

(First Published in the Times-Sentinel  
on the day of March 2022.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1081

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF CLEARWATER, KANSAS FROM THE PRESENT "R-2" TWO FAMILY DWELLING DISTRICT TO A "PUD" PLANNED UNIT DEVELOPMENT DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLEARWATER, KANSAS.

WHEREAS, notice of a February 1, 2022 Clearwater Planning Commission public hearing on changing the zoning classification of the herein described real property located within the City of Clearwater, Kansas from the present "R-2" Two Family Dwelling District to a "PUD" Planned Unit Development District was published in the official city newspaper on January 6, 2022 and mailed on January 13, 2022 to all owners of record of lands within the corporate limits of the City of Clearwater, Kansas located within 200 feet of the proposed zoning change; and

WHEREAS, the Clearwater Planning Commission conducted a public hearing on February 1, 2022 on changing the zoning classification of the herein described real property located within the City of Clearwater, Kansas from the present "R-2" Two Family Dwelling District to a "PUD" Planned Unit Development District, and thereafter, based upon the public hearing and a discussion of the factors to consider in re-zoning, voted to adopt written findings concerning and recommend approval of said zone change by the governing body; and

WHEREAS more than 14 days has elapsed since said public hearing and no protest petition has been filed with the City of Clearwater City Clerk.

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

Section 1. Zone Change

The official zoning classification of the property herein described is hereby changed from the present zoning classification of "R-2" Two Family Dwelling District to a "PUD" Planned Unit Development District. Said property is legally described as follows:

Parcel1:

Lot 13, Block 1, Indian lakes 2<sup>nd</sup> Addition to Clearwater, KS Sedgwick County, Kansas, LESS AND EXCEPT a tract of land being more particularly

described as follows: Beginning at found iron rod at the northwest corner of Lot 12, Block 1 of Indian Lakes 2<sup>nd</sup> Addition; thence N00°57'53"E 13 feet; thence N88°38'07"E 341.27 feet; thence S00°57'53"W 13 feet to the northeast corner of Lot 12; thence S88°38'07"W 341.27 feet to the point of beginning.

Parcel 2:

Lot 4, 5, 6, 7 and 8, Block 2, Indian Lakes 2<sup>nd</sup> Addition to Clearwater, Sedgwick County, Kansas

Parcel 3:

Reserve A, Indian Lakes 2<sup>nd</sup> Addition to Clearwater, Sedgwick County, Kansas, LESS AND EXCEPT that part described as: Beginning at the northeast corner of Lot 10, Block 2, Indian Lakes Addition; thence N 87°42'43"E along the south line of Silverado Court a distance of 63.62 feet to the P.C. of a curve to the right having a radius of 60.00 feet and through a central angle of 92°17'48" a distance of 96.65 feet to the P.T. of said curve; thence S 00°00'31"W along the west line of Copperhead Street a distance of 174.71 feet to the northeast corner of Lot 1, Block 2, Indian Lakes 2<sup>nd</sup> Addition thence north 89°59'29"W along the north line of Lot 1, Block 2, Indian Lakes 2<sup>nd</sup> Addition a distance of 122.69 feet; thence N 05°26'35"W a distance of 82.18 feet to the most southerly southeast corner of Lot 10, Block 2, Indian Lakes Addition; thence N 32°02'00"E 18.70 Feet; thence N 02°17'17"E along the east line of Lot 10, Block 2, Indian Lakes Addition a distance of 134.65 feet to the point of beginning.

Parcel 4:

Reserve B, Indian Lakes 2<sup>nd</sup> Addition to Clearwater, Sedgwick County, Kansas.

Parcel 5:

Lots 7, 8, 9, 10, 11, 12, 13 and 14, Block 1, Indian Lakes Addition, an Addition to Clearwater, Sedgwick County, Kansas.

Parcel 6:

Lots 13 and 14, Block 2, Indian Lakes Addition, an Addition to Clearwater, Sedgwick County, Kansas

Parcel 7:

Lot 11, Block 1, Indian Lakes 2<sup>nd</sup> Addition to Clearwater, Sedgwick County, Kansas, EXCEPT the East 223.37 feet thereof.

