

PLAT NO. S/D 69-56 MAP NO. 5345  
NAME McAbdeel 2<sup>nd</sup> Addition  
(BEING A REPEAT OF McAbdeel Addition)  
LOCATION Southwest corner of Seneca and May Ave.  
  
ENGINEER Don C. Moehring  
Lakeview Gardens, Inc.; Union  
OWNERS National Bank & John McEwen  
  
APPLICATION FILED 6-24-69  
SKETCH PLAT FILED 6-24-69  
PRELIMINARY FILED 6-24-69  
S/D ACTION 7-3-69 Approve  
FINAL FILED 8-11-69  
S/D ACTION 8-21-69 Approve  
MAPC ACTION 8-28-69 Approve  
BCC ACTION 11-25-69 Approve  
RECORDED 2-16-69  
REMARKS \_\_\_\_\_

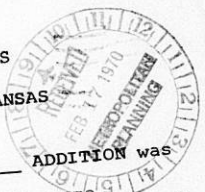
POSTED  
6-26-69  
H

# ACTION

	DATE
S/D COMMITTEE (Prelim) <u>Aggressive</u>	7-2-69
S/D Committee (Final) <u>Aggressive</u>	8-2-69
M.A.P.C. <u>Aggressive</u>	8-28-69
B.C.C. <del>RECORD</del> <u>Aggressive</u>	11-25-69

S/D 69-56 - MC ABDEEL SECOND ADD.  
On the southwest corner of Seneca  
and May Avenue. Moehring

REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS



McABDEEL SECOND

filed for record on February 16, 1970

R-1 7-18  
Feb. 16, 1970  
vh

*John Hale*  
Register Of Deeds

T9-328

THE CITY OF WICHITA  
OFFICE OF Engineering

DATE February 29, 1972

TO R.W. Bruggeman, Director of Public Works

FROM R.W. Linn, City Engineer

SUBJECT Letter of Credit for Sanitary Sewer -  
McAbdeel 2nd Addition

Section 8-105 of the Subdivision Rules and Regulations specifies the guarantee of required improvements required by the Regulations.

Section A of 8-105 deals with the methods of guarantee which shall be used by the subdivides to guarantee his performance and installation of improvements.

The different methods provided are:

1. Corporate completion bond.
2. Cashier's check.
3. Escrow account.
4. Irrevocable letter of credit.

These guarantees are used when the developer is responsible to install the improvement by private contract at the time of property development. The guarantee will then be released after completion of the work by the developer.

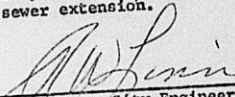
Section B of 8-105 deals with petitions to the governing body as a means of guarantee of installation. This method is used when the developer desires to have the City install the improvements.

The letter of credit method of guarantee was used for McAbdeel 2nd Addition sanitary sewer.

The record of this type of guarantee is kept on file in the Planning Department. The developer of this Addition proceeded to contract improvements without extension of sewer by private contract.

The connection of a private line in a public utility easement was inadvertently permitted, due to an error in records in the Public Works Office. A private line previously installed is now located across a separate ownership with no private easement.

The sewer needs to be extended to the tracts as provided in the plat requirements and the private lines reconnected to the new sewer extension.

  
R.W. Linn, City Engineer

/tn

86

THE CITY OF WICHITA

OFFICE OF Supt. of Public Works Maintenance DATE January 20, 1972



TO Ralph Wulz, City Manager

FROM G. H. Wilton

SUBJECT McAbdeel Second Addition

Attached is a memorandum dated December 31, 1970, to John Dekker, which sets forth the history of the sewer connection up to the point of contacting the property owner and his attorney. Also attached is a copy of a letter to Lakeview Gardens Inc. and a memorandum from Arthur Johnson, Assistant City Attorney, which was in reply to my December 31, 1970, memorandum.

We are still carrying the permit issued to Gerald Thompson open. We did not close out the permit, cancel the permit or disconnect the sewer, which were the three alternatives available to us. As I recall the service station was within a few days of opening and we did have an Irrevocable Letter of Credit guaranteeing the sewer extension; therefore I did not see much point in cutting off service to this building at that time.

Our records do not indicate any correspondence from Lakeview Gardens Inc. in reply to my letter of October 5, 1970. I do recall discussing the matter with Mr. Nelson but was unable at that time to get any commitment from him.

The APCO Oil Company Inc. building plans submitted to Central Inspection do show a proposed sewer connection as actually installed. I didn't review the plans prior to the issuance of the sewer permit. Our sewer ordinance is quite clear that a permit does not authorize the installation of a line across another's property. It is our interpretation that a public utility easement is for public use and not private use as is the case of the APCO sewer connection.

G. H. Wilton  
Superintendent  
Public Works Maintenance

GHW:mk

Attachments:

CC: R. W. Bruggeman, Director of Public Works  
Bob Feldner, Supt., Central Inspection Div.  
John Gist, Principal Planner  
John Dekker, Director of Law

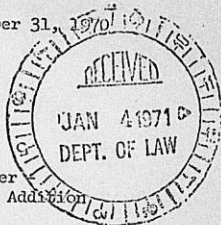


THE CITY OF WICOMETA

OFFICE OF Supt. of Public Works Maintenance DATE December 31, 1970

TO John Dekker, Director of Law  
FROM G. H. Wilton

SUBJECT Sanitary Sewer  
McAbdeel 2nd Addition



The MC ABDEEL Addition, a one (1) lot plat 200'x539' was replatted as McAbdeel 2nd Addition and filed of record on February 16, 1970. One of the requirements imposed was that the applicant should install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2 and 4 of McAbdeel 2nd Addition.

On Exhibit 1, a copy of McAbdeel Addition, I have shown in red the existing sanitary sewer. The single lot had access to the sewer and the buildings then existing were connected to that line. Exhibit 2, McAbdeel 2nd Addition also shows the existing sanitary sewer in red. You will note that Lots 1, 2 and 4 no longer have access to the existing sewer without crossing Lot 3. The owner's engineer was advised of the need to provide sewer service to these three lots (Exhibit 3).

The problem of serving Lot 4 was solved by eliminating a 10' utility easement along the south side of Lots 3 and 4 which had been proposed on the preliminary plat, and granting a private sewer easement (Exhibit 4) in favor of Lot 4 over Lot 3. The easement is shown in yellow on Exhibit 2. The problem of serving Lots 1 and 2 was handled by the submission of an irrevocable letter of credit in the amount of \$2,000. (Exhibit 5). Dean Sellers transmitted this document to Planning under date of November 18, 1969 (Exhibit 6). Planning Department's notes on this are shown on Exhibit 7.

The letter of credit was to cover the cost of installing two manholes and approximately 50' of 8" lateral in the utility easement platted for that purpose. On Exhibit 2, I have shown in green the proposed sewer installation to serve Lots 1 and 2.

On September 22, 1970, we inadvertently issued a sewer permit (C-21070) to a master drainlayer, Gerald Thompson, to connect 2001 S. Seneca (building is on Lot 1). Our sewer book did not show the replat of the original McAbdeel Addition so the mistake was not caught until an inspection was made of the building sewer by my inspector. The master drainlayer had installed the building line in the public utility easement as shown in orange on Exhibit 2 on the basis of the contractor advising him that an easement had been granted for that purpose.

