSTRUCTING AND EQUIPPING OF A COMMERCIAL FACILITY TO BE LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

**WHEREAS**, the City of Bel Aire, Kansas (the "Issuer") desires to promote, stimulate and develop the general economic welfare and prosperity of the City of Bel Aire, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

**WHEREAS**, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the "Act"), the Issuer is authorized to issue revenue bonds for such purposes, and it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that revenue bonds of the Issuer in a principal amount not to exceed \$3,700,000 be authorized and issued, in one or more series, to provide funds to pay the costs of the acquiring, constructing and equipping of a commercial facility (the "Project") to be located in the corporate limits of the Issuer and to be leased by the Issuer to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the "Tenant").

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:**

Section 1. **Public Purpose.** The governing body of the Issuer hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the Issuer, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. **Authorization to Acquire Project; Intent to Issue Bonds.** The Issuer is hereby authorized to proceed with the acquiring, constructing and equipping of the Project and to issue its revenue bonds, in one or more series, in a principal amount not to exceed \$3,700,000 (the "Bonds") to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. **Conditions to Issuance of Bonds.** The issuance of the Bonds is subject to: (a) the passage of an ordinance authorizing the issuance of the Bonds; (b) the successful negotiation of a Trust Indenture, Site Lease, Project Lease, Bond Purchase Agreement or other legal documents necessary to accomplish the issuance of the Bonds, the terms of which shall be in compliance with the Act and mutually satisfactory to the Issuer and the Tenant; (c) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined to WAM Investments, LLC, (the "Purchaser"), which sale shall be the responsibility of the Tenant and not the Issuer; (d) the receipt of the approving legal opinion of Gilmore & Bell, P.C. ("Bond Counsel") in form acceptable to the Issuer, the Tenant and the Purchaser; (e) the obtaining of all necessary governmental approvals to the issuance of the Bonds; (f) the commitment to and payment by the Tenant or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to:

(i) expenses of the Issuer and the Issuer Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals; and (g) the satisfactory negotiation of an agreement with the Tenant relating to the payment or exemption of all or a portion of property taxes assessed against the Project after issuance of the Bonds.

Section 4. **Property Tax Exemption and Payment in Lieu of Taxes.** The Issuer hereby determines that pursuant to the provisions of K.S.A. 79-201a *Twenty-Fourth*, the Project, to the extent purchased or constructed with the proceeds of the Bonds, should be exempt from payment of ad valorem property taxes for ten years commencing with the year following the year in which the Bonds are issued, provided proper application is made therefor; provided no exemption may be granted from the ad valorem property tax levied: (a) by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto; (b) for the uses restricted pursuant to the provisions of K.S.A. 79-201a, *Second* and *Twenty-Fourth*; and (c) for real estate on which the Project is located. In making such determination the governing body of the Issuer has conducted the public hearing and reviewed the analysis of costs and benefits of such exemption required by K.S.A. 12-1749d. The Tenant is responsible for preparing such application and providing the same to the Issuer for its review and submission to the State Board of Tax Appeals. The Issuer reserves the right to negotiate a payment in lieu of taxes so exempted, to be made by the Tenant.

Section 5. **Sales Tax Exemption.** The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-3601 *et seq.* (the “Sales Tax Act”), particularly 79-3606(b) and (d) and other applicable laws, sales of tangible personal property or services purchased in connection with construction of the Project and financed with proceeds of the Bonds are entitled to exemption from the tax imposed by the Sales Tax Act; provided proper application is made therefore. In the event that the Bonds are not issued for any reason, the Tenant will not be entitled to a sales tax exemption under the terms of the Sales Tax Act and will remit to the State Department of Revenue all sales taxes that were not paid due to reliance on the sales tax exemption certificate granted hereunder.

Section 6. **Reliance by Tenant; Limited Liability of Issuer.** It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds. Proceeds of Bonds may be used to reimburse the Tenant for such expenditures made not more than 60 days prior to the date this Resolution is adopted. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the Issuer from the Project and not from any other fund or source. The Issuer shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the Issuer shall have no liability to the Tenant.

Section 7. **Further Action.** The Clerk is hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Mayor, Clerk and other officials and employees of the Issuer, including the Issuer’s counsel and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) cooperate with the Tenant in filing an application for a sales tax exemption certificate with the Kansas Department of Revenue with respect to Bond-financed property; and (b) execution on behalf of the Issuer of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

Section 8. **Effective Date.** This resolution shall become effective upon adoption by the Governing Body and shall remain in effect until December 31, 2026, unless extended by affirmative vote of a majority of the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**ADOPTED** by the governing body of the City of Bel Aire, Kansas on July 2, 2024.

[SEAL]

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on July 2, 2024, as the same appears of record in my office.

DATED: \_\_\_\_\_ 2024.

\_\_\_\_\_  
Clerk



Gilmore & Bell, P.C.  
06/04/2024

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF BEL AIRE, KANSAS  
HELD ON JULY 2, 2024**

The governing body met in regular session at the usual meeting place in the city on July 2, 2024, at 7:00 p.m., the following members being present and participating, to wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\*\*\*\*\*

(Other Proceedings)

Among other business, in accordance with a notice published on June 20, 2024, in *The Ark Valley News*, a public hearing was held by the governing body relating to the proposed issuance of Industrial Revenue Bonds (WAM Investments - Phase 2) in a principal amount not to exceed \$3,700,000 (the "Bonds") and regarding an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. All interested persons were afforded an opportunity to present their views on the issuance of the Bonds, the location and nature of the Project to be financed with the proceeds of the Bonds and the exemption from ad valorem taxation. Thereupon, the public hearing was closed.

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUIRING, CONSTRUCTING AND EQUIPPING OF A COMMERCIAL FACILITY TO BE LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

Thereupon, Councilmember \_\_\_\_\_ moved that the Resolution be adopted. The motion was seconded by Councilmember \_\_\_\_\_. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: \_\_\_\_\_.

Nay: \_\_\_\_\_.

Thereupon, the Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. \_\_\_\_\_ and was signed by the Mayor and attested by the Clerk.

\*\*\*\*\*

(Other Proceedings)

On motion duly made, seconded and carried, the meeting hereupon adjourned.

**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Bel Aire, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

\_\_\_\_\_  
Clerk



Gilmore & Bell, P.C.  
06/04/2024

**AFFIDAVIT OF MAILING AND PUBLICATION**

I, the undersigned, of lawful age, upon oath or affirmation, hereby declare under the penalties of perjury:

1. I am the duly appointed and acting Clerk of the City of Bel Aire, Kansas, and I was the duly appointed and acting Clerk at all times referred to in this affidavit.

2. On June 20, 2024, I mailed a letter and attached Notice of Public Hearing addressed as follows:

Board of Education  
Unified School District No. 375  
901 Main  
P.O. Box 9  
Towanda, Kansas 67144

Board of County Commissioners of  
Sedgwick County, Kansas  
100 N. Broadway, Suite 660  
Wichita, Kansas 67202

The foregoing items were mailed by first-class mail with adequate postage. Each envelope was endorsed with the return address of my office. Copies of the letter and notice mailed are attached to this affidavit.

3. Neither package was returned undelivered.

4. The Notice of Public Hearing mailed as stated above was published once in *The Ark Valley News*, the official City newspaper, on June 20, 2024, which date was at least seven days prior to the date the public hearing was held. A true copy of the affidavit of publication of the Notice of Hearing is attached to this affidavit.

---

Melissa Krehbiel, Clerk

STATE OF KANSAS            )  
  ) SS:  
COUNTY OF SEDGWICK    )

Subscribed and sworn or affirmed before me this \_\_\_\_day of \_\_\_\_\_, 2024.

[SEAL]

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

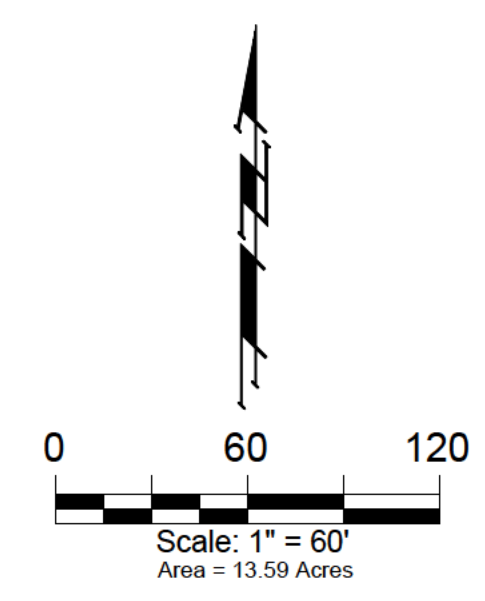
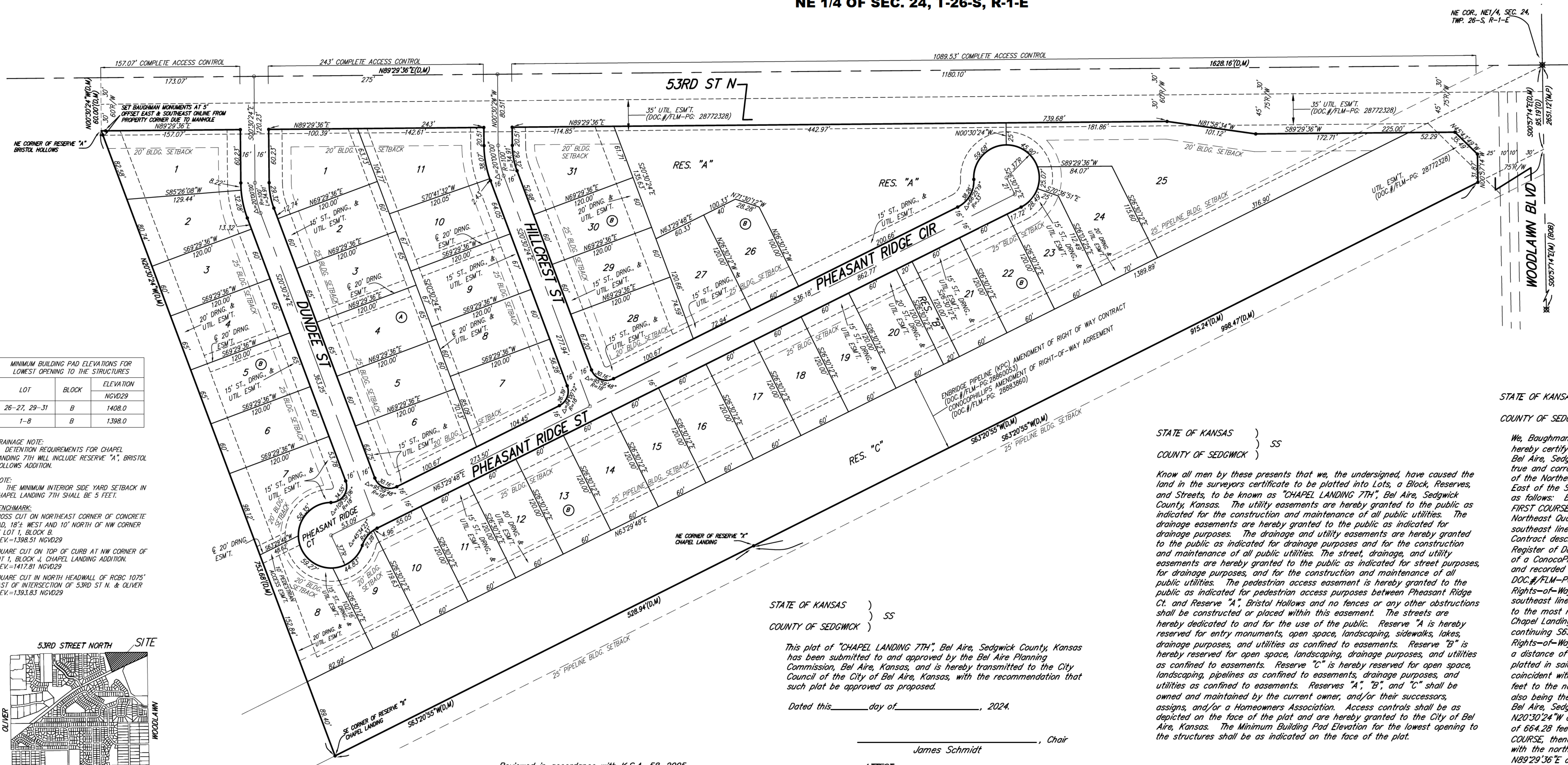
My Appointment Expires:  
\_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name of Notary Public



# CHAPEL LANDING 7TH BEL AIRE, SEDGWICK COUNTY, KANSAS

NE 1/4 OF SEC. 24, T-26-S, R-1-E



MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES

LOT	BLOCK	ELEVATION
26-27, 29-31	B	1408.0
1-8	B	1398.0

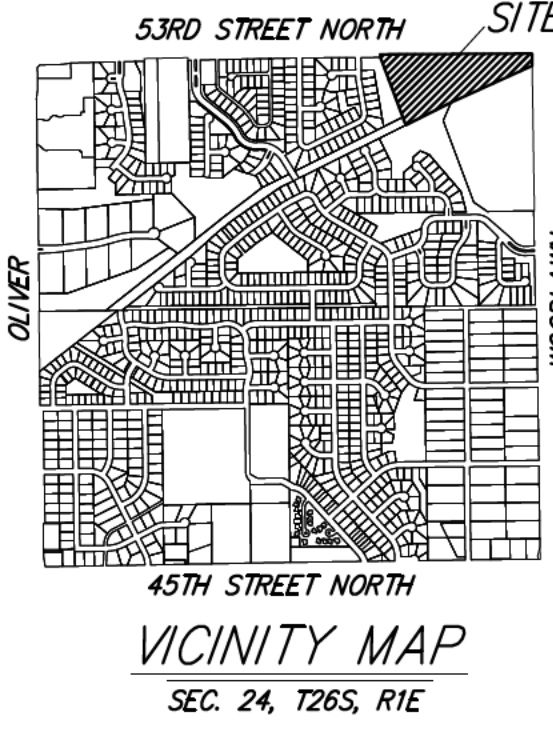
NOTE: DRAINAGE REQUIREMENTS FOR CHAPEL LANDING 7TH WILL INCLUDE RESERVE "A", BRISTOL HOLLOW'S ADDITION.

NOTE: THE MINIMUM INTERIOR SIDE YARD SETBACK IN CHAPEL LANDING 7TH SHALL BE 5 FEET.

BENCHMARK: CROSS CUT ON NORTHEAST CORNER OF CONCRETE PAD, 18" WEST AND 10" NORTH OF NW CORNER OF LOT 1, BLOCK B. ELEV=1398.51 NGVD29

SQUARE CUT ON TOP OF CURB AT NW CORNER OF LOT 1, BLOCK J, CHAPEL LANDING ADDITION. ELEV=1417.81 NGVD29

SQUARE CUT IN NORTH HEADWALL OF RCBC 1075' EAST OF INTERSECTION OF 53RD ST N. & OLIVER. ELEV=1393.63 NGVD29



- = #4 REBAR W/ 'BAUGHMAN' CAP (SET)
- ⊗ = 5/8" REBAR W/ ILLEGIBLE CAP (FOUND)
- (M) = MEASURED
- (P) = PLATTED
- (D) = DESCRIBED
- (BOB) = BASIS OF BEARINGS (KANSAS GRID SOUTH NAD83)

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, Reserves, and Streets, to be known as "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as that part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°57'14"E coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "A", as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "X", as platted in said Chapel Landing; FOURTH COURSE, thence N20°30'24"W coincident with the east line of said Reserve "X", a distance of 89.40 feet to the northeast corner of said Reserve "X", said northeast corner also being the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; FIFTH COURSE, thence continuing N20°30'24"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°30'24"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence N89°29'36"E coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as that part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°57'14"E coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "A", as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "X", as platted in said Chapel Landing; FOURTH COURSE, thence N20°30'24"W coincident with the east line of said Reserve "X", a distance of 89.40 feet to the northeast corner of said Reserve "X", said northeast corner also being the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; FIFTH COURSE, thence continuing N20°30'24"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°30'24"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence N89°29'36"E coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

This plat of "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Kansas, and is hereby transmitted to the City Council of the City of Bel Aire, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

James Schmidt, Chair

ATTEST: Anne Stephens, Secretary

53rd & Oliver, LLC  
a Kansas limited liability company

Joy W. Russell, Manager

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on \_\_\_\_\_, 2024.

Jim Benage, Mayor  
City of Bel Aire

ATTEST: Melissa Krehbiel, City Clerk

State of Kansas )  
Sedgwick County ) SS  
The foregoing instrument acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Joy W. Russell, Manager of 53rd & Oliver, LLC, a Kansas limited liability company, on behalf of the limited liability company.

My App't. Exp. \_\_\_\_\_, Notary Public

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

The title evidence of the land included in this plat has been reviewed by me and the plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: \_\_\_\_\_, 2024.

Maria Schrock, City Attorney

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Tricia L. Robello, P.S. #1246  
Deputy County Surveyor  
Sedgwick County, Kansas

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Kelly B. Arnold, County Clerk

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 \_\_\_\_\_ (a.m.) (p.m.) on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and is duly recorded.

Tonya Buckingham, Register of Deeds

Kenly Zehring, Deputy

Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended.

All being situated in the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Baughman Company, P.A.  
Date of Survey: \_\_\_\_\_

Jonathan C. Hubbell, Surveyor  
Professional Surveyor License # LS-1680

**CHAPEL LANDING 7TH**  
**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com





City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## FINAL PLAT REVIEW

Address of proposed project: Chapel Landing 7<sup>th</sup> revised Final Plat

This report is to document that on 5.2.24 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |  |
|--|--|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS                          |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input checked="" type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                           |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT                 |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING               |

The review of the above property plan has been:

- APPROVED, as noted
- DELAYED, as noted
- DENIED, as noted

DATE 5/2/24

Keith Price  
REVIEWED BY 

### Comments:

The preliminary plat was conditionally approved based on a shared drainage plan with Bristol Hollows addition in 2023. The city received the application, final plat, sidewalk plan, utility revised plan, and title report for that process. The drainage plan was not included. The final plat was submitted to the Planning Commission with the expectation that the drainage details would be worked out between developments. Chapel landing 7<sup>th</sup> was approved conditionally in 2023 as well by the city planning commission. The City Council didn't have this project on the agenda for the main reason the drainage plan and drainage plan agreement weren't completed as required for final approval.

This final plat revision dated April 9th will make the previous approved version null with "all rights are waived as to the approved status by the Planning Commission" and will follow the continuation towards approval of the final plat process related to the revisions from the preliminary plat to the new layout changes.

The new submittals include the application, the revised final plat, and the revised sidewalk plan. No drainage information related to Bristol Hollows or the reserve.

- Evergy has been contacted, Onegas has been contacted. Onegas had no requests.

- The pipeline representatives were contacted, no response received yet, have you contacted them as well?
- Has the drainage agreement between the owners of Bristol Hollows development and this development been finalized yet?
- The drainage plan can be submitted directly to the city engineer, Anne Stephens.
- The added drainage note will need to go through legal review to match the agreement with the owners of Bristol Hollows reserve and developer's agreement. This is critical to the approval of the final plat and developer's agreement.
- <http://www.belaires.citycode.net/> is the link to find the requirements for platting and zoning.



C.L. 7<sup>th</sup> Final  
Revision  
SD-23-05  
File No. S/D \_\_\_\_\_

Section XII, Item B.

CITY OF BEL AIRE, KANSAS

**APPLICATION FOR FINAL PLAT APPROVAL**

This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least 15 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Chapel Landing 7th

General Location SE corner of 53rd and Woodlawn

Inside City       To be Annexed       Outside City

Name of Landowner 53rd & Oliver, LLC Attn. Jay Russell

Address PO Box 75337, Wichita, KS 67275      Phone 316-990-2105

Name of Subdivider/Agent Baughman Company, P.A. Attn. Kris Rose

Address 315 S. Ellis St., Wichita, KS 67275      Phone 316-262-7271

Name of (Engineer) (Land Planner) Baughman Company, P.A. Attn. Kris Rose

Address 315 Ellis Wichita, KS 67211      Phone 262-7271

Name of Registered Land Surveyor same as agent

Address \_\_\_\_\_      Phone \_\_\_\_\_

**Subdivision Information**

1. (Select One)  Final Plat of entire preliminary plat area
  - Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments
  - Final Plat for small tract
  - Final Replat of original platted area
2. Gross acreage of plat 13.59 Acres
3. Total number of lots 42
4. Proposed land use for an  Urban-Type       Rural Type      Subdivision:
  - a.  Residential-Single-Family       Duplex       Multiple Family       Manufactured/Mobile Home
  - b. Commercial \_\_\_\_\_
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_

- 5. Predominant minimum lot width 60 Feet
- 6. Predominant minimum lot area 7,200 Square Feet
- 7. Existing zoning R-5 District
- 8. Proposed zoning n/a District
- 9. Source of water supply City
- 10. Method of sewage disposal City
- 11. Total lineal feet of new street 1583 Feet

Street Name	R/W Width	Lineal Feet
a. <u>Pheasant Ridge St</u>	<u>32</u> Ft.	<u>321</u> Ft.
b. <u>Pheasant Ridge Cir</u>	<u>32</u> Ft.	<u>536</u> Ft.
c. <u>Hillcrest St</u>	<u>32</u> Ft.	<u>300</u> Ft.
d. <u>Dundee St</u>	<u>32</u> Ft.	<u>426</u> Ft.
e. _____	_____ Ft.	_____ Ft.
f. _____	_____ Ft.	_____ Ft.
g. _____	_____ Ft.	_____ Ft.
h. _____	_____ Ft.	_____ Ft.
i. _____	_____ Ft.	_____ Ft.
j. _____	_____ Ft.	_____ Ft.

- 12. Proposed type of street surfacing asphalt
- 13. Curb and gutter proposed:  Yes  No
- 14. Sidewalks proposed:  Yes  No If yes, where? \_\_\_\_\_  
See sidewalk exhibit

15. Is any portion of the proposed subdivision located in an identified flood plain area?  
 Yes  No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner Date Kris R 7-22-24  
Agent (If any) Date

**OFFICE USE ONLY**

Prints of the Final Plat received 15 (Number)  
Final drainage plan, if required, received un known  
Copy of a title report for the land received ---

Copy of proposed restrictive covenants, if any, received NONE

Methods for financing and guaranteeing improvements                     

For plats for small tract:

a. Vicinity map received                     

b. Topographic drawing, if required, received                     

*side walk revision*

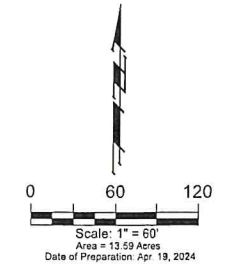
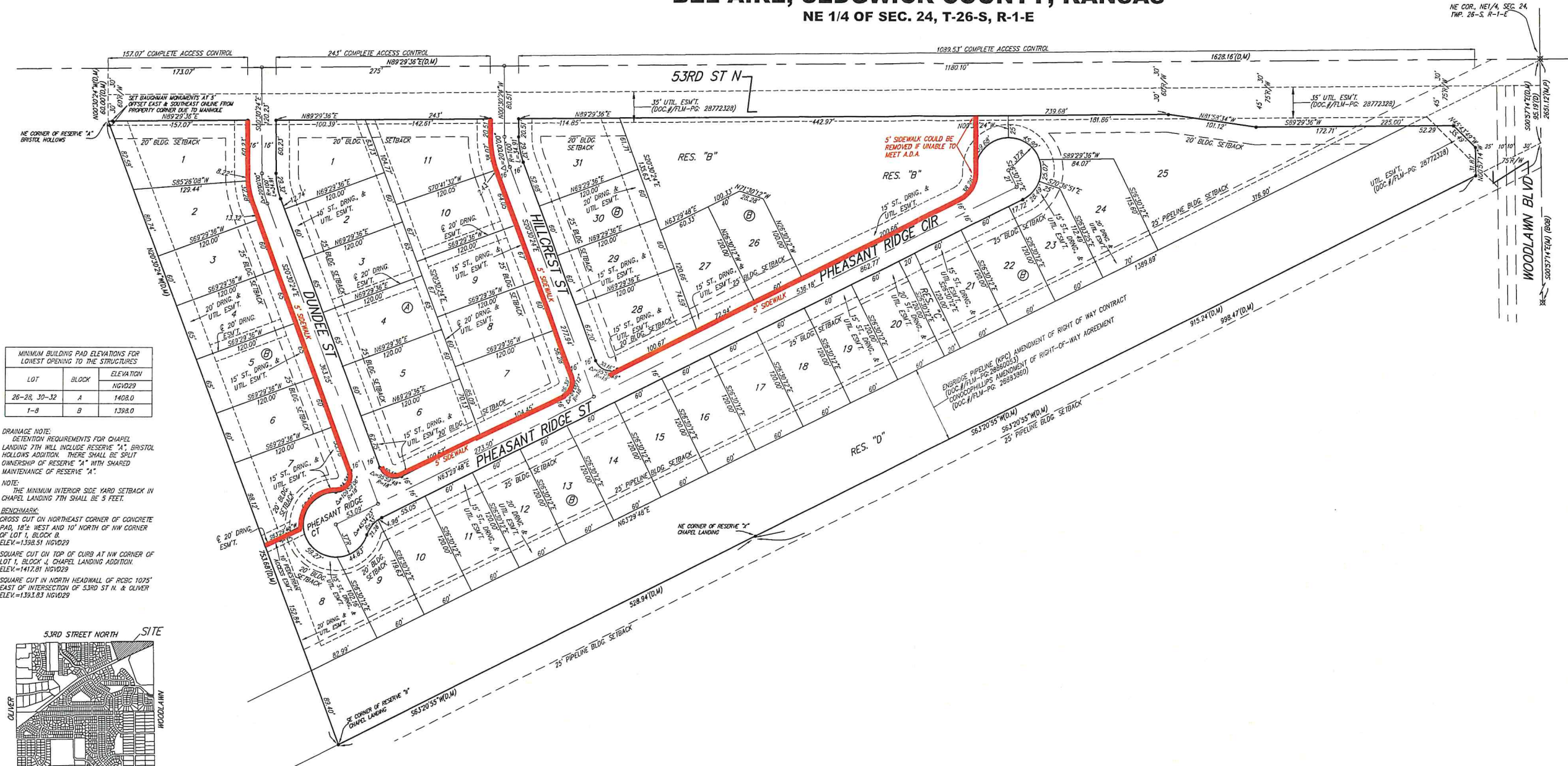
Original drawing or photographic equivalent of Final Plat received                     

This application was received by the Subdivision Administrator on 4.22.24,  
2024. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$                      paid to the City Clerk. *waived*

*[Signature]*  
Subdivision Administrator

cc: Applicant

# SIDEWALK EXHIBIT CHAPEL LANDING 7TH BEL AIRE, SEDGWICK COUNTY, KANSAS NE 1/4 OF SEC. 24, T-26-S, R-1-E



- = #4 REBAR W/ "BAUGHMAN" CAP (SET)
- ⊗ = 5/8" REBAR W/ ILLEGIBLE CAP (FOUND)
- (M) = MEASURED
- (P) = PLATTED
- (O) = OBSERVED
- (BOB) = BASIS OF BEARINGS (KANSAS GRID SOUTH NAD83)

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES

LOT	BLOCK	ELEVATION
26-28, 30-32	A	1408.0
1-8	B	1398.0

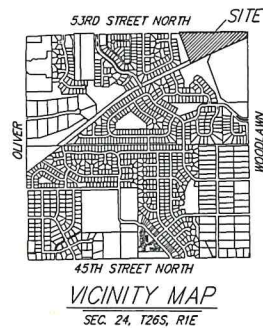
**DRAINAGE NOTE:**  
RETENTION REQUIREMENTS FOR CHAPEL LANDING 7TH WILL INCLUDE RESERVE "A", BRISTOL HOLLOW'S ADDITION. THERE SHALL BE SPLIT OWNERSHIP OF RESERVE "A" WITH SHARED MAINTENANCE OF RESERVE "A".

**NOTE:**  
THE MINIMUM INTERIOR SIDE YARD SETBACK IN CHAPEL LANDING 7TH SHALL BE 5 FEET.

**BENCHMARK:**  
CROSS CUT ON NORTHEAST CORNER OF CONCRETE PAD, 18 1/2 WEST AND 10' NORTH OF NW CORNER OF LOT 1, BLOCK B.  
ELEV=1398.51 NGVD29

SQUARE CUT ON TOP OF CURB AT NW CORNER OF LOT 1, BLOCK "A", CHAPEL LANDING ADDITION.  
ELEV=1417.01 NGVD29

SQUARE CUT IN NORTH HEADWALL OF R03C 1075' EAST OF INTERSECTION OF 53RD ST. N. & OLIVER  
ELEV=1391.83 NGVD29



**SIDEWALK EXHIBIT  
CHAPEL LANDING 7TH**  
REV. Apr. 19, 2024

**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com

E:\Projects\Chapel Landing 7th Addition (20-12-28-19)\P\Drawings\Chapel Landing 7th Revised Sidewalk.dwg



Sedgwick County  
Register of Deeds - Tonya Buckingham

Doc. #/Film-Pg: 30309177

Receipt #: 2427195  
Pages Recorded: 2

Recording Fee: \$38.00

Authorized By: Tonya Buckingham

Cashier: escala

Date Recorded: 05/17/2024 09:45:38 AM



MAIL TO:

## STATUTORY WARRANTY DEED

Grantor(s): 3F2R Holdings, LLC, a Kansas limited liability company  
Convey(s) and Warrant(s) to 53<sup>rd</sup> & Oliver, LLC, a Kansas limited liability company

The following described premises, to-wit:

**Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County,  
Kansas.**

*Pursuant to K.S.A. 79-1437e, a Real Estate Validation Questionnaire is not  
required due to Exemption No. 3.*

For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any

Dated this 16<sup>th</sup> DAY OF MAY, 2024.

**3F2R Holdings, LLC, a Kansas limited liability company**

By: 11235 Holdings, LLC, a Kansas limited  
liability company, its Member

By: Luca Investment Properties, LLC,  
a Kansas limited liability company, its Member

By:   
Philip Ruffo, Member

**3F2R Holdings, LLC, a Kansas limited liability company**

By: H&F Holding LLC, a Kansas limited liability company, its Member

By:   
Benjamin T. Farha, Member




3F2R Holdings, LLC, a Kansas limited liability company

By: TCF Holdings, LLC, a Kansas limited liability company, its Member

By:   
Todd Farha, Member

State of Kansas, Sedgwick County} ss.

This instrument was acknowledged before me on MAY 16<sup>th</sup>, 2024 by Philip Ruffo, Member of Luca Investment Properties, LLC, a Kansas limited liability company, Member of 11235 Holdings, LLC, a Kansas limited liability company, Member of 3F2R Holdings, LLC, a Kansas limited liability company, for and on behalf of said limited liability company.


  
Notary Public

My appointment expires: 10/31/25



State of Kansas, Sedgwick County} ss.

This instrument was acknowledged before me on MAY 16<sup>th</sup>, 2024 by Benjamin T. Farha, Member of H&F Holding LLC, a Kansas limited liability company, Member of 3F2R Holdings, LLC, a Kansas limited liability company, for and on behalf of said limited liability company.

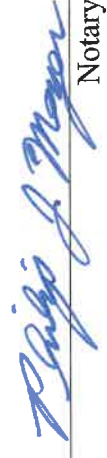
  
Notary Public

My appointment expires: 10/31/25



State of Kansas, Sedgwick County} ss.

This instrument was acknowledged before me on MAY 16<sup>th</sup>, 2024 by Todd Farha, Member of TCF Holdings, LLC, a Kansas limited liability company, Member of 3F2R Holdings, LLC, a Kansas limited liability company, for and on behalf of said limited liability company.

  
Notary Public

My appointment expires: 10/31/25



**AGREEMENT  
CONCERNING THE DEVELOPMENT  
OF CHAPEL LANDING 7TH AND RESERVE "A", BRISTOL HOLLOWES,  
AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS**

This agreement is made and entered into by and between 53<sup>rd</sup> & Oliver, LLC., a Kansas Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

**WHEREAS**, the DEVELOPER desires platting by the CITY of a tract of land more fully described below and herein referred to as CHAPEL LANDING 7th, Bel Aire, Sedgwick County, Kansas (hereinafter, CHAPEL LANDING 7th); and

Lots 1 through 18, Block A, and Lots 1 through 26, Block B,  
CHAPEL LANDING 7<sup>th</sup>, an Addition to Bel Aire, Sedgwick  
County, Kansas

**WHEREAS**, the CITY is willing to consider platting of said CHAPEL LANDING 7th;

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the DEVELOPER and the CITY agree as follows:

**PURPOSE:** This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, approval of this Agreement is a condition precedent to final consideration by the CITY of the DEVELOPER'S request for approval of the final plat on a tract of land more fully described below and herein referred to as CHAPEL LANDING 7th.

Specifically, this agreement is to assure that necessary improvements are in place to support development of CHAPEL LANDING 7th. Therefore, the DEVELOPER'S compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The DEVELOPER shall strictly observe and comply with the terms of this Agreement, all regulations, resolutions, policies, and ordinances of the CITY and Sedgwick County, and all statutes and laws of the State of Kansas and of the United States.

The development of CHAPEL LANDING 7th shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the CITY, shall constitute a violation of the building permit authorizing construction of the proposed development, and may result in suspension or termination of such building permit. It is understood by the parties that the final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted by the DEVELOPER and approved by the CITY in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the CITY. Any and all costs permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the DEVELOPER.

**CHAPEL LANDING 7th LEGAL DESCRIPTION:** The tract of land herein referred to as CHAPEL LANDING 7th, Bel Aire, Sedgwick County, Kansas, has the following pre-platting legal description, to-wit:

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°57'14"E coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "II" as platted in said Chapel Landing; FOURTH COURSE, thence N20°30'24"W coincident with the east line of said Reserve "II", a distance of 89.40 feet to the northeast corner of said Reserve "II", said northeast corner also being the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; FIFTH COURSE, thence continuing N20°30'24"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°30'24"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence N89°29'36"E coincident with the north line of



said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

**PERMITTED USE:** All lots are zoned R-5 and are, therefore, given all rights thereof.

**BUILDING SETBACKS:** The minimum building setbacks for residential lots shall be:

- Front building setback – twenty five (25) feet
- Street side building setback – twenty (20) feet
- Side yard building setback – five (5) feet for primary structure
- Rear building setback – fifteen (15) feet

**CONSTRUCTION PERIOD REQUIREMENTS.** In addition to other requirements set forth within this agreement regarding property maintenance, the following requirements shall be met specifically during the period of time during which construction of CHAPEL LANDING 7th is being developed:

All lots covered by this Agreement shall be subject to the CITY'S storm water regulations. The Contractor shall install, and the DEVELOPER maintains the storm water protection devises established by the CITY and the master drainage / grading plan until such time the devises are no longer needed due to the adequate establishment of ground cover. All lots covered by this agreement shall be kept clean, shall not pond water, shall be mowed to a height not exceeding eight (8) inches, and shall comply with all applicable laws and regulations pertaining to erosion control.

All temporary construction units must be removed when building in the immediate vicinity is completed.

All temporary utility connections made to expedite the development must be removed immediately as utility services are provided; i.e. temporary above ground power supply.

Vehicle access to the tract of land herein referred to as the CHAPEL LANDING 7th shall be limited to the proposed street connections off 53<sup>rd</sup> Street as recommended by the Sedgwick County Fire Department for fire protection purposes and emergency vehicles. Traffic in CHAPEL LANDING 7th shall be limited to vehicles under 20 tons. Construction traffic shall enter from 53<sup>rd</sup> Street. DEVELOPER shall be responsible for installation and removal of any temporary roads during construction. Such temporary roads shall be approved by the CITY and removed as soon as permanent roads are available. All roadways must be kept free of construction debris and mud. Dust created during construction must be controlled avoiding a nuisance for motorist and neighbors.

**DRAINAGE PLAN.** The DEVELOPER must provide a maintenance plan within the HOA Covenant document that will provide adequate provisions to protect the master drainage plan engineered design as such was approved by the CITY. The Maintenance Plan will include but not limited to: how to initiate the maintenance process for the drainage plan, how to inspect, what to inspect, when to inspect, how to correct drainage problems that are discovered, the appropriate records to be maintained and designating the party responsible for maintaining such records. The CITY may request a copy of the inspection report to monitor compliance on a biannual basis. Failure of the HOA to maintain such records or provide such records to the CITY in a timely manner, shall be grounds for the CITY, or the CITY'S designee, to conduct an inspection and charge the costs associated with such inspection back to the HOA.

**DRAINAGE.** Protecting surrounding platted property from the impacts of changes in drainage across such property resulting from the development of CHAPEL LANDING 7th must be addressed as part of the platting process. The DEVELOPER shall prepare a storm drainage plan which shall address the various impacts of increased/modified drainage, meet CITY drainage specifications, and be approved by the City Engineer. Prior to approval of said proposed storm drainage plan, the City Engineer may impose modifications upon such proposed plan as the City Engineer deems necessary to insure the effectiveness of such plan. After approval by the City Engineer of said storm drainage plan, including any necessary modifications, the DEVELOPER shall install, or cause to be installed, the improvements pursuant to the drainage plan.

The DEVELOPER shall maintain a master drainage plan throughout the development stage for each parcel, by providing grass and installing landscape to ensure the reduced yard requirements have no consequence to the drainage of the property.

**DETENTION PONDS.** Detention Ponds to serve CHAPEL LANDING 7<sup>TH</sup> will be designed and constructed in Reserve "A", Chapel Landing 7<sup>th</sup> and in Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas. These detention ponds will be designed to control two, twenty-five year storm events and one, hundred year storm event. Additionally, the ponds will act as temporary sedimentation basins during construction but are limited to the amount of sediment allowed and DEVELOPER responsible for any dredging required.

Detention ponds and associated inflow and outflow systems to the property as well as the reserves, and ditches are to be maintained by the DEVELOPER indefinitely unless transferred to a Homeowner's Association (HOA) or equal resolution approved by the CITY, excluding paving and utilities within dedicated rights of ways as indicated on plat documents. Failure of the DEVELOPER or HOA to maintain such areas and property as described shall be grounds for the CITY to enforce this provision as a nuisance abatement action and charge all costs back to the DEVELOPER or HOA as set forth in K.S.A. 12-1617e.

**ELECTRIC:** All electric lines shall be installed underground and paid for by the DEVELOPER.

**EROSION AND SEDIMENT CONTROL.** The DEVELOPER must follow all National Pollution Discharge Elimination System (NPDES) Kansas Department of Health and Environment (KDHE) and City of Bel Aire Standards for erosion and sediment control on site.

**FENCING & SCREENING:** Fencing and screening methods and materials shall blend in with the architectural design of the buildings and to reasonably hide the materials, trash and recycling containers from ground view, and all fencing and screening methods and materials must be pre-approved in writing by the CITY. Vinyl coated chain link fencing materials and other similar fencing materials may be allowed if such materials blend in with the architectural design elements of the building and adjacent sites. Any plans for outside storage facilities shall comply with the applicable ordinances and zoning regulations of the CITY and be submitted in writing to the CITY for prior approval. No barbed wire is allowed.

**FIRE HYDRANTS:** All fire hydrants shall be of a type and quality specified by CITY standards, but not less than the minimum standards of the National Board of Fire Underwriters and shall be provided and connected to the CITY'S municipal water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

**FOUNDATION CERTIFICATIONS.** Foundation Certifications will be required on each foundation after construction. Minimum low opening certifications will be required on all lots with minimum pads indicated on the face of the plat.

**HOMEOWNERS' ASSOCIATION.** DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, drainage systems, detention ponds and construction areas associated with CHAPEL LANDING 7<sup>th</sup> and Reserve "A", Bristol Hollows. Any land dedicated to or owned by a municipal authority shall be exempt from any and all assessments including those assessed by Homeowners Association Covenants. Land within this plat owned by such a municipal organization exempt from taxation by the laws of the State of Kansas, shall not be subject to any non-taxing authority assessments throughout the duration of such ownership.

**INFRASTRUCTURE PETITION AND INSTALLATION:** The development of CHAPEL LANDING 7<sup>th</sup> is being accomplished by virtue of a single-phase process. Representatives of the parties shall formally meet and review the existing and proposed phases of development as well as the requirements of this agreement, prior to the submission of petitions for infrastructure improvements for each phase of development.

Installation of all improvements shall be in compliance with requirements of all applicable federal, state, and local legislation, including the Americans with Disabilities Act. All electric power, streetlights and telephone service shall be installed underground. The CITY shall perform the engineering design, construction and inspection of water mains, sanitary sewer mains, storm water systems and paving necessary for the platting and development of the tract of land herein referred to as the CHAPEL LANDING 7th, Bel Aire, Sedgwick County, Kansas which said improvements shall be dedicated to and owned and maintained by the CITY. Said improvements shall be installed on CITY owned property or within public right of ways or easements. The DEVELOPER shall reimburse the CITY for the actual costs of the engineering design, construction, and inspection of all improvements necessary for the platting and development of the tract of land herein referred to as the CHAPEL LANDING 7th unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas.

The DEVELOPER shall dedicate necessary public rights-of-way and easements and install, or cause to be installed, all improvements necessary for the platting and development of the tract of land herein referred to as the CHAPEL LANDING 7th. Said improvements include, but are not limited to streets, curb, gutter, street signs, storm water system, sidewalks, water distribution system, sanitary sewer lines, corner pins, driveways and utilities. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during construction. The DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas and/or another unit of government.

Whenever existing sanitary sewer, storm water, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, modified or relocated due to the subdivision or construction improvements required, and in the event it was not known at time of platting approval, the DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas and/or another unit of government. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during construction.

**LANDSCAPING & SCREENING:** The DEVELOPER shall submit and have approved by the CITY, a "Landscape Plan" that is representative of the landscaping to be provided as each phase of CHAPEL LANDING 7th is developed. The "Landscaping Plan" shall show contours, utilities, size and spread at planting, any type of ground cover, shrubs, and coordinate with the Drainage Plan and Site Plan for the project.

Planting of interior trees shall meet the CITY'S tree requirements. Any areas outside of the general boundaries of each development phase shall be planted to appropriate turf

or ground cover adequate to prevent undue soil erosion and shall be maintained in accordance with applicable CITY ordinances. Any future Phases to be constructed shall also submit and have approved by the CITY, detailed landscape plans for that Phase. Within all detailed landscape plans, ground mounted mechanical equipment and trash receptacles shall be screened from ground level view.

**TIMEFRAME FOR COMPLETING LANDSCAPING:** All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy. In periods of adverse weather conditions or construction, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1 ½) times the estimated cost of the landscaping, with said estimated cost to be certified by a landscaping provider. A contract letter or bill of sale from a landscape company or garden center for the required landscape materials would be accepted in lieu of credit escrow or irrevocable letter of credit. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within the next growing season after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

**LIGHTING:** A Street and parking lighting plan shall be submitted to the CITY for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaries to minimize light trespass and glare. Wood poles will not be allowed.

**MAINTENANCE:** DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, Pheasant Ridge Street, Pheasant Ridge Circle, Hillcrest Street, Dundee Street, right-of-way and construction outside boundaries of CHAPEL LANDING 7th.

**PERMITS.** No construction shall commence on any portion of the tract of land herein referred to as CHAPEL LANDING 7th without the DEVELOPER having first obtained the proper building and zoning permits from the CITY.

The development of CHAPEL LANDING 7th shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the CITY, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the CITY. Any and all costs permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the DEVELOPER.

**ROADWAYS, PARKING, DRIVES, and ACCESS:** The DEVELOPER shall cause to be installed, according to the design standards of the CITY, minimum twenty-nine (29) foot back-to-back paved street with curb and gutter on all streets in CHAPEL LANDING 7th.

All driveways shall be per CITY ordinance.

Vehicle access to the tract of land herein referred to as the CHAPEL LANDING 7th shall be limited to the proposed street connections at 53<sup>rd</sup> Street as recommended by the Sedgwick County Fire Department for fire protection purposes and emergency vehicles. Traffic in CHAPEL LANDING 7th shall be limited to vehicles under 20 tons.

**SANITARY SEWER:** The DEVELOPER shall petition the CITY to perform the engineering design review, construction, and inspection of collection lines, not less than (8) inches in diameter, to transport sewage and discharge in the existing main. Said sewer main shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted by the DEVELOPER or acquired prior to the construction project and dedicated by separate instrument. All Sanitary Sewer User Fees and Hookup Fees are subject to City Ordinances.

**SIDEWALKS:** Sidewalks shall be installed on one side of all non-cul-de-sac streets. Sidewalks shall comply with the ADA Accessibility Guidelines (ADAAG). Sidewalks shall be handicap accessible and be required to extend or complete connecting links in the sidewalk system.

In general, sidewalks shall be constructed with the outside edge of the sidewalk as close as practical to the property line, subject to the discretion of the engineer designated by the CITY. The Sidewalk along shall be 5 feet wide (6" thick). Sidewalks shall be installed per the sidewalk plan approved by the CITY with curb ramps for road crossings. Sidewalks shall be installed when the streets are installed.

**SIGNAGE.** Signs of such location, type and size as shall be approved as part of the building permit process or by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the CITY for written approval.

Signs are to be maintained by the DEVELOPER indefinitely unless transferred to a homeowner's association or equal resolution approved by the CITY. Failure of the DEVELOPER to maintain such areas and property shall be grounds for the CITY to enforce this provision as a nuisance abatement action and charge all costs back to the DEVELOPER as set forth in K.S.A. 12-1617e.

**WATER:** The DEVELOPER shall petition the CITY to perform the engineering design, construction, and inspection of transmission water lines minimum (8) inches in diameter, to the municipal water supply system of the City of Bel Aire, Kansas. Said water transmission lines shall be dedicated to and owned and maintained by the CITY. Lines shall be designed to loop. Said water transmission lines shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted to the CITY by the DEVELOPER or acquired prior to the construction project and dedicated by separate instrument. All Water User Fees and Hook Up Fees are subject to City Ordinances.

**BONDING CAPACITY.** Assurances are to be provided whenever the CITY has been furnished a financial guarantee (irrevocable letter of credit, corporate completion bond, cashier's check, escrow account or cash) on 35% of the estimated principal cost of the project (engineering design, construction, inspections, temp note interest and administration). The Letter of Credit (LOC) or bond will be in the form approved by the CITY and name the City of Bel Aire as beneficiary. The assurances will serve to protect the general taxpayers of Bel Aire from subsidizing the special assessment debt. The assurance shall be filed prior to any debt being issued by the CITY for any of the expenses mentioned above and be in the equal to 35% of these same costs. It is understood that this letter of credit shall be automatically renewed for additional 2-year periods unless the DEVELOPER notifies the CITY in writing at least sixty (60) days prior to the then relevant expiration date that it will not be renewed at which time the DEVELOPER may draw up to the full amount of the credit available at that time. Provided there are no delinquent taxes or special assessments owed by the DEVELOPER, the financial guarantee will be released upon request of the DEVELOPER when development (issuance of satisfactory framing by the City of Bel Aire) of 35 percent of the properties covered by the LOC, the CITY will, by written instruction, authorize the release of this letter of credit, provided, however, that before this letter of credit is released the CITY shall be entitled to a partial drawing against the credit in the amount of any delinquent special assessments.

**MISCELLANEOUS:**

The DEVELOPER must make mail delivery provisions for each household with the U.S. Postal Services.

**MODIFICATION OF PLAT THROUGH REPLATTING PROCESS.** While it is intended by the parties that the development will proceed in compliance with this Agreement and the existing plat of CHAPEL LANDING 7th nothing herein shall be construed to prohibit modifications to the CHAPEL LANDING 7th development as a result of the formal replatting process.

**RESPECTIVE RESPONSIBILITIES OF CITY AND DEVELOPER:** Notwithstanding anything to the contrary contained herein, the CITY shall be responsible for the construction of streets, sewer, and water facilities for CHAPEL LANDING 7th or other projects or additions, including excavation, storm sewers and detention ponds, the costs for which shall be spread as special assessments against the addition per lot, but not for three (3) years, or until the year 2027.

The DEVELOPER agrees to assume responsibility to see that all original purchasers of lots in the Addition receive a copy of the Developer's Agreement and the Restrictive Covenant at the time of purchase.

Each DEVELOPER, individual, or entity who is presently an owner of a lot or lots in CHAPEL LANDING 7th or any individual or entity who later becomes a DEVELOPER by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement, and shall be liable for the payment of other costs and expenses payable by DEVELOPER hereunder which are incurred for improvements or facilities located on the lots or which are used or are available for the benefit of the lot or lots owned by the DEVELOPER.

Likewise, each DEVELOPER shall be responsible for the performance or compliance with other obligations or requirements contained herein which may be performed on the lot or lots owned by the DEVELOPER or which the DEVELOPER otherwise has the legal power and authority to perform. In the event any improvements or facilities are constructed on the lot or lot of a DEVELOPER not to serve the needs of that lot or lots, but rather to serve the needs of a lot or lots not owned by the DEVELOPER, the DEVELOPER shall have no liability or responsibility for the costs and expenses incurred in the construction or maintenance of those improvements or facilities.

Finally, in the event improvements or facilities are constructed and maintained to serve lots owned by more than one DEVELOPER or for the use of all DEVELOPERS, the costs and expenses for such construction and maintenance shall be paid by all DEVELOPERS whose lots are served by such improvements and facilities which costs and expenses shall be allocated to those DEVELOPERS whose lots are being served in the proportion that the number of square feet in the lots being served and respectively owned by them bears to the total square feet of all lots being served.

**RECORDING:** The DEVEOLPER shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the DEVELOPER to the general contractor before building permits are issued.

**BINDING:** The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the DEVELOPER, their successors, representatives, trustees, and assigns.



**THIS AGREEMENT** is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_,  
2024.

53<sup>rd</sup> & OLIVER, LLC  
a Kansas limited liability company

By   
Jay W. Russell, Manager of  
53<sup>RD</sup> & OLIVER, LLC,  
DEVELOPER  
CHAPEL LANDING 7th,  
Bel Aire, Sedgwick County, Kansas

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR, JIM BENAGE

SEAL

ATTEST:

\_\_\_\_\_  
CITY CLERK, MELISSA KREHBIEL

STATE OF KANSAS )  
COUNTY OF SEDGWICK )

ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that on this 25<sup>th</sup> day of June, 2024, before me, a Notary Public, came Jay W. Russell, Manager of 53<sup>rd</sup> & Oliver, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement as the Developer of CHAPEL LANDING 7th, Bel Aire, Sedgwick County, Kansas.



Lunette A. Sauber  
NOTARY PUBLIC

My Appointment Expires: 09/20/2024

STATE OF KANSAS )  
COUNTY OF SEDGWICK )

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary Public, came Mr. Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7th, Bel Aire, Sedgwick County, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Mr. Jim Benage.

\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires: \_\_\_\_\_

(Published in the *Ark Valley News* on \_\_\_\_\_.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION RECOMMENDING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION OF IN-HOME DAYCARE ON PROPERTY ZONED R-5 AND LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the “City”) has received a recommendation from the Bel Aire Planning Commission on Case No. CON-24-01; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. CON-24-01 on June 13, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the Conditional Use Permit for a Home Occupation of in-home daycare on property zoned R-5 at 8601 East Chris Street, Bel Aire, Kansas, 67226.

SECTION 2. The Governing Body also adopts the recommendation of the Bel Aire Planning commission and approves the additional condition: the Conditional Use Permit is non-transferable, and the operator/owner will use the business license code to request renewal. Per the Zoning Regulations of the City, if the Conditional Use Permit is not renewed within (180) days, it will terminate.

SECTION 3. All ordinances, parts of ordinances, or other regulations or policies in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor, and publication once in the official newspaper of the City. This Ordinance will also be filed with the Register of Deeds.

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas on this 2<sup>nd</sup> day of July, 2024.

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

Approved As To Form Only:

\_\_\_\_\_  
Maria A. Schrock, City Attorney

### APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

### BOARD OF ZONING APPEALS

To vary applicable requirements in Sections 10-107c1 through 5 in conjunction with a Conditional Use Application.

Conditions placed on permitted Conditional Use Running a in home day care using my home.

Security bond is required

Approved

Rejected

+ Name of owner Sergio Barragan Laura Barragan

Address 8601 E Chris St. Bel Aire KS Telephone (760) 297 7895

Agent representing the owner \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

1. The application area is legally described as Lot(s) 5; Block(s) 3, Rock Spring Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains \_\_\_\_\_ acres.

3. This property is located at (address) 8601 E. Chris St. Belaire MS which is generally located at (relation to nearest streets) Rock Rd & 53rd St.

4. State why the proposed conditional Use will not cause substantial injury to the value of other property in the neighborhood, how it is to be designed within district regulations:

Opening my in home daycare will not cause substantial injury to the value of others property in my neighborhood by keeping the children in designated areas. My house is fenced on all four sides and there will always be supervision.

5. County control number: 30000990

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

4. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

5. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_


6. Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

7. Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Planning Commission and/or Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

 \_\_\_\_\_ BY \_\_\_\_\_  
Applicant's Signature Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.



## Little Champions Daycare

City of Bel Aire

The location for my in home daycare is going to be upstairs to have safer and easier access for the kids while drop off and pick up. I have two rooms where the kids can nap and play and using the upstairs restroom. Also using the outdoor deck and back yard (secured and supervised ).

I'm allowed to have up to 10 kids, different ages 0-13 years is going to be my age group. I would like to start with 4-6 kids.

My hours of operation will be Monday through Friday from 7 am to 5:30 pm.

Parking will be available on my drive way for easy drop off and pick up.

I will be using one standard size sign in the front yard for my business.

The only employee is going to be my husband Sergio Barragan.

  
Laura Barragan

# Certificate of Occupancy City of Bel Aire, Kansas Department of Community Development Inspection Division

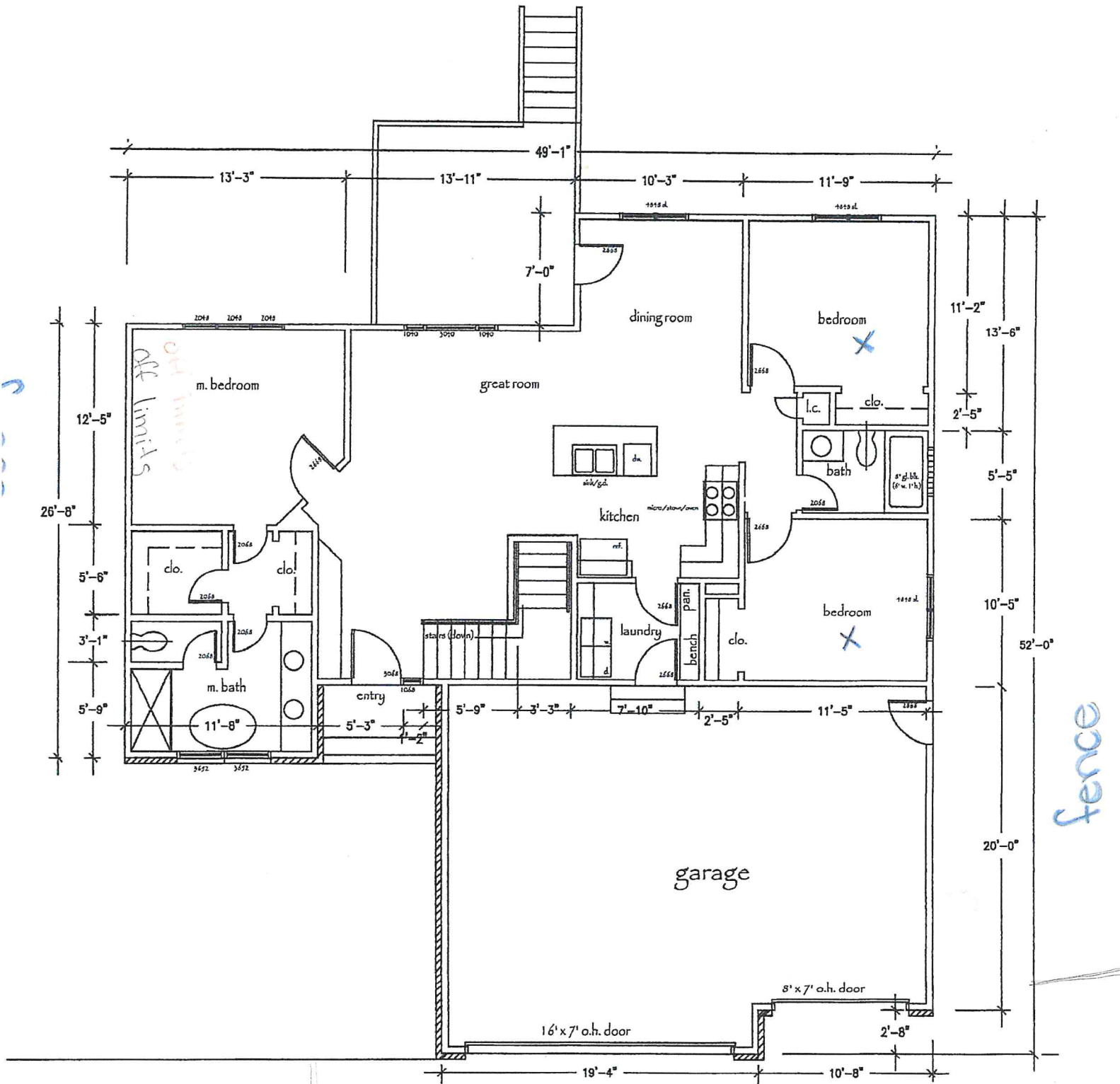
This Certificate was issued pursuant to the requirements of the International Residential Code certifying that at the time of issuance this structure received all required inspections and to the best of our knowledge and belief was in compliance with the codes, ordinances and resolutions of the City of Bel Aire regulating building construction or use. This Certificate in no way warrants or guarantees workmanship in the structure and the City of Bel Aire will not be liable for any non-compliance with the code.

Use Classification DWELLING UNIT Building Permit No. BLD-23-38  
Group 2012 IRC WITH AMENDMENTS Type of Construction 5  
Owner of Building \_\_\_\_\_ Address \_\_\_\_\_  
Building Address 8601 E CHRIS ST

By: ASMOKE/MS  
Date: 2.23.24



fence

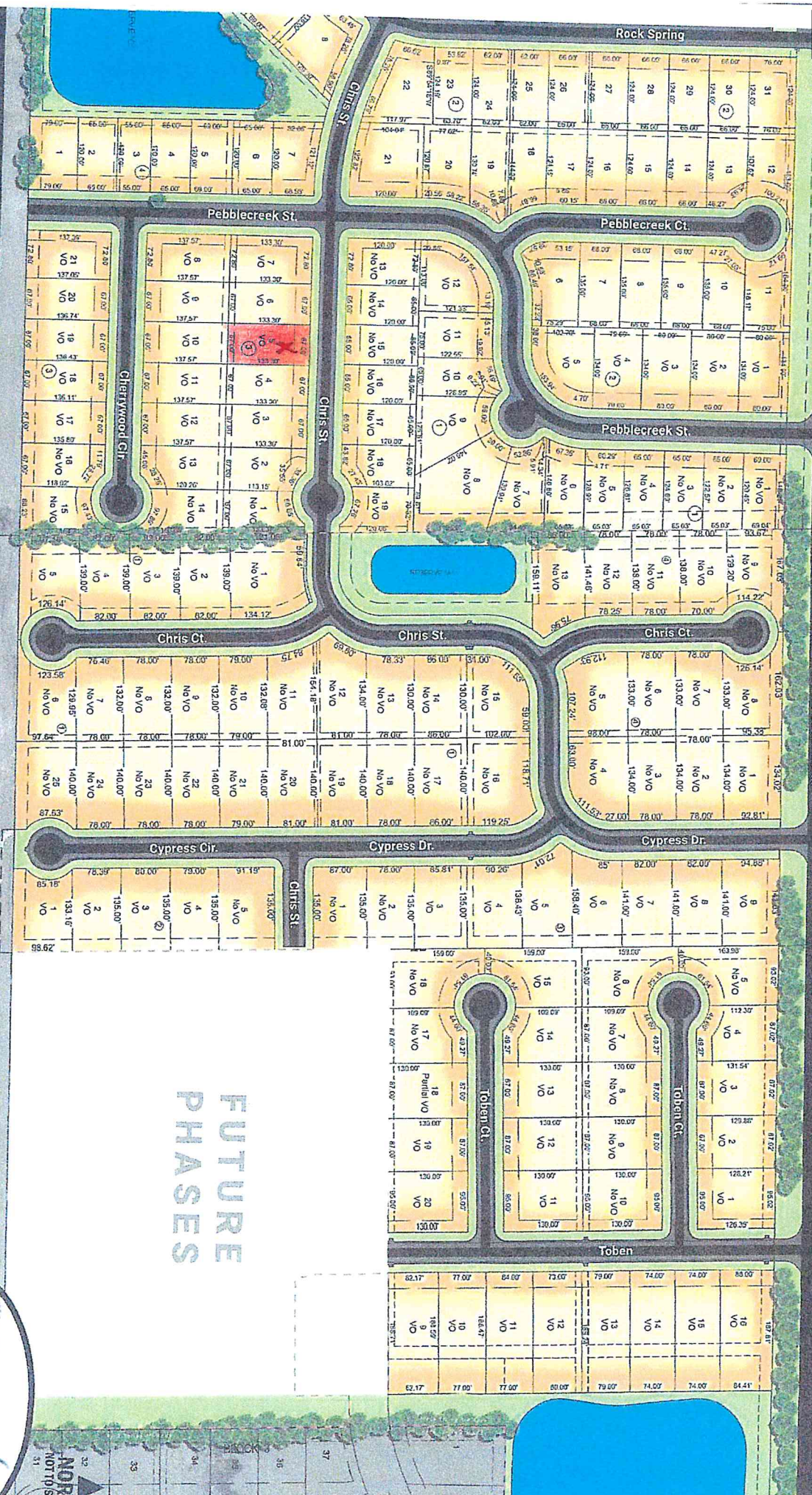


fence

Parking







FUTURE PHASES



The data shown is a preliminary subdivision of Rock Spring, including the proposed layout of streets, easements, and other features. It is not intended to be used for any other purpose. The information is provided for informational purposes only. The information is not intended to be used for any other purpose. The information is provided for informational purposes only.



**Land Title Inc.**  
240 N Rock Rd Ste 220  
Wichita, KS 67206  
Phone: (316) 773-3800  
Fax: (316) 773-0800

File No.: 20248946

### OWNERSHIP LIST

Land Title Inc. has made a search in the Records of the Office of the Register of Deeds of the County of Sedgwick, State of Kansas, for the following described property:

**Lot 5, Block 3, Rock Spring, an Addition to Bel Aire, Sedgwick County, Kansas**

**commonly know as: 8601 E. Chris St., Bel Aire, KS 67226**

The grantee(s) in the last recorded deed are:

**Warranty Deed dated February 28, 2024, filed February 29, 2024 in Document No. 30293472**

**Grantor: Relph Construction & Development Inc.**

**Grantee: Sergio Barragan and Laura Barragan**

**SURROUNDING OWNERS:**

8667 E. Chris St.  
Edgle and Kendra Waldon  
8667 E. Chris St., Bel Aire KS 67226-6411

8649 E. Chris St.  
Tanner Padgett and Kelsey Renee Kuhn  
8649 E. Chris St., Bel Aire KS 67226

8633 E. Chris St.  
Robert Lynn and Dawn Marie Sweeney  
8633 E. Chris St., Bel Aire KS 67226

8617 E. Chris St.  
Maggie Hall  
8617 E. Chris St., Bel Aire KS 67226

8585 E. Chris St.  
Relph Construction & Development Inc.  
8550 NW Parallel St., Towanda, KS 67144-9409

8573 E. Chris St.  
Richard B. and Lynette K. Most  
8573 E. Chris St., Bel Aire KS 67226

8576 E. Cherrywood Ct.  
Jason and Stephanie Reece  
8576 E. Cherrywood Ct., Bel Aire KS 67226

8592 E. Cherrywood Ct.  
Connor, Madison C. and Shawn Evans  
8592 E. Cherrywood Ct., Wichita, KS 67226-2289

8608 E. Cherrywood Ct.  
Tristan and Mikayla Irish  
8608 E. Cherrywood C., Bel Aire KS 67226

8614 E. Cherrywood Ct.  
Anusha Shamini Dias Dissanayake  
8614 E. Cherrywood Ct., Wichita, KS 67226

8603 E. Cherrywood Ct.  
Oleksiy Zadorazhnyy  
8603 E. Cherrywood Ct., Bel Aire KS 67226

8646 E. Cherrywood Ct.  
Cherrywood Construction Inc.  
P.O. Box 781974, Wichita, KS 67278-1974

8662 E. Cherrywood Ct.  
Relph Construction Inc.  
8550 NW Parallel St., Towanda, KS 67144-9409

8673 E. Cherrywood Ct.  
Relph Construction Inc.  
8550 NW Parallel St., Towanda, KS 67144-9409

8657 E. Cherrywood Ct.  
Relph Construction Inc.  
8550 NW Parallel St., Towanda, KS 67144-9409

8625 E. Cherrywood Ct.  
Relph Construction Inc.  
8550 NW Parallel St., Towanda, KS 67144-9409

8641 E. Cherrywood Ct.  
Cherrie Maples  
8641 E. Cherrywood Ct., Wichita, KS 67226

8609 E. Cherrywood Ct.  
Cherrywood Construction Inc.  
P.O. Box 781974, Wichita, KS 67278-1974

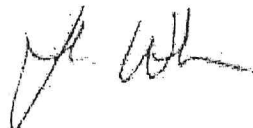
**GENERAL TAXES:**

**Real Estate Taxes and Specials Assessments for the tax year 2023 are \$709.32 PAID (Generals \$398.80 / Specials \$310.52) GEO Code: PY BA 01400, PIN No. 30000990**

This is an Ownership List and NOT a Certificate of Title, and does not show change of ownership caused by death or Court Proceedings. As this report is furnished for a nominal fee, Land Title Inc. assumes no liability beyond the amount paid for this report.

Dated at Wichita, Kansas this 23rd day of April, 2024 at 5:00 P.M.

**Land Title Inc.**



Frank Woods





# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 16th day of May, 2024, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2024      \_\_\_\_\_, 2024  
\_\_\_\_\_, 2024      \_\_\_\_\_, 2024  
\_\_\_\_\_, 2024      \_\_\_\_\_, 2024

[Signature]

Subscribed and sworn to before me this 16th day of May, 2024.

[Signature]

## Bel Aire public notice

(Published in The Ark Valley News May 16, 2024.)

### OFFICIAL NOTICE OF A CONDITIONAL USE PERMIT HEARING

#### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on June 13, 2024; the City of Bel Aire Planning Commission will review a Conditional Use Permit in the order of the agenda starting shortly after 6:30 p.m. in the Council Chamber at City Hall in Bel Aire, Kansas:

**CON-24-01** Property owner has requested to operate a daycare in an R-5 multi-family Zoned District.

**Legal Description:** (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

**General Location:** E. Chris St. and N. Pebblecreek St.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without notice.

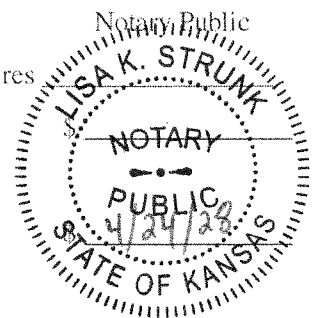
DATED this 9 day of May, 2024.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

My commission expires

Additional copies

Printer's fee



City of Bel Aire

STAFF REPORT

DATE: 06/06/2024

TO: Bel Aire Planning Commission  
FROM: Keith Price  
RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	6/6/24
CITY COUNCIL	
INFORMATION ONLY	

**SUMMARY:**

**CON-24-01 Property owner has requested to operate a daycare in an R-5 multi-family Zoned District.**

**History:**

Rock Spring addition was zoned R-5 with a developer’s agreement overlay that created a duplex and a single-family area within the platted area in 2011. The R-5 district is a zero-lot line category; the plattor text and the developer’s agreement help define setbacks and requirements. R-5 zoned districts require home-based businesses to have a conditional use permit.

**Discussion:**

The city placed an ad in the Ark Valley Newspaper and sent out notifications to the property owners within the 200’ notification area as required by the city code.

Staff met with the applicants prior to the submittal for the daycare use. The use could easily fit the tier two business license. Tier two would only require that the business register every year and pay the standard home-based business license fee. R-4 zoning district is the predominate single-family district in Bel Aire has minimum lot size of 8,400 s.f.; The applicant’s lot is 8,943 s.f.

KDHE basic rules:

**Licensed Day Care Home**

- A childcare facility in which care is provided for a maximum of ten children under 16 years of age and includes children under 11 years of age related to the provider. The total number of children in care at any time is based on the ages of the children in care.
- The license is usually issued for the provider's own home but may be issued at a location other than the provider's home such as a commercial setting. The license identifies the address of the

child care facility.

- The licensee must be 18 years of age, a high school graduate or the equivalent, have an understanding of children, complete certified first aid and CPR as well as childcare-related training in health and safety topics.
- A KBI criminal history and child abuse and neglect background check are processed on all persons living, working, or volunteering in the licensed daycare facility.
- State Licensing fee \$85. Local fees may also apply.
- The licensed daycare home is inspected to check compliance with regulations to protect the health, safety, and well-being of the children in care at least once every 12 months.

**Conclusion:**

Please review the golden rules. Staff can support this request with a normal renewal annually with standard process for a tier two city business license. An ordinance will be required. Conditions placed on the business if approved would be related to expiration if not renewed each year and that the business isn't transferable if the house is sold or rented to another family.

**SD-24-01; PUD-24-01. Sunflower Commerce Park 4th approximately 74.56 acres of the M-1 Industrial Use zoning district to be used for office/warehouse.**

**History:**

This parcel was rezoned M-1 as part of the city project related to Sunflower Commerce Park 2<sup>nd</sup> addition approximately in 2015. This land has remained vacant since that time. The Sunflower Commerce Park II plat didn't include this parcel at that time.

**Discussion:**

The city placed an ad in the Ark Valley Newspaper and sent out notifications to the property owners within the 200' and 1,000' notification area as required by the city code.

The city met with the TESSERE team that presented the project prior to the application date. The plat will be on the agenda separate from the preliminary PUD process.

The city reached out to Evergy and Onegas, no additional easements have been requested at this time.

Details related to building and site signage will need to be contained in the PUD and developer's agreement.

The landscape plan discussion has been to have a concept plan with developer's agreement allow a specific site plan to be provided as each area is developed.

Parking lot requirements will change based on uses; as tenant finishes are proposed parking requirements will be analyzed and the general code can allow and fortified with the PUD language.

Building materials are shown in the submittal as tilt up concrete design. The discussion was to link the Sunflower Commerce Park covenants to the Sunflower Commerce Park 4<sup>th</sup>. This would fortify the type of materials to use for the buildings and overlay the landscape and site requirements.

The follow-up staff report to the developer will be in the packet.

**Conclusion:**

Please review the golden rules. Staff can support this request for the preliminary plat and the preliminary PUD. The format of the plat would be as a PUD plat with the PUD rules as a page filed with final plat.

**ZON2024-00027 (county)**

Philip Zevenbergen, AICP, Will present a case to change from Rural Residential, RR, to Limited Commercial, LC.

This case falls within the area of influence of the City of Bel Aire, an area recognized by MAPC. The Bel Aire code sections below provide the purpose of the Extraterritorial Zoning once established and is the reason this case is brought to this commission for review.

**18.1.2. Authority and jurisdiction.**

These regulations are adopted under authority established by K.S.A. 12-741 et seq., and as amended, including K.S.A. 12-736, 12-753 to 12-761, 12-763, 12-764, 12-766, 12-3301 - 12-3302, and 12-3009 to 12-3012. These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Bel Aire, Kansas, as presently exist, as may be hereafter established, or as incorporated within by annexation. Nothing herein shall be construed to preclude the City from engaging in extraterritorial planning activities pursuant to K.S.A. 12-743, and amendments thereto.

**18.1.3. Purpose.**

These regulations are intended to serve the following purposes:

To promote the public health, safety, morals, comfort and general welfare;

To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;

To regulate and restrict the location, use and appearance of buildings, structures and each district and to zone for residential, commercial, industrial and other purposes including flood plains;

To regulate and restrict the height, number of stories and size of buildings and structures including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;

To protect property values and conserve energy and natural resources;

To provide for adequate light and air and acceptable noise levels;

To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;

To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;

To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;

To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and exceptions; and

To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

**Final Plat SD-23-05  
Chapel Landing 7<sup>th</sup> revision**

The packet contains an update to the final plat reviewed last. There have been some drainage updates and platting text changes since the staff review contained in the packet sent to the engineer of record. Additional discussion will be provided during the meeting.

# MANAGERS REPORT



**DATE:** July 27, 2024  
**TO:** Mayor Benage and City Council  
**FROM:** Ted Henry, City Manager  
**RE:** July 2, 2024 Agenda

## **Consent Agenda (Item VI)**

The Consent Agenda contains the minutes of the June 18, 2024 regular City Council meeting.

In addition, the annual Municipal Water Conservation Plan is on the consent agenda for acceptance. KDHE requires any provider of potable water to maintain a water conservation plan should an emergency or drought hit their system. The plan must be adopted annually with CCUA, City of Wichita and KDHE receiving a copy. The Utility Advisory Committee (UAC) reviewed the plan and worked with staff on the updated version in your packet.

Finally, three reappointments are on the consent agenda for Council to consider confirming: John Charleston for the Planning Commission, and Dan Broyles and Terry Ercolani for the Utility Advisory Committee. Mr. Ercolani just completed his first term on the UAC and serves as the Secretary for the committee. Both Mr. Broyles and Mr. Charleston have served Bel Aire in their respective roles for many years.

## **AP Ordinance (Item VII)**

This appropriation ordinance encompasses 6/12/2024 through 6/23/2024 expenses and one payroll cycle. Expenditures amounted to \$925,527.79. Of the reported expenses, \$341,212.33 are infrastructure costs for new developments. These costs are paid through special assessments.

## **Public Hearing, IRB Issuance for WAM Investments, Phase 2 (Item X)**

At the June 18<sup>th</sup> meeting, City Council approved the Letter of Intent to issue Industrial Revenue Bonds. The purpose of the public hearing is to hear from taxpayers, citizens and other interested parties in regard to the issuance by the City of Bel Aire, Kansas of Industrial Revenue Bonds (WAM Investments - Phase 2), in a principal amount not to exceed \$3,700,000 (the "Bonds") and in regard to an exemption from ad valorem taxation of property constructed or purchased with the

proceeds of such Bonds. The Bonds are proposed to be issued to pay the costs of acquiring, constructing and equipping a commercial facility to be located at 9000 E. 46th Street North, Bel Aire, Kansas. The Issuer further intends to lease such facility to WAM Investments, LLC, a Kansas limited liability company, or another legal entity to be formed by the principals of WAM Investments, LLC (the “Tenant”).

**Resolution - IRB Issuance, WAM Investments Ph 2 (Item A)**

A related public hearing will take place immediately before this agenda item. If the resolution is approved, the bonds will be used to finance the costs of two buildings totaling 28,000 square feet at a cost of \$3,700,000. This development aims to provide more space for current and potential tenants, particularly home-based businesses looking to transition into commercial spaces within Bel Aire.

**Dedications - SD-23-05 Revised Final Plat for Chapel Landing 7<sup>th</sup> (Item B)**

On June 13<sup>th</sup>, the Planning Commission heard case SD-23-05 (revised final plat for Chapel Landing 7<sup>th</sup>). The agent for the applicant reviewed the changes to the original final plat and discussed the geotechnical findings making the original layout of the final plat very difficult to design with concerns for the long-term viability of the streets. Commissioners were concerned about the length of the cul-de-sac and fire protection services. The agent responded that the cul-de-sac was about 600’ in length and shorter than others in the area. Staff responded that the Fire Department has seen the revised final plat and had no concerns with the length of the cul-de-sac. Commissioners asked about the drainage and staff responded that the owners of Bristol Hollows have deeded Reserve A to Chapel Landing 7<sup>th</sup> and a drainage agreement has been worked out with City approval and had no concerns regarding the drainage. Following discussion, the Planning Commission recommended approving the Revised Final Plat for Chapel Landing 7<sup>th</sup> in a 5-0 vote. The Revised Final Plat now comes before Council for acceptance of the dedications of public streets and other rights of way, as they appear in the plat.

**Development Agreement - Chapel Landing 7<sup>th</sup> (Item C)**

For every new development, the City requires a Development Agreement be negotiated and approved. This agreement spells out, in writing, the responsibilities of each party during construction and after. The agreement is filed with the plat for future reference. Staff and the Developer have agreed upon the language contained in this agreement and it is now ready for final approval by the City Council.

**Conditional Use Ordinance for Daycare (Item D)**

City Zoning Code places certain restrictions on the use of residential-zoned property for other uses. A couple who live in a home in the Rock Spring neighborhood, which is zoned R-5, recently applied for a conditional use permit to operate a daycare in their home. On June 13<sup>th</sup>, the Planning Commission reviewed the application and held a public hearing on the matter. The Commission heard from the applicants and two residents. One resident was curious about the hours of operation and number of children allowed. The other resident was concerned about additional traffic and noise. Following the public hearing, the Commission discussed noise and traffic concerns. After discussion, the Commission voted (5-0) to recommend approval of the conditional use. The recommendation now comes before Council for consideration. If the recommendation is accepted, the Ordinance in your packet may be adopted to grant the conditional use.

**Executive Session**

Two executive sessions are on the agenda.

**Discussion and Future Issues – July workshop**

The next City Council workshop is scheduled for 6:30 p.m. on July 9<sup>th</sup>.