Section 2. Planned Unit Development Map and General Provisions

**'Exhibit A' attached**

Section 3. Zoning Ordinance and Map Amendment

City of Clearwater Ordinance Number 835 and the official zoning map of the City of Clearwater, Kansas are hereby amended in accordance with Section 1 of this Ordinance.

Section 4. Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

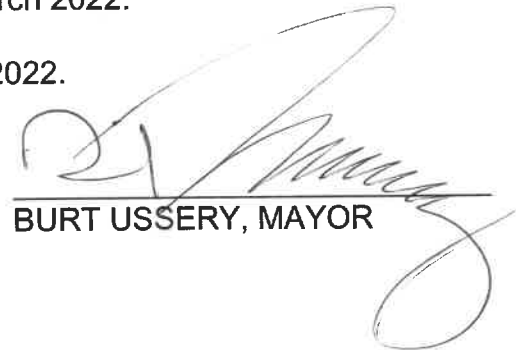
Adopted by the City Council this 8th day of March 2022.

Approved by the Mayor this 8th day of March 2022.



ATTEST:

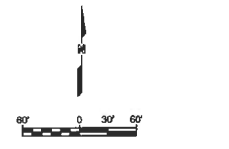
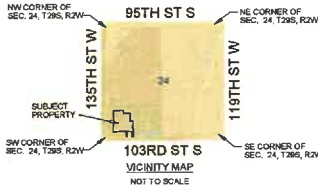
  
\_\_\_\_\_  
City Clerk, Jaye Poe

  
\_\_\_\_\_  
BURT USSERY, MAYOR

# Final Plat and PUD

## INDIAN RIDGE

Located in the SW1/4 of Sec. 24, T29S, R2W of the 6th P.M.  
Clearwater, Sedgwick County, Kansas

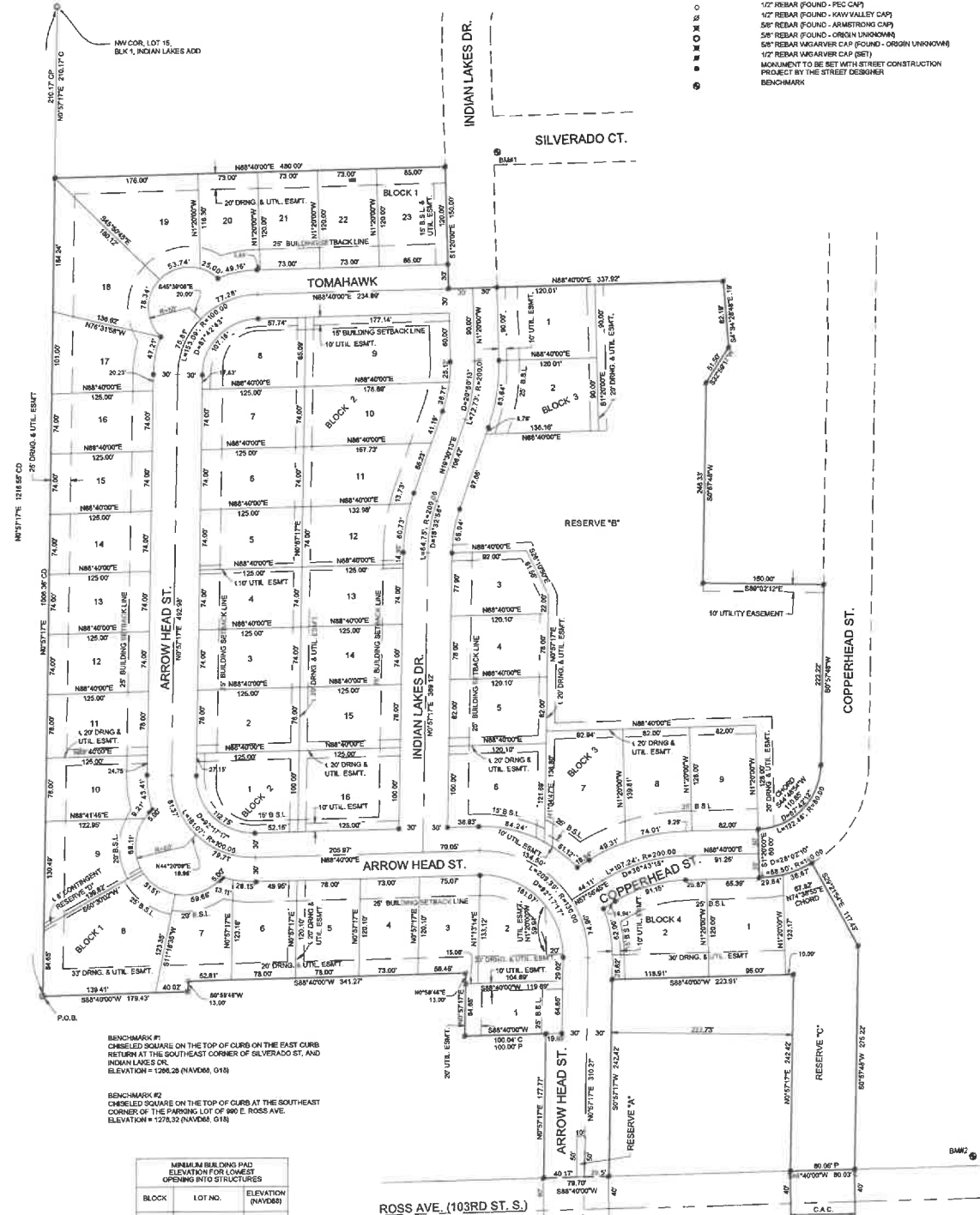


(BASES) = Basis of Bearings = Kansas Coordinate System of 1983 South Zone Grid Bearing

F = Filled  
 M = Measured  
 L = Calculated  
 P = Proposed  
 C.A.C. = Controlling Subcontract Line  
 A.C.C. = Complete Access Control

### SURVEY MARKER LEGEND

- 1/2" REBAR (FOUND - PEG CAP)
- 1/2" REBAR (FOUND - KAW VALLEY CAP)
- 5/8" REBAR (FOUND - ARMSTRONG CAP)
- 5/8" REBAR (FOUND - ORIGIN UNKNOWN)
- 5/8" REBAR W/ARROW CAP (FOUND - ORIGIN UNKNOWN)
- 1/2" REBAR W/ARROW CAP (SET)
- MONUMENT TO BE SET WITH STREET CONSTRUCTION PROJECT BY THE STREET DESIGNER
- BENCHMARK



**BENCHMARK #1**  
CHISELED SQUARE ON THE TOP OF CURB ON THE EAST CURB RETURN AT THE SOUTHEAST CORNER OF SILVERADO ST. AND INDIAN LAKES DR.  
ELEVATION = 1206.28 (NAVD83, G18)

**BENCHMARK #2**  
CHISELED SQUARE ON THE TOP OF CURB AT THE SOUTHEAST CORNER OF THE PARKING LOT OF 890 E. ROSS AVE.  
ELEVATION = 1276.32 (NAVD83, G18)

BLOCK	LOT NO.	ELEVATION (NAVD83)
1	1, 2, 3, 4, 5, 7, 8 & 9	1260.0
1	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23	1261.2
2	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16	1261.2
3	1, 2, 3, 4, 5, 6, 7 & 9	1261.2
4	1 & 2	1260.0

Final Plat and PUD

INDIAN RIDGE

Located in the SW1/4 of Sec. 24, T29S, R2W of the 6th P.M. Clearwater, Sedgwick County, Kansas

State of Kansas)
SS
Sedgwick County)

We, Garver, LLC, Land Surveyors in aforesaid county and state, do hereby certify that, under the supervision of the undersigned, we have surveyed and plotted "INDIAN RIDGE", Clearwater, Sedgwick County, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

LEGAL DESCRIPTION:

This Part of Indian Lakes Addition, an Addition to Clearwater, Sedgwick County, Kansas and Indian Lakes 2nd Addition to Clearwater, Sedgwick County, Kansas, described as beginning at the southwest corner of Lot 13, Block 1, in said Indian Lakes 2nd Addition; thence N00°57'17"E along the west line of said Lot 13 and extended, 1006.36 feet to the southwest corner of Lot 15, Block 1, in said Indian Lakes Addition; thence N88°40'00"E along the south line of said Lot 15, 480.00 feet to the southeast corner of said Lot 15; thence S01°20'00"E along the east line of Lot 14, Block 1, in said Indian Lakes Addition, 150.00 feet to the southeast corner of said Lot 14; thence N88°40'00"E along the extended south line of Lot 10, Block 2, in said Indian Lakes Addition, 337.32 feet to the southerly most southeast corner of said Lot 10; thence S04°28'48"E, 82.19 feet to the northerly most northwest corner of Lot 1, Block 2, in said Indian Lakes 2nd Addition; thence S32°59'17"W along the northwest line of said Lot 1, 51.50 feet to the westerly most northwest corner of said Lot 1; thence S00°57'48"W along the west line of said Lot 1 and extended, 246.33 feet to the southwest corner of Lot 3, Block 1, in said Indian Lakes 2nd Addition; thence S89°02'12"E along the south line of said Lot 3, 150.00 feet to the southeast corner of said Lot 3; thence S00°57'48"W along the west right of way of Copperhead Street as platted in said Indian Lakes 2nd Addition, 222.22 feet to a point of curvature on said west right of way, being a curve to the right and having a radius of 80.00 feet, an arc length of 122.46 feet, chord bear S44°48'54"W, 110.85 feet; thence southwesterly along said curve, an arc length of 122.46 feet to the southeast corner of Lot 4, Block 2, in said Indian Lakes 2nd Addition; thence S01°20'00"E, 60.00 feet to a point of curvature on the southerly right of way of said Copperhead Street; thence northeasterly along said southerly right of way, being a curve to the left with a radius of 140.00 feet, an arc length of 68.61, chord bearing N74°35'50"E, 67.82 feet to the westerly most northwest corner of Lot 9, Block 1, in said Indian Lakes 2nd Addition; thence S29°21'54"E along the southwest line of said Lot 9, 117.43 feet to the southwest corner of said Lot 9; thence S00°57'48"W along the west line of Lot 10, Block 1, in said Indian Lakes 2nd Addition, 275.22 feet to the southwest corner of Lot 10, Block 1, in said Indian Lakes 2nd Addition; thence S88°40'00"W along the south line of Reserve B, in said Indian Lakes 2nd Addition, 60.00 feet to the southeast corner of Lot 11, Block 1, in said Indian Lakes 2nd Addition; thence N00°57'17"E along the east line of said Lot 11, 242.42 feet to the northeast corner of said Lot 11; thence S88°40'00"W along the north line of said Lot 11, 223.91 feet to a point 223.73 feet West of the east line of said Lot 11; thence S00°57'17"W, parallel with the east line of said Lot 11, 242.42 feet to the south line of said Lot 11; thence S88°40'00"W along the south line of said Lot 11, 79.70 feet to the southwest corner of said Lot 11; thence N00°57'17"E along the southerly most west line of said Lot 11, 177.77 feet to westerly most south line of said Lot 11; thence S88°40'00"W along said westerly most south line, 100.00 feet to the east line of Lot 12, Block 1, Indian Lakes 2nd Addition; thence N00°57'17"E along the east line of said Lot 12, 64.65 feet to the northeast corner of said Lot 12; thence N00°59'46"E, 13.00 feet to the northeast corner of Tract 2 described in Special Warranty Deed recorded as Doc.#FLM-PG:29464662 with the Register of Deeds in Sedgwick County, Kansas; thence S88°40'00"W, 341.27 feet to the northwest corner of said Tract 2; thence S00°59'46"W, 13.00 feet to the northwest corner of said Lot 12; thence S88°40'00"W along the south line of said Lot 13, 179.43 feet to the place of beginning.

All public assessments and dedications are hereby vacated by virtue of K.S.A. 12-612b, as amended.

Garver, LLC

Land Surveyor

William K. Clevenger, PS #1437

Know all men by these presents that we, the undersigned, have caused the land described in the surveyor's certificate to be plotted into Lots, Blocks and Sheets, to be known as "INDIAN RIDGE", Clearwater, Sedgwick County, Kansas. The utility assessments are hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drainage easement is hereby granted to the public as indicated for drainage purposes. Access Controls as indicated are hereby granted to the appropriate governing body. The streets are hereby dedicated to and for the use of the public. No obstructions shall be constructed or placed within street stubs providing future access to adjacent properties. Reserve "A" is hereby reserved for irrigation, wells, signage, walks, lighting, landscaping, berms, lakes, drainage, drainage structures, and utilities confined to easements. Reserve "B" is hereby reserved for irrigation, wells, signage, walks, lighting, landscaping, berms, lakes, drainage, drainage structures, and utilities confined to easements. Reserve "C" is hereby reserved for irrigation and entry features. Contingent Reserve "D" will be reserved for Pedestrian Access Purposes upon the need to extend access to the Adjoining Parcel. This Reserve will become effective upon the recording of an agreement signed by the owner for the Adjoining Parcel and filed with the Sedgwick County Register of Deeds office. The Reserves are to be owned and maintained by the Home Owners Association for the addition, their successors and/or assigns. A Minimum Ped Elevation for lowest openings has been established and is shown on said survey of subject property, sheet 1. A master drainage plan has been developed for this plat. All drainage easements, rights of way and reserves shall remain at established grades (unless modified with the approval of the applicable City or County Engineer) and shall be unobstructed to allow for the conveyance of stormwater in accordance with the Stormwater Manual.

Development Partnership

President

Brian Legaly Properties, LLC

State of Kansas)
SS
Sedgwick County)

The foregoing instrument acknowledged before me, this \_\_\_ day of \_\_\_, 2022, by Brian Legaly, President, on behalf of Brian Legaly Properties, a Kansas limited liability company,

Notary Public

Marsha R. Bishop

My appointment expires \_\_\_\_\_.

State of Kansas)
SS
Sedgwick County)

This plat of "INDIAN RIDGE", Clearwater, Sedgwick County, Kansas, has been submitted to and approved by the Clearwater Planning Commission, Clearwater, Kansas.

Dated this \_\_\_ day of \_\_\_, 2022.

Clearwater Planning Commission

Chair

George Rudy

Secretary

Carol Reibauer

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

\_\_\_\_\_, 2022.

Deputy County Surveyor
Sedgwick County Kansas

Tricia L. Robb, PS #1248

Entered on banlar record this \_\_\_ day of \_\_\_, 2022.

County Clerk

Kelly B. Arnold

State of Kansas)
SS
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this \_\_\_ day of \_\_\_, 2022, at \_\_\_ o'clock \_\_\_ M, and is duly recorded.

Register of Deeds

Tonya Buckingham

Deputy

Kerly Zelving

GENERAL PROVISIONS

1. BUILDING SETBACKS

- A. Rear yard building setbacks shall be 20.00 feet.
B. Interior side yard building setbacks shall be 6.00 feet.
C. Street side building setbacks shall be 15.00 feet.

2. ACCESSORY BUILDINGS

- Accessory buildings are allowed on all lots, subject to the following:
A. All construction, including additions, alterations, modifications, and/or use of any detached shed, shall be subject to all applicable governmental laws, codes, regulations, licensure, permitting and inspection associated with construction and property maintenance within the City of Clearwater, Kansas.
B. Sheds may be permitted upon a rear set back line but may not encroach upon any easement, or be located closer than 10' to a rear property line.
C. The side yard shall be maintained at 8 feet, and no sheds may be located within a side yard setback.

3. ALLOWED USES

- Single Family and Two-Family residential uses shall be permitted within this addition. A playground will be constructed on the West side of the existing pond within Reserve "D". A parking area will also be constructed in this area.

4. PARCEL DESCRIPTIONS

- Gross Area - 20.08 acres
Net Lot Area - 12.11 acres
Reserve/Recreation Area - 4.16 acres
Average Density - 5.5 D.U. per acre (net lot area)
Maximum Dwelling Units - 60
Maximum Coverage - 40%

5. PHASING

- The first phase will consist of approximately 20 lots. Design and initial construction will begin in 2022. A 50% completion of the subdivision is anticipated within 3 years.