John Dekker  
Director of Law

December 31, 1970

Sanitary Sewer -  
McAbdeel 2nd Addition

On October 5, 1970, I wrote Lakeview Gardens, Inc. (Exhibit 8) concerning this matter. I have since been contacted by Robert H. Nelson, attorney for Lakeview Gardens, but I have been unable to get him to initiate the installation of the lateral.

It is requested that you advise on how I should proceed to get the lateral constructed.



G. H. Wilton  
Superintendent  
Public Works Maintenance

CEW:wmlc

CC: R. W. Bruggeman  
City Engineer  
Planning Department  
*Feldner - Dist*

Attachment:

October 5, 1970

Lakeview Gardens, Inc.  
12122 East 13th Street  
Wichita, Kansas 67206

Gentlemen:

This week a sewer permit was inadvertently issued to connect the service station at 2001 South Seneca (Lot 1, McAbdeel 2nd Addition) to the sanitary sewer at the west line of Lot 3, McAbdeel 2nd Addition. Not only does the service station line cross another lot to connect to the city lateral, it is installed in a public utility easement.

In checking the Planning Department files on this sub-division, I find that installation of an 8" lateral to serve lots 1 and 2 has been guaranteed.

I must cancel the permit and request removal of the service station line; but if you will initiate action for the installation of the 8" lateral, I will delay cancellation of the permit.

Very truly yours,

G. H. Wilton  
Superintendent  
Public Works Maintenance

CHW:wmk

CC: C. W. Dotts, Administrative Supervisor  
Planning Department  
City Engineer  
I. L. Banner, Sewer Maintenance Supervisor

*R. W. B.  
Zedner  
Dist*



THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE February 17, 1971

TO G. H. WILTON, Superintendent, Public Works Maintenance  
FROM ARTHUR G. JOHNSON, Assistant City Attorney

SUBJECT Sanitary Sewer  
McAbdeel 2nd Addition

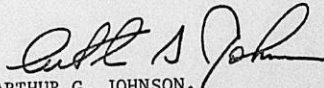
The above file has been forwarded to me by Mr. Dekker.

In this regards I would advise that this file contains a copy of an irrevocable letter of credit to the City for the account of Lakeview Gardens, Inc. in the amount of \$2,000.00. This letter of credit which was issued by the First National Bank in Wichita guarantees the extension of this sanitary sewer by January 1, 1972.

Subsequent to January 1, 1972, you should notify the City Engineer to in turn notify the bank which of the following specified conditions have been met:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

It does not appear that any action is indicated in advance of January 1, 1972.

  
ARTHUR G. JOHNSON,  
Assistant City Attorney

AGJ:an

Copy to: John Dekker, City Attorney

*Rec'd 2-17-71 wmb*

*Copy for Penn  
John - Bidon & R.W.B.*

*3/1/71*

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE January 14, 1972



ON SAFETY  
PHASE II

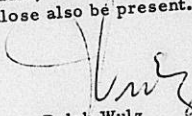
TO Ray W. Bruggeman, Director of Public Works

FROM Ralph Wulz, City Manager

SUBJECT S/D 69-56 - McAbdeel Addition  
Letter of Credit #C-190

Your attention is invited to the attached copy of a letter from Robert H. Nelson,  
Attorney for Lakeview Gardens, Inc.

Please be in my office at 2:00 p.m., Thursday, January 20, 1972, to discuss  
this matter. By a copy of this memorandum, I am asking that Mr. Dekker,  
Mr. Galbraith, Mr. Feldner, and Mr. Klose also be present.

  
Ralph Wulz  
City Manager

RW:fam

Attachment

cc: Robert A. Lakin, Director of Planning  
Jack Galbraith, Chief Planning, Community Development  
John Dekker, Director of Law  
Ralph Klose, City Treasurer  
Robert Feldner, Superintendent of Central Inspection

*Attended for me*



THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE January 14, 1972



ON SAFETY  
PHASE II

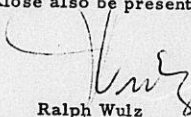
TO Ray W. Bruggeman, Director of Public Works

FROM Ralph Wulz, City Manager

SUBJECT S/D 69-56 - McAbdeel Addition  
Letter of Credit #C-190

Your attention is invited to the attached copy of a letter from Robert H. Nelson, Attorney for Lakeview Gardens, Inc.

Please be in my office at 2:00 p.m., Thursday, January 20, 1972, to discuss this matter. By a copy of this memorandum, I am asking that Mr. Dekker, Mr. Galbraith, Mr. Feldner, and Mr. Klose also be present.

  
Ralph Wulz  
City Manager

RW:fam

Attachment

cc: Robert A. Lakin, Director of Planning  
✓ Jack Galbraith, Chief Planning, Community Development  
John Dekker, Director of Law  
Ralph Klose, City Treasurer  
Robert Feldner, Superintendent of Central Inspection



January 12, 1972

George Wilton, Superintendent of Public Works Maintenance  
John D. Gist, Principal Planner

S/D 69-56 - McAbdeel Second Addition (sanitary  
sewer extension guaranteed by Letter of Credit)

A copy of the attached letter was received by Jack Galbraith,  
as well as others listed thereon as being copied in. We thought  
it advisable that you also have this information because of  
your past involvement in the matter and the discussions you've  
previously had with the Law Department.

If we can furnish additional information, please advise.

JDG:rme

Attachment

cc: Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Ralph Wulz, City Manager

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 830 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

AUSTIN M. COWAN (1988-1948)  
W. A. KAHRS  
ROBERT H. NELSON  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
ROGER M. SHERWOOD  
RICHARD L. HONEYMAN  
LARRY A. WITHERS  
GARY A. WINFREY

AREA 316  
262-3777

January 7, 1972

Mr. Ralph Wulz, City Manager  
City of Wichita  
City Building  
Wichita, Kansas

Re: S/D 69-56 - McABDEEL SECOND ADDITION  
Letter of Credit #C-190



Dear Mr. Wulz:

We represent Lakeview Gardens, Inc., in connection with the Letter of Credit which we are now informed has been paid into the City of Wichita in the sum of \$2000.00, the same having been paid by the First National Bank to the City Treasurer on January 4, 1972.

When McAbdeel's Second Addition Plat was approved by the Board of City Commissioners on November 25, 1969, a condition of said approval was an irrevocable letter of credit in the amount of \$2000.00 being submitted, guaranteeing the extension of a public sanitary sewer to serve Lots 1 and 2 in McAbdeel's Second Addition. This letter of credit was put up pursuant thereto. Lakeview Gardens, Inc., at that time was the owner of said property. The property was sold subsequently by Lakeview Gardens to Apco Oil Company, Inc. The letter of credit was to guarantee that the sewer would be constructed within two years of November 25, 1969.

Apco Oil Company, Inc., submitted to the Inspection Department of the City of Wichita, building plans which show on said plan that the sewer line to the building to be constructed on Lot 1, would be constructed on the utility easement which was on the plat of McAbdeel's Second Addition. The City of

Mr. Ralph Wulz  
January 7, 1972  
Page 2.

Wichita, through the Inspection Department, approved said plans as shown on August 3, 1970.

On September 22, 1970 a sewer permit was issued by the Inspection Department of the City of Wichita for said property to Mr. Gerald Thompson, a licensed, master, drain layer. He was authorized to construct the sewer from the building being constructed to a sewer line in a public easement at a location which was not within the utility easement as shown on the plat of McAbdeel Second Addition. Subsequently, this permit was amended to permit the construction of the sewer line from the building to a location on the utility easement as shown on the plat to the sewer line which was in place and to which the connection was made. The construction was completed and upon the completion of the laying of said sewer line the drain layer requested an inspection by the Inspection Department and at that time he was informed that the sewer line as constructed did not comply with the requirement made by the City at the time of the approval of the plat, to-wit: That two manholes were not constructed and that the line was a four inch line rather than an eight inch line. This is the first time that the City informed the contractor or the drain layer of the requirements of the City although in the interim the specs for the building plans had been approved by the Inspection Department and the permit had been issued for the construction of the sewer line.

It appears that if the Inspection Department of the City of Wichita had properly advised the parties that submitted the specifications and plans for the construction of the building and the sewer line as shown therein or had advised the drain layer of the requirements made by the City, then those requirements would have been met at the time the sewer was constructed.

After the construction of this sewer according to the plans as submitted and the permit issued therefore, the City then advised that they were now calling upon the Lakeview Gardens, Inc., under their Letter of Credit, to construct the sewer according to the City's requirements.

Mr. Ralph Wulz  
January 7, 1972  
Page 3.

Inasmuch as the sewer had already been constructed and was connected and in use, Lakeview Gardens did not construct the sewer.

The next step was the demand by the City to the First National Bank for the payment into the City Funds of the \$2000.00 which was paid as I previously stated on January 4, 1972.

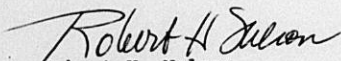
Lakeview Gardens, Inc., now demands of the City a return of the \$2000.00 for the reason that the City was negligent in failing to properly advise the contractor, the new owner and/or the drain layer of the City's requirements although the City had made these requirements at the time the plat was approved by the Board of City Commissioners and that by virtue thereof Lakeview Gardens, Inc., is now out \$2000.00 when the fault lies at the City level and not of Lakeview Gardens, Inc.

We respectfully request that this matter be considered by you and that, if necessary, the matter be placed upon the Agenda of the City Commission.

I am sending copies of this letter to the parties shown below.

Please advise.

Yours very truly,



Robert H. Nelson  
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:dw

cc: Metropolitan Area Planning Commission  
Attention: Mr. Jack Galbraith  
Lakeview Gardens, Inc., Attention: Owen McEwen  
Ralph Klose, City Treasurer  
John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

DATE

January 6, 1972

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File  
FROM Curtis L. Newby, Planning Analyst

CLN

SUBJECT S/D 69-56 - McAbdeel Second Addition, Irrevocable Letter of Credit.

On January 4, 1972, the appropriate draft, in the amount of \$2000, was received from the First National Bank in the form of a cashiers check, by the City Treasurers Office. The \$2000 was the amount of the Irrevocable Letter of Credit #C-190, guaranteeing the extension of a public sanitary sewer line as a condition of the approval of McAbdeel Second Addition, and as the applicant failed to install the sewer line within the specified time limit, the draft on the letter of credit was made.

The cashiers check in the amount of \$2000 has been cashed by the City Treasurer and placed in a construction project account (KA-263500). The original receipt is herewith attached.

CLN:rme  
Attachment

Fund No.	Account No.	Invoice No.	Amount	Mo.	Day	Year
KA-263500			\$2000 <sup>00</sup>	1	4	1972
TOTAL						

Cash  Check  Date \_\_\_\_\_  
 The City of Wichita No. 115634  
 Wichita, Kansas 1-4-1972  
 Received at *Sehimer Hardware*  
 The Sum of *Two Thousand & No/100* DOLLARS  
 Being For *Sanitary Sewer*  
 Department \_\_\_\_\_  
 Collector *S. Lee*

January 6, 1972

Ralph C. Eberly, City Clerk

Curtis L. Newby, Planning Analyst

Irrevocable Letter of Credit guaranteeing  
extension of a public sewer line.

In a memorandum to you from Jack H. Galbraith dated December 23, 1971, you were requested to release to Mr. Galbraith, First National Bank Letter of Credit #C-190. Said letter was turned over to Ralph Klose, City Treasurer, to make the appropriate draft on this account.

This is to advise you that the draft has been made and the original letter of credit #C-190 has been released to the First National Bank. The City Treasurer has deposited the draft in a project construction account #KA-263500, and your records concerning this matter may now be closed.

CLN:rme

January 4, 1972

Ralph Klose, City Treasurer

Curtis L. Newby, Planning Analyst

S/D 69-56 - McAbdeel Second Addition  
Irrevocable Letter of Credit #C-190

We would appreciate your returning the original letter of credit #C-190 in the amount of \$2000, to our office for forwarding to the City Clerk's office for their permanent records, at such time as the cashiers check for \$2000 received from the First National Bank by your office on January 3, 1971, has been cashed and the money deposited.

It is our understanding that the Engineering Division of the Department of Public Works has requested that your office hold the check until a construction project account can be established in which the check may be deposited.

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

CLN:rme

1-4-72 - Ralph Klose, City  
Treasurer called to advise he had  
returned the original letter of credit  
to the 1st National Bank, per their  
request and for their records.  
C.L.N.

December 23, 1971

John W. Long, Cashier  
First National Bank  
106 West Douglas  
Wichita, Kansas 67202

Subject: S/D 69-56 - MC ABDEEL  
SECOND ADDITION - Letter of Credit  
#C-190

Dear Mr. Long:

The above referred to plat was approved by the Board of City Commissioners on November 25, 1969. As a condition of approval, an Irrevocable Letter of Credit in the amount of \$2,000 was submitted guaranteeing the extension of a public sanitary sewer to serve Lots 1 and 2 in McAbdeel Second Addition. On December 8, 1971 we wrote Lakeview Gardens, Inc., having previously been advised by the Department of Public Works that the public sewer line extension had not been made, requesting that they contact our office regarding this matter as both the default date and negotiation period of the Letter of Credit expired on January 1, 1972. On December 15, 1971, we received a letter from Mr. Robert H. Nelson, attorney, representing Lakeview Gardens, Inc., requesting a 90 day extension of the Letter of Credit guarantee. We advised Mr. Nelson by letter on December 16, 1971, that in order to extend the guarantee, a new letter of credit or an acceptable substitute guarantee, to be approved by the Board of City Commissioners, would have to be submitted to our office by no later than Wednesday, December 22, 1971.

Since we have not received a new Letter of Credit or acceptable substitute guarantee to extend the time in which to install the required public sewer extension, this letter is to notify you that the City of Wichita hereby declares Lakeview Gardens, Inc. in default by failure to perform and install the required public

Page 2  
December 23, 1971

sewer extension. We are requesting that the City Treasurer make the appropriate draft on your Irrevocable Letter of Credit #C-190 dated November 1, 1969 in the amount of \$2,000. If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:CLN:rme

cc: Lakeview Gardens, Inc., c/o Robert H. Nelson, Attorney  
Suite 630 - 200 West Douglas, 67202  
Ralph Klose, City Treasurer  
John Dekker, Director of Law

December 23, 1971

Ralph C. Eberly, City Clerk

Jack H. Galbraith, Chief Planner

Irrevocable Letter of Credit guaranteeing  
extension of a public sewer line.

This memorandum is to request the release to me the following  
Letter of Credit which is in default as the plattor has failed  
to perform and install the required sewer extension.

First National Bank - Letter of Credit #C-190 - submitted as  
a condition of approval of McAbdeel Second Addition.

This Letter of Credit will be turned over to Ralph Klose, City  
Treasurer to make the appropriate draft on this account. If  
you have any questions concerning the release of this Letter of  
Credit, please contact our office.

JHG:CLN:rme

cc: Ralph Klose, City Treasurer

December 16, 1971

Mr. Robert H. Nelson  
Suite 630-200 West Douglas  
Wichita, Kansas 67202

Subject: S/D 69-56 - McAbdeel Second  
Addition, Irrevocable Letter of Credit

Dear Mr. Nelson:

We are in receipt of your letter dated December 15, 1971, requesting a 90 day extension of time from January 1, 1972 in order to work out the matter of the required public sanitary sewer extension required in the approval of the above-captioned plat.

This is to advise you that as we discussed previously, the only means by which the two year time limit of the letter of credit guarantee can be extended is by submitting a new letter of credit, or by submitting a substitute guarantee such as a petition, bond or cash. Any of these replacement guarantees which might be utilized by the applicant would require approval by the Board of City Commissioners. It should also be pointed out, since the due date of the original letter of credit guarantee is January 1, 1972, any new or substitute guarantee should be submitted at once in order to have such a guarantee considered by the City Commission before the original guarantee expires. The new or substitute guarantee would have to be submitted to our office by no later than December 22, 1971 in order to have said guarantee scheduled for approval by the Board of City Commissioners at their regular meeting of December 28, 1971.

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

Sincerely,

Curtis L. Newby  
Planning Analyst

CLM:ls  
cc John McEwen, Box 2199 67201  
John W. Long, 1st National Bank 67202  
John Dekker, Director of Law  
George Wilton, Supt. of Public Works Maintenance

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

AREA 316  
262-3777

AUSTIN M. COWAN (1888-1948)  
W. A. KAHRIS  
ROBERT H. NELSON  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
ROGER M. SHERWOOD  
RICHARD L. HONEYMAN  
LARRY A. WITHERS  
GARY A. WINFREY

December 15, 1971

Wichita Area Planning Department  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

Attention: Mr. Curtis L. Newby  
Planning Analyst

Re: S/D 69-56 - McAbdeel Second  
Addition, Irrevocable Letter  
of Credit.

Dear Mr. Newby:

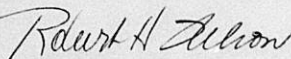
I acknowledge receipt of a letter dated December 8, 1971,  
the original of which was directed to Lakeview Gardens, Inc.,  
relative to the above matter.

We are trying to work this matter out and it is going to take  
more time than by January 1, 1972. I would like to ask for  
an extension of time within which to try to work out the  
matter and will need at least 90 days from January 1, 1972.

Yours very truly,

Robert H. Nelson  
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:dw



cc: Mr. Owen C. McEwen



December 8, 1971

Lakeview Gardens, Inc.  
12122 East 13th Street  
Wichita, Kansas 67206

Subject: S/D 69-56 - McAbdool  
Second Addition, Irrevocable  
Letter of Credit

Gentlemen:

As you will recall the above referred to plat was approved by the Metropolitan Area Planning Commission on August 28, 1969, and by the Board of City Commissioners on November 25, 1969. One of the conditions of the plat approval was that the applicant guarantee the extension of a public sanitary sewer to serve Lots 1 and 2 in the plat. Our records indicate that an Irrevocable Letter of Credit in the amount of \$2,000.00 for the account of Lakeview Gardens, Inc., guaranteeing that the public sanitary sewer extension would be completed on or before January 1, 1972, was submitted from the First National Bank in Wichita.

Our office was advised on December 7, 1971 by the Department of Public Works, that the required public sanitary sewer extension had not yet been done. Therefore, this letter is to advise you that our office is in the process of instituting the necessary procedure for the City Treasurer to make the appropriate draft on your Irrevocable Letter of Credit which will be in default on January 1, 1972.

If you wish to discuss this matter or if you have any questions concerning this matter, please contact our office at once.

Sincerely,

Curtis L. Newby  
Planning Analyst

CLN:rae

Page 2  
December 8, 1971

cc: Robert K. Nelson, Attorney, Suite 630 - 300 W. Douglas, 67202  
McClellan-Fallon, Inc., 1302 Iroquois, 67201  
John McEwen, P. O. Box 2199, 67201  
Taco-Tico, Inc., 2033 South Seneca, 67213  
First National Bank, Attn: John W. Long  
105 North Main, 67202  
John Dekker, Director of Law  
George Wilton, Superintendent of Public Works-  
Maintenance

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE February 17, 1971

TO G. H. WILTON, Superintendent, Public Works Maintenance  
FROM ARTHUR G. JOHNSON, Assistant City Attorney

SUBJECT Sanitary Sewer  
McAbdeel 2nd Addition

*Received from  
Booze Wilton  
on 12-8-71  
AGJ*

The above file has been forwarded to me by Mr. Dekker.

In this regards I would advise that this file contains a copy of an irrevocable letter of credit to the City for the account of Lakeview Gardens, Inc. in the amount of \$2,000.00. This letter of credit which was issued by the First National Bank in Wichita guarantees the extension of this sanitary sewer by January 1, 1972.

Subsequent to January 1, 1972, you should notify the City Engineer to in turn notify the bank which of the following specified conditions have been met:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

It does not appear that any action is indicated in advance of January 1, 1972.

*Arthur G. Johnson*  
ARTHUR G. JOHNSON,  
Assistant City Attorney

AGJ:an

Copy to: John Dekker, City Attorney

*Rec'd 2-19-71 wmk*

*Copy for Penner 3/1/71*

THE CITY OF WICHITA

OFFICE OF Supt. of Public Works Maintenance DATE December 31, 1970

TO John Dekker, Director of Law  
FROM G. H. Wilton

SUBJECT Sanitary Sewer -  
McAbdeel 2nd Addition



The MC ABDEEL Addition, a one (1) lot plat 200'x539' was replatted as McAbdeel 2nd Addition and filed of record on February 16, 1970. One of the requirements imposed was that the applicant should install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2 and 4 of McAbdeel 2nd Addition.

On Exhibit 1, a copy of McAbdeel Addition, I have shown in red the existing sanitary sewer. The single lot had access to the sewer and the buildings then existing were connected to that line. Exhibit 2, McAbdeel 2nd Addition also shows the existing sanitary sewer in red. You will note that Lots 1, 2 and 4 no longer have access to the existing sewer without crossing Lot 3. The owner's engineer was advised of the need to provide sewer service to these three lots (Exhibit 3).

The problem of serving Lot 4 was solved by eliminating a 10' utility easement along the south side of Lots 3 and 4 which had been proposed on the preliminary plat, and granting a private sewer easement (Exhibit 4) in favor of Lot 4 over Lot 3. The easement is shown in yellow on Exhibit 2. The problem of serving Lots 1 and 2 was handled by the submission of an irrevocable letter of credit in the amount of \$2,000. (Exhibit 5). Dean Sellers transmitted this document to Planning under date of November 18, 1969 (Exhibit 6). Planning Department's notes on this are shown on Exhibit 7.

The letter of credit was to cover the cost of installing two manholes and approximately 50' of 8" lateral in the utility easement platted for that purpose. On Exhibit 2, I have shown in green the proposed sewer installation to serve Lots 1 and 2.

On September 22, 1970, we inadvertently issued a sewer permit (C-21070) to a master drainlayer, Gerald Thompson, to connect 2001 S. Seneca (building is on Lot 1). Our sewer book did not show the replat of the original McAbdeel Addition so the mistake was not caught until an inspection was made of the building sewer by my inspector. The master drainlayer had installed the building line in the public utility easement as shown in orange on Exhibit 2 on the basis of the contractor advising him that an easement had been granted for that purpose.

-2-

John Dekker  
Director of Law

December 31, 1970

Sanitary Sewer -  
McAbdeal 2nd Addition

On October 5, 1970, I wrote Lakeview Gardens, Inc. (Exhibit 8) concerning this matter. I have since been contacted by Robert H. Nelson, attorney for Lakeview Gardens, but I have been unable to get him to initiate the installation of the lateral.

It is requested that you advise on how I should proceed to get the lateral constructed.

G. H. Wilton  
Superintendent  
Public Works Maintenance

GEW:wak

CC: R. W. Bruggeman  
City Engineer  
Planning Department

Attachment:

October 5, 1970

Lakeview Gardens, Inc.  
12122 East 13th Street  
Wichita, Kansas 67206

Gentlemen:

This week a sewer permit was inadvertently issued to connect the service station at 2001 South Seneca (Lot 1, McAbdeel 2nd Addition) to the sanitary sewer at the west line of Lot 3, McAbdeel 2nd Addition. Not only does the service station line cross another lot to connect to the city lateral, it is installed in a public utility easement.

In checking the Planning Department files on this sub-division, I find that installation of an 8" lateral to serve lots 1 and 2 has been guaranteed.

I must cancel the permit and request removal of the service station line; but if you will initiate action for the installation of the 8" lateral, I will delay cancellation of the permit.

Very truly yours,

G. H. Wilton  
Superintendent  
Public Works Maintenance

GHW:wmk

CC: C. W. Dotts, Administrative Supervisor  
Planning Department  
City Engineer  
I. L. Fenner, Sewer Maintenance Supervisor



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	69-56	Name	McABDEEL 2nd ADDITION
Application Filed:	6-24-69	Sketch Filed:	6-24-69
Preliminary Plat Filed:	6-24-69	Approved by S/D:	7-3-69
Final Plat Filed:	8-11-69	Approved by S/D:	8-21-69
Approved by Metropolitan Area Planning Commission:			8-28-69

DESCRIPTION

General Location: Southwest corner of Seneca and May

Surveyor or Engineer: Don C. Moehring  
Owner: Lakeview Gardens, Inc.; Union National  
Address: Bank & John McEwen, P.O.Box 2199

1. Gross Acreage of Plat	<u>2.48</u>	5. Lineal Feet of New Streets:
2. Number of Lots:		a. _____ R/W _____ ft.
Residential _____		b. _____ R/W _____ ft.
Commercial <u>4</u>		c. _____ R/W _____ ft.
Industrial _____		d. _____ R/W _____ ft.
Other _____		e. _____ R/W _____ ft.
Total Number of Lots:	<u>4</u>	TOTAL <u>None</u> ft.
3. Minimum Lot Frontage:	<u>75.0</u> ft.	6. Existing Zoning: <u>"LC"</u>
4. Minimum Lot Area	<u>11,250</u> sq.ft.	

Sidewalks are already existing on both streets. The applicant has submitted an irrevocable letter of credit guaranteeing the extension of public sanitary sewer to serve Lots 1 and 2.

Planning Commission Recommendation:

BLEDSOE moved and KRATZER seconded that the Planning Commission recommend to the City Commission that this plat be approved, subject to being recorded within 30 days after approval by the City Commission.

Vote of Planning Commission: Unanimous

ACTION: Receive and file the irrevocable letter of credit, and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

THE CITY OF WICHITA

OFFICE OF Engineering

DATE November 18, 1969

THE  
ROAD TO  
SAFETY



TO Jack Galbraith

FROM Dean Sellers, Construction Chief Engineer

SUBJECT McAbdeel 2nd Addition

Attached is an irrevocable letter of credit guaranteeing the installation of public sanitary sewer for McAbdeel 2nd Addition. This document is sufficient to insure that sewers will be constructed as required by the plats committee.

A handwritten signature in cursive script that reads "Dean Sellers".

Dean Sellers  
Construction Chief Engineer

DS:lh



REVOCABLE LETTER OF CREDIT

FIRST NATIONAL BANK IN WICHITA, WICHITA, KANSAS  
(Name of bank)

Date: Nov. 1, 1969

THE CITY OF WICHITA  
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 2,000.00 for the account of LAKEVIEW GARDENS, INC.

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before January 1, 1972.  
(Insert date two years from MAPC approval of plat)

1. To guarantee the extension of a public sanitary sewer to serve Lots 1 and 2 in McAbdeel Second Addition.
- 2.
- 3.

in Sedgwick County, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under First  
National Bank in Wichita, Credit No. C-190, dated November 1, 1969  
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

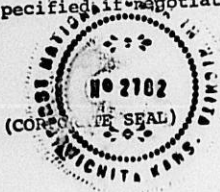
Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before January 1, 1972.

Very truly yours,

First National Bank in Wichita, Wichita, Kansas  
(Name of bank)

By: John W. Long  
(Authorized signature)  
John W. Long, Cashier



KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW  
UNION CENTER BUILDING

AUSTIN M. COWAN (1885-1948)

W. A. KAHRS  
ROBERT H. NELSON  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
ROGER M. SHERWOOD  
RICHARD L. HONEYMAN  
LARRY A. WITHERS

WICHITA, KANSAS 67202  
November 6, 1969

AREA 316  
AMHERST 2-3777

Metropolitan Area Planning Commission  
City Commission  
City Building Annex  
Wichita, Kansas 67200

Re: McAbdeel Second Addition  
(Lakeview Gardens)

Gentlemen:

I desire to correct the opinion rendered in connection with the above property dated November 3, 1969. With reference to the first page wherein it now reads the trust is set up in "John David McEwen Trust" should be changed to read "Coe McEwen Trust".

In addition, there is an additional trust which was not included which is as follows: Union National Bank in Wichita and John D. McEwen, Trustees of Heather McEwen Trust.

If you will make the above corrections on the title opinion it will now be complete.

Thank you.

Yours very truly,



Robert H. Nelson  
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/jj

cc: Mr. Owen C. McEwen  
cc: Mr. Don C. Moehring



KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

UNION CENTER BUILDING

WICHITA, KANSAS 67202

November 3, 1969

AREA 316

AMHERST 2-3777

AUSTIN M. COWAN (1889-1948)  
W. A. KAHRB  
ROBERT H. NELSON  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
ROGER M. SHERWOOD  
RICHARD L. HONEYMAN  
LARRY A. WITHERS

Metropolitan Area Planning Commission  
City Commission  
City Annex Building  
Wichita, Kansas 67200

Re: McAbdeel Second Addition  
(Lakeview Gardens)

Gentlemen:

From an examination of the abstract covering the North 150 feet of the East 150 feet of Lot 1, Block A, McAbdeel Addition to Wichita, Sedgwick County, Kansas, as certified by the Security Abstract and Title Co., Inc., on April 18, 1969, and from a certificate of title furnished by the Security Abstract and Title Co., Inc., dated October 21, 1969, I find the title to the property now embraced within McAbdeel Second Addition to be vested as follows:

1. Lakeview Gardens, Inc.;
2. Union National Bank in Wichita and John D. McEwen, Trustees of John David McEwen Trust;
3. Union National Bank in Wichita and John D. McEwen, Trustees of Keven Beachy McEwen Trust;
4. Union National Bank in Wichita and John D. McEwen, Trustees of John David McEwen Trust;
5. Union National Bank in Wichita and John D. McEwen, Trustees of Drew Matthew McEwen Trust;
6. Union National Bank in Wichita and John D. McEwen, Trustees of Clay Mark McEwen Trust;
7. Union National Bank in Wichita and John D. McEwen, Trustees of Brian Patrick McEwen Trust;
8. Taco Tico, Inc.;



Metropolitan Area Planning Commission  
City Commission  
November 3, 1969  
Page Two

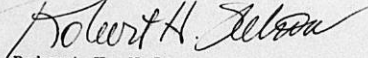
✓ 9. McClellan-Fallon, Inc.

Subject, however, to the following:

- ✓ 1. A mortgage to the Fourth National Bank & Trust Company of Wichita, Kansas, covering the East 150 feet of the South 75 feet of Lot 1, Block A, McAbdeel Addition;
- ✓ 2. A mortgage in favor of Mid Kansas Federal Savings and Loan Association covering the North 250 feet of the East 150 feet of Lot 1, Block A, McAbdeel Addition;
- ✓ 3. A mortgage in favor of Wichita Federal Savings and Loan Association covering Lot 1, except the East 150 feet of the South 75 feet and except the North 250 feet of the East 150 feet of Block A, McAbdeel Addition; and
- ✓ 4. An easement to Kansas Gas and Electric Company covering the South 10 feet of the North 160 feet of the West 50 feet of Lot 1, Block A, McAbdeel Addition.

I further find from said certificate of title as above referred to that taxes for the year 1968 and all prior years have been paid in full.

Yours very truly,



Robert H. Nelson  
of KAHRNS, NELSON, FANNING, HITE & KELLOGG

RHN/jj

cc: Mr. Owen C. McEwen  
Mr. Don C. Moehring

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

UNION CENTER BUILDING

WICHITA, KANSAS 67202

AREA 316  
AMHERST 2-3777

AUSTIN M. COWAN (1888-1949)  
W. A. KAHRS  
ROBERT H. NELSON  
H. W. FANNING  
RICHARD C. HITE  
DARRELL D. KELLOGG  
ROGER M. SHERWOOD  
RICHARD L. HONEYMAN  
LARRY A. WITHERS

October 9, 1969

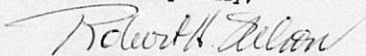
Mr. John Gist  
Metropolitan Area Planning Commission  
City Annex Building  
Wichita, Kansas

Re: SD 69-56  
Final Plat of McAbdeel Second Addition

Dear John:

Pursuant to your letter of August 22, 1969, relative to the above, I am enclosing herewith copies of two documents designated "Easement Granting Joint Use of Existing Driveway". One document is between the owners of Lots 2 and 3. The other is between the owners of Lots 3 and 4 for the use of the driveways immediately adjacent to each of the properties owned by said parties. The originals are in my file. These will be filed following the filing of the plat with the Register of Deeds.

Yours very truly,



Robert H. Nelson  
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:cdb  
Enclosure  
cc: Don C. Moehring



EASEMENT GRANTING JOINT USE OF  
EXISTING DRIVEWAY

This Agreement Made and entered into this 30<sup>th</sup> day of Sept., 1969, by and between MCCLELLAN-FALLON, INC., a Kansas corporation, as party of the first part, hereinafter referred to as "McClellan", and UNION NATIONAL BANK IN WICHITA and JOHN D. MCEWEN, as Trustees of the following trusts, to-wit: Coe McEwen Trust; Kevin Beachy McEwen Trust; John David McEwen Trust; Heather McEwen Trust; Drew Matthew McEwen Trust; Clay Mark McEwen Trust; and Brian Patrick McEwen Trust, as parties of the second part, hereinafter referred to as "Trustee".

WHEREAS, the parties hereto are the owners of certain portions of property in what was formerly platted as Lot 1, Block A, McAbdeel Addition, Wichita, Sedgwick County, Kansas, and

WHEREAS, the said McAbdeel Addition has been replatted into McAbdeel Second Addition with McClellan being the owner of Lot 3 and Trustee being the owner of Lot 2, and

WHEREAS, there is a driveway now in existence from Seneca Street at the southeast corner of Lot 2 approximately 30 feet in width which has been used by the owners of Lot 2 and Lot 3 jointly for access to both of said properties, and

WHEREAS, it is the desire of the owners of Lots 2 and 3 to grant to each other the right of continued joint use of said driveway for the benefit of each of said properties.

NOW, THEREFORE, The said parties by these presents do hereby convey unto each other and their assigns an easement in and to, upon and over all of that portion of said driveway now in existence from Seneca Avenue to Lot 2 and Lot 3, being generally located at the southeast corner of Lot 2 for the sole and only purpose of ingress and egress to and from Seneca Avenue to said properties owned by said parties and in addition thereto, the said Trustee, owner of Lot 2, does hereby grant to the owner of Lot 3, the right of access along the south 10 feet of Lot 2 so as to permit the use

of the north door of the building now in existence on Lot 3.

It is agreed and understood by each of said parties that the easement herein granted is not an exclusive easement but is subject to equal right on the part of both parties, their heirs, executors, administrators and assigns, of ingress and egress over and upon said driveway and said lot as hereinabove set forth.

The said easement thus granted shall continued so long as it may be necessary and required for ingress and egress to and from the property of each of the parties and so long as the said driveway shall remain in its present location.

It is the intention of the parties hereto that this easement herein granted shall be a covenant running with the land.

IN WITNESS WHEREOF, the said parties have executed this instrument the date first above written.

McCLELLAN-FALLON, INC.,



By L. H. McClellan  
President

L. H. McClellan  
Secretary

"McCLELLAN"

UNION NATIONAL BANK IN WICHITA



By John D. McEwen, V. Pres.  
JOHN D. MCEWEN

John D. McEwen  
"TRUSTEE"

STATE OF KANSAS )  
                          SS  
SEDGWICK COUNTY )

BE IT REMEMBERED that on this 7th day of October, 1969, before me, a Notary Public, in and for said county and state, personally appeared L. H. McClellan and Hazel McClellan, President and Secretary of McClellan-Fallon, Inc., personally known to me to be the persons who executed

the foregoing instrument and acknowledged to me that they executed same for and on behalf of the above corporation for the intents and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my notarial seal the date last above written.



Lois M. Nelson  
Notary Public

My Commission Expires:  
My Commission Expires Aug. 14, 1973

STATE OF KANSAS )  
SS  
SEDGWICK COUNTY )

BE IT REMEMBERED that on this 5th day of September, 1969, before me, a Notary Public, in and for said county and state, personally appeared W. Frank Prizant of the Union National Bank in Wichita and John D. McEwen, Trustees of the above named trusts, known by me to be the same persons who executed the foregoing instrument and acknowledged to me that they executed same for and on behalf of the said trusts for the intents and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto affixed my notarial seal the date last above written.

Cheryl D. Russman  
Notary Public



My Commission Expires:  
7-23-72

EASEMENT GRANTING RIGHT TO USE EXISTING  
DRIVEWAY

This Agreement Made and entered into this 30<sup>th</sup> day of Sept -, 1969, by and between McCLELLAN-FALLON, INC., a Kansas corporation, hereinafter referred to as "McClellan", and TACO TICO, INC., a Kansas corporation, hereinafter referred to as "Taco Tico".

WHEREAS, the parties are the owners of certain portions of property in what was formerly platted as Lot 1, Block A, McAbdeel Addition, and

WHEREAS, Lot 1, Block A, McAbdeel Addition has been replatted into what is now known as McAbdeel Second Addition, and

WHEREAS, McClellan is the owner of Lot 3, McAbdeel Second Addition and Taco Tico is the owner of Lot 4 in said addition, and

WHEREAS, there is a driveway from Seneca Street to said property located approximately 75 feet north of the south line of Lot 4, being 30 feet in width, and

WHEREAS, both of said owners have been using said driveway and it is the desire of said parties to grant to each other the right of continued use of said driveway, together with additional mutual easements one to the other covering certain portions of said property owned by said parties.

NOW, THEREFORE, by these presents the parties hereto convey unto each other and their assigns an easement in, to, upon and over all of that portion of the driveway situated approximately 75 feet north of the south line of Lot 4, being part on Lot 4 and part on Lot 3, said easement being for the sole and only purpose of the ingress and egress to and from Seneca Avenue to said property owned by each of the above parties and the owner of Lot 3 does hereby grant to the owner of Lot 4 the right of access to and from said Lot 4 on the south 30 feet of the east 150 feet of Lot 3.

It is agreed and understood that said easement thus granted is not an exclusive easement but is subject to the equal right

on the part of both parties hereto, their heirs, executors, administrators and assigns, of egress and ingress over and upon the said driveway above described.

It is further agreed that the easement thus granted shall continue so long as it may be necessary and required for ingress and egress to and from the property of each of the parties hereto and so long as the said driveway shall remain in its present location.

McClellan does hereby grant, assign and set over to Taco Tico the right of access along the north portion of Taco Tico's property to the west a distance of approximately 110 feet along the present parking space and for further access into the present parking space to the west of the existing building of Taco Tico; Taco Tico does hereby grant, assign and set over to McClellan the right of access to the parking lot presently located on the west side of the existing structure on the property owned by Taco Tico and grants to McClellan the right to use the parking spaces to allow diagonal parking along the west side and access to and from said parking area.

Each of said parties agrees to save and hold harmless the other from any liability arising out of the right-of-way herein granted.

This constitutes and shall be a covenant running with the land or until mutually cancelled.

IN WITNESS WHEREOF, said parties have set their signatures hereto the date first above written.

McCLELLAN-FALLON, INC.,

By *R. N. McClellan*  
President



*Robin B. Foley*  
Secretary

"McClellan"

TACO TICO, INC.,

By *Daniel E. Foley*  
President





**DON C. MOEHRING, C. E.**  
CONSULTING CIVIL ENGINEERS  
314 BROWN BUILDING TELEPHONE PO 3-6781  
SINCE 1927  
WICHITA, KANSAS 67202

DON C. MOEHRING C. E.  
DON C. MOEHRING, II

SEWERS, SEWAGE DISPOSAL  
WATER WORKS, ROADS AND PAVEMENTS  
SPECIAL STEEL AND CONCRETE PROBLEMS  
DRAINAGE, IRRIGATION, AIRPORTS  
VALUATIONS, APPRAISALS, SURVEYS  
SUBDIVISIONS, SITE PLANNING

September 11, 1969

LICENSED PROFESSIONAL ENGINEERS  
REFERENCE—  
"WHO'S WHO IN ENGINEERING"

Wichita-Sedgwick County  
Metropolitan Area Planning Commission  
104 South Main Street  
Wichita, Kansas 67202

Gentlemen:

This is to advise that the block irons on  
McAbdeel Second Addition to Wichita, Sedgwick County,  
Kansas, are all set as of July 28, 1969.

Respectfully submitted,

DON C. MOEHRING, C. E.  
CONSULTING CIVIL ENGINEERS

BY: Don C. Moehring, C.E.

DCM:rh



August 29, 1969

Mr. Don C. Moehring  
314 Brown Building  
Wichita, Kansas 67202

Re: S/D 69-56 - Final Plat of  
McABDEEL SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Metropolitan Area Planning Commission on August 28, 1969, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of August 22, 1969.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for its consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
  - OK Submission of the fully completed and signed tracing of the Subdivision to the Metropolitan Area Planning Department.
  - OK Certification by an attorney that fee title is vested in the platlor.
  - OK Certification that all taxes due and payable have been paid.
  - OK Certification that the irons have been set as required by the Subdivision Regulations of the Metropolitan Area Planning Commission.

Page 2 - Don C. Moehring  
August 29, 1969

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

Sincerely,

Jack H. Galbraith  
Senior Planner

JHG:ber

cc: Robert H. Nelson, Attorney  
816 Union Center Building  
Wichita, Kansas 67202

John McEwen  
P. O. Box 2199  
Wichita, Kansas 67201

Taco-Tico, Inc.  
2033 South Seneca  
Wichita, Kansas 67213

Lakeview Gardens, Inc.  
12122 East 13th Street  
Wichita, Kansas 67206

McClellan-Fallon, Inc.  
1302 Iroquois  
Wichita, Kansas 67203

August 22, 1969

Mr. Don C. Moehring  
314 Brown Building  
Wichita, Kansas 67202

Subject: S/D 69-56 - Final Plat of  
MC ARDEEL SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 21, 1969, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- CM* Seneca Street and May Avenue shall be labeled as being adjacent to the east and north sides of the plat respectively.
- CM* A dimension for the southern most line of Lot 3 and the north line of Lot 2 shall be indicated on the face of the plat.
- CM* In the text providing for signatures of the Planning Commission, Robert A. Lakin shall be indicated as being Secretary of the Commission.
- CM* The Board of City and County Commissioner's texts shall be amended to read as follows: "This plat accepted by the Board of-----."
- CM* Amending the platlor's text as follows: "....., provided that Lots 1, 2, 3 and 4, Block A, shall have access to Seneca Street at a total of four locations, to be..... ."

Page 2 - S/D 69-56  
Mr. Don C. Moehring  
August 22, 1969

*OK* The applicants shall furnish a copy of a joint executed agreement between the individual property owners within the plat, setting forth a common understanding for utilization of the four access points permitted to Seneca Street.

*OK* The applicant shall install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2, and 4. The Engineering Division of the Department of Public Works should be contacted regarding the matter.

*OK* Recording within 30 days after approval by the Board of City Commissioners.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, August 28, 1969, at 1:45 p.m. If you should have any questions concerning this matter, please call.

*The applicant has made satisfactory arrangements with Dean Sellers and George Ecknor of the Public Works Dept. regarding this matter. They have submitted an irrevocable letter of credit for \$2,000 guaranteeing extension of public sanitary sewer to serve Lots 1 & 2. It was agreed that the existing private sewer serving Lot 4 was adequate, that the 10' utility easement along the south line of the plat should be eliminated, and that the private sewer easement serving said Lot 4 would be recorded with a copy of file with Public Works as well being marked on their sewer record books.*

*JDS:vjp*  
*Enclosure*  
cc: Robert H. Nelson  
Attorney at Law  
Union Center Building  
Wichita, Kansas 67202

John McEwen  
P. O. Box 2199  
Wichita, Kansas 67201

Taco-Tico, Inc.  
2033 South Seneca  
Wichita, Kansas 67213

*Very truly yours,*  
Lakeview Gardens, Inc.  
12122 East 13th Street  
Wichita, Kansas 67206

McClellan-Fallon, Inc.  
1302 Iroquois  
Wichita, Kansas 67203

11-19-69

Checked with:  
- George Ecknor, Gas Service Co.  
- Harold Davis, K&FE  
- Gps Edwards, SWB Telephone  
and all agreed there was no problem  
in eliminating 10' easement on  
S. line of plat. /B

OWEN C. McEWEN  
BOX 2199  
WICHITA, KANSAS 67201

August 19, 1969

Wichita-Sedgwick County Metropolitan Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas 67202

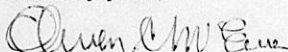
Gentlemen:

Would appreciate it if you would change the address you have  
been using for John McEwen, as shown on the enclosed, to  
John D. McEwen, P. O. Box 2199, Wichita, Kansas, 67201.

The communication was in regard to the platting of McAbdeel  
Second Addition, SD 69-56.

Many thanks.

Sincerely yours,



Owen C. McEwen

OCMc/plc  
Encl.



FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 69-56 Name MC ABDEEL SECOND ADDITION  
Date Application Rec'd. 6-24-69 Preliminary Approval 7-3-69  
Scheduled S/D Meeting 8-21-69

DESCRIPTION

General Location Southwest corner of Seneca and May Avenue

Owner Lakeview Gardens, Inc., et al  
Surveyor/Engineer Don C. Moehring  
Address 3141 Brown Building Phone FO 3-6781

- |                                                                             |                                 |
|-----------------------------------------------------------------------------|---------------------------------|
| 1. Gross Acreage of Plat <u>2.48</u>                                        | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:                                                          | a. <u>0</u> R/W <u>ft.</u>      |
| Residential _____                                                           | b. _____ R/W _____ ft.          |
| Commercial <u>4</u>                                                         | c. _____ R/W _____ ft.          |
| Industrial _____                                                            | d. _____ R/W _____ ft.          |
| Other _____                                                                 | e. _____ R/W _____ ft.          |
| Total Number of Lots <u>4</u>                                               | TOTAL <u>0</u> ft.              |
| 3. Minimum Lot Frontage <u>75.0</u> ft.                                     | 8. Sidewalk adjacent to all     |
| 4. Minimum Lot Area <u>11,250</u> sq. ft.                                   | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>LC</u>                                                |                                 |
| 6. Proposed Zoning <u>LC</u>                                                |                                 |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u>     |                                 |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> |                                 |
| 11. Health Department Approval (where applicable) <u>No</u> (Yes-No)        |                                 |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____                        |                                 |

STAFF COMMENTS:

1. Seneca Street and May Avenue shall be labeled as being adjacent to the east and north sides of the plat respectively.
2. A dimension for the southern most line of lot 3 and the north line of lot 2 shall be indicated on the face of the plat.
3. In the text providing for signatures of the Planning Commission, Robert A. Lakin shall be indicated as being Secretary of the Commission.
4. The Board of City and County Commissioners' texts shall be amended to read as follows: "This plat accepted by the Board of ....."
5. Amending the plat's text as follows: "....., provided that Lots 1, 2, 3 and 4, Block A, shall have access to Seneca Street at a total of four locations, to be ....."
6. The applicants shall furnish a copy of a joint executed agreement between the individual property owners within the plat, setting forth a common understanding for utilization of the four access points permitted to Seneca Street.
7. The applicant shall install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2, and 4. The Engineering Division of the Department of Public Works should be contacted regarding this matter.
8. Recording within 30 days after approval by the Board of City Commissioners.

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 69-56 Name MC ABDEEL SECOND ADDITION  
Date Application Rec'd. 6-24-69 Preliminary Approval 7-3-69  
Scheduled S/D Meeting 8-21-69

DESCRIPTION

General Location Southwest corner of Seneca and May Avenue

Owner Lakeview Gardens, Inc., et al  
Surveyor/Engineer Don C. Moehring  
Address 3141 Brown Building Phone FO 3-6781

- |                                                                             |                             |                                    |              |
|-----------------------------------------------------------------------------|-----------------------------|------------------------------------|--------------|
| 1. Gross Acreage of Plat                                                    | <u>2.48</u>                 | 7. Lineal Feet of New Streets:     |              |
| 2. Number of Lots:                                                          |                             | a. <u>0</u> R/W                    | <u>ft.</u>   |
| Residential                                                                 | <u>                    </u> | b. <u>                    </u> R/W | <u>ft.</u>   |
| Commercial                                                                  | <u>4</u>                    | c. <u>                    </u> R/W | <u>ft.</u>   |
| Industrial                                                                  | <u>                    </u> | d. <u>                    </u> R/W | <u>ft.</u>   |
| Other                                                                       | <u>                    </u> | e. <u>                    </u> R/W | <u>ft.</u>   |
| Total Number of Lