

BASELINE DOCUMENTATION
FOR
CONSERVATION EASEMENT OF ALVAMAR ORCHARDS EXECUTIVE GOLF COURSE
Draft May 11, 2004

The Orchards Conservation Easement has as its main purpose the preservation of green space and the containment of flood waters by limiting construction on the golf course area and by containing the degradation of the streams and storm water flowing through it. It also offers the continued opportunity for recreational golf and the enjoyment of the Conservation Values.

Orchards Golf Course as it is commonly called is located at 3000 West 15th Street in Lawrence, Kansas. It is bounded by residential construction on all sides except the South where the property faces West 15th Street. On the South side of West 15th Street are the open rolling acres of the University of Kansas Foundation green space. Both the Orchards Golf Course (OGC) and the University of Kansas property in this area are part of a sizeable water shed that produces a stream which runs through both properties and flows into the Wakarusa River. OGC consists of approximately 30 acres of fairways, greens, wooded areas and streams—a very attractive setting for the adjacent homes and a well-located place for recreational golfing activity. The 54 tracts directly abutting the golf course are either single family homes or in a few cases duplexes, and almost all are owner occupied. In the southeast corner of the golf course contiguous to the Orchards clubhouse and parking lot are 4 acres of condominiums, 84 units in all housed in four three story complexes. The land in that area and the non-condominium structures are owned by the West Meadows Condominium Association, which is the 55th tract contiguous to the Orchards Golf Course. The owners of the 84 condominiums are the share-holders of the Condominium Association.

Orchards Golf Course is a natural storm water shed for over 280 acres of higher land which is almost completely developed, mostly as residential except for several islands of commercial property. The City of Lawrence's underground storm water sewers for that area empty into land immediately adjacent to the golf course or directly onto it. The attached map shows in green the City's storm water sewers that empty onto the golf course. The dotted green lines indicate the major north to south stream and 3 tributaries coming into the main stream from the east. The result of this inflow of storm waters from several sources is that the main stream and its several tributaries are subject to substantial variation in the amount of water transported. Rainwater runoff from the developed areas and their streets cause a rapid rise in the level of water

flowing through the golf course during heavier downpours. This variation is further enhanced by the layered underground rock structure of the hills above the golf course. Heavy rain can produce sizeable area flooding fed by the storm water running both from the higher developed land and from the intermittent streams generated by the subterranean rock strata. The main stream on the golf course starts at the down water side of the Lawrence Avenue culvert, which is located south of the intersection of Lawrence Avenue and Harvard Road. Several underwater storm sewers empty onto the property location at the southwest corner of that intersection and produce a water flow through the culvert onto the Orchards Golf Course. This main stream flows south and empties into the 15th Street culvert. Considerable stream bank erosion has occurred over time and at places the stream has very steep and eroded embankments. There are three tributaries of this main stream which in times of drier weather may diminish to a trickle. All three drain from the east into the main stream. The north tributary when it enters the golf course flows to the north and east of the 3rd fairway and green. It then traverses between the 4th driving tee and green and finally crosses between the 5th driving tee and fairway before plunging into the main stream. The middle tributary is fed by the emptying of the Oxford Circle underground storm sewer and is highly intermittent. The south tributary is fed by the natural runoff of groundwater and the emptying of an underground storm sewer. There is also a storm sewer to the west of the main stream which empties the storm water from Lawrence Avenue and beyond directly into the main stream. This outlet also produces a sizeable variation in water flow. There is a history of flooding on the golf course. In the 1990's heavy rainfall on several occasions has caused flooding on the golf course by inundating some fairways, overrunning several cement bridges crossing the streams and even washed away several of these bridges. The stream beds in several areas have been eroded away markedly during such flood times so that extensive repair of the embankments was necessary.

The Orchards golf course has existed since the late 1970's when the City authorized the construction of the clubhouse and parking lot. Prior to that time the land had existed as a fruit orchard. There are also a good number of trees, bushes and tall grasses in the areas separating the various fairways and along the streams. These areas provide a natural habitat for a variety of small animals and birds and a most pleasant scenic backdrop for the recreational golfers and the nearby home owners. From time to time the golf course wooded areas are visited by deer and coyotes. More common denizens and animal visitors are creatures like red foxes, racoons, possums, skunks, squirrels, chipmunks, field mice, garden snakes, American toads, and tree frogs. Among the various birds commonly seen are the crows, blue jays, cardinals, blue birds, starlings,

grackles, barn swallows, mourning doves, northern flickers, downy and hairy woodpeckers, nuthatches, chickadees, house wrens, ruby-throated hummingbirds and various finches including the American goldfinch and at least five varieties of sparrows. Also present are a chicken hawk and screech owl. Less common visitors are the great blue heron, eastern phoebe, and spotted towhee, among others. These creatures have been seen or heard by the neighbors adjoining the golf course, either from their backyards or when walking along the fairways after golfing hours in the evening.

The legal description of Alvamar Orchards Executive Golf Course is given as the following by the Douglas County (KS) Appraiser's Office:

ORCHARDS NO 2 SUB BLK 9 BEG AT SW COR LT 3 TH N 110 FT TH S29DEG56'25"E106.19 FT TH S71DEG16'07"W55.97 FT TO PT BEG; ALSO ORCHARDS NO 3 SUB BLK 9 BEG AT SW COR LT 12 BLK 9 TH N ALONG W LINE SD LT 250 FT FOR PT BEG:TH N06DEG19'41"E 480.9 FT TO PT ON S LINE LT 3 BLK 9 TH S71DEG16'07"W ALONG SD LT LINE55.97 FT TO W LINE LT 12 BLK 9ORCHARDS NO 2 SUB TH S ALONG SD W LINE 460 FT TO PT BEG; ALSO A REPLAT OF A PORTION OF LT 12 BLK 9 ORCHARDS NO 3 SUB LT 1; ALSO ORCHARDS NO 3 SUB BLK 12 LT 1 (GOLF COURSE), LESS TR D 253/530 (U15331S01 & 334S07 COMBINED 1989).

The property is zoned "RS", which is single family residential except for the space occupied by the clubhouse and parking lot, which is zoned "RM", multi-family housing.

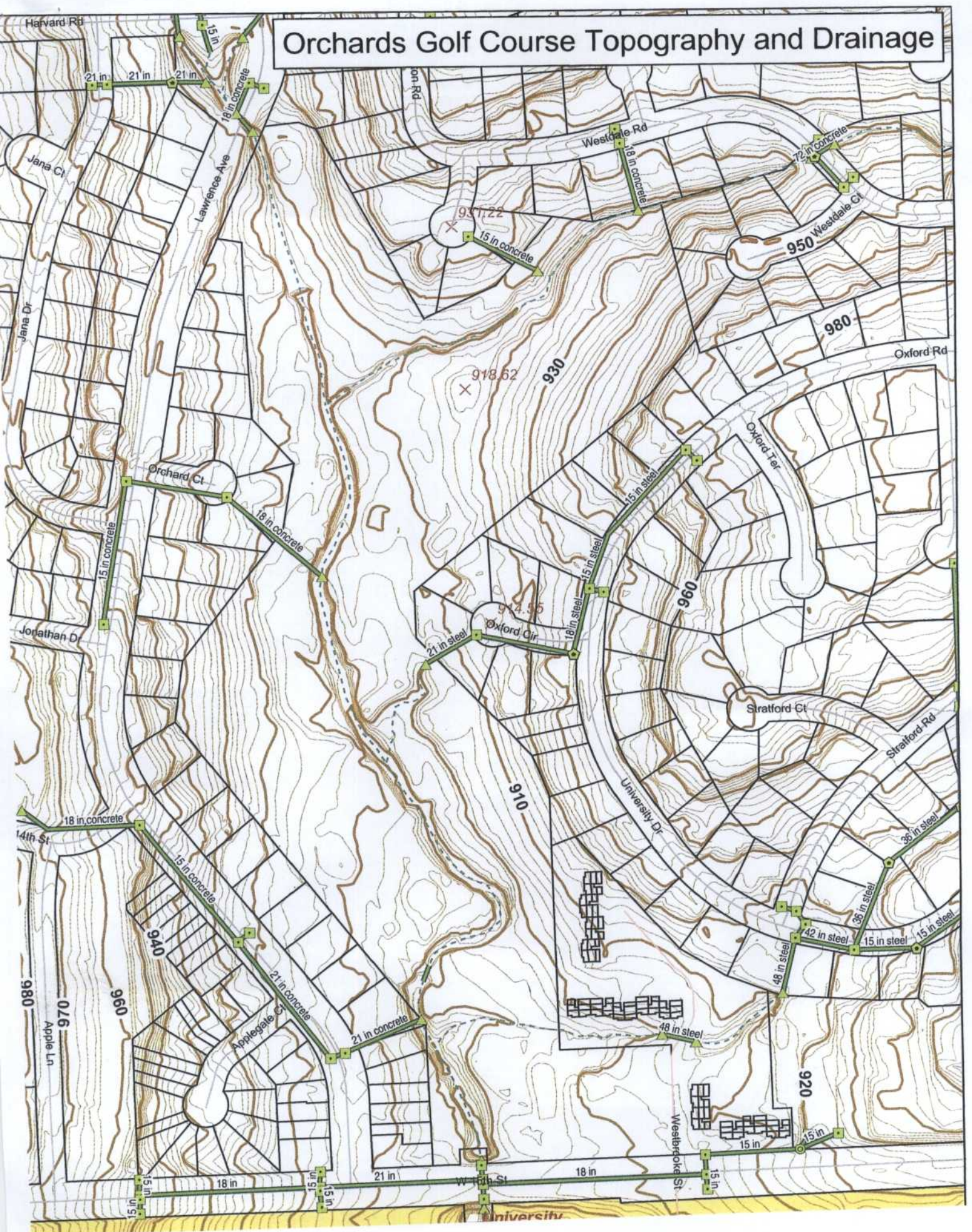
The entire area of the Orchards Golf Course is protected by the Orchards Conservation Easement. The main streams and their embankments are subject to restrictions promoting the free flow of storm water as written in a Drainage Easement between the owners of the golf course and the City of Lawrence. The Conservation Easement prohibits construction outside a Limited Structure Area in the south east corner of the golf course. This Limited Structure Area is mainly occupied by the Orchards club house and its parking lot with some limited vacant area to the west of those structures. The attached first set of pictures represent southeast and southwest front views of the clubhouse along with a northwest rear view. The second set of pictures show an existing now non-operational well and windmill as well as the restrooms near the #5 green and a view of typical other minor structures near the driving tees. There are also restrictions on the land use itself, aside from the current recreations golf activity. The Conservation Easement has been written in such a way that the normal and efficient operation of the Orchard Golf Course is permitted to continue.

The Conservation Easement for Orchards Golf Course came about through the

cooperative efforts of the owners of the golf course, the Alvamar Corporation and its land contract holders, Ed and Judy White, the City of Lawrence through its commissioners and staff, and the home owners of the property abutting the golf course. The steering committee of those neighbors with the direction given at several open neighborhood meetings took a lead in tying together the concepts of an Improvement District and a Conservation Easement. They worked closely with RoxAnne Miller of the Kansas Land Trust to develop a conservation easement that fit the circumstances of permitting the operation of a golf course and at the same time preserving Conservation Values. The city staff, especially Dave Corliss, was able to develop the uniting theme of dealing with further storm water runoff and promoting the repair and protection of the storm water streams and embankments. In that theme the Conservation Easement fit neatly as an important part of the total flood water control by preserving green space and limiting future use of the land. Then Mayor David Dunfield provided the valuable concepts initially of the conservation easement and of the need to retain a normal and efficient golfing operation on Orchards within a conservation easement. The present Mayor Mike Rundell provided the initial encouragement for the steering committee to think creatively about the means to preserve the green space by suggesting alternatives and means of getting to the goal of a conservation easement. Vice Mayor Dennis "Boog" Highberger and Commissioner David Schauner offered much timely advice and crucial support at key times for moving the project ahead. Commissioner Sue Hacker was a strong supporter from the start of the effort to preserve green space. Tax Appraiser August Dettbarn spent much valuable time educating the parties involved in the evaluation of the properties surrounding the Orchard Golf Course. Crucial credit ultimately must go to the neighbors living next to Orchards Golf Course who showed their near unanimous support for this project and their willingness to take on the tax burden that made the purchase of this Conservation Easement possible.

A draft of this summary was prepared by Jack Skeels with the assistance and approval of the Steering Committee for the Orchards Neighbors. Members of the Steering Committee are Jean Milstead, Stan Davis, Katherine and Bob Dinsdale, Mickey and Dennis Moss, Melanie and Bud Nolker, Barbara Frick-Skeels and Jack Skeels.

Orchards Golf Course Topography and Drainage



THREE DIFFERENT VIEWS OF THE ORCHARDS CLUBHOUSE AND PARKING LOT AREA
WITHIN THE LIMITED STRUCTURE AREA.



ORCHARDS WELL WITH WINDMILL, RESTROOMS & TYPICAL MINOR COURSE
STRUCTURES ON DRIVING TEES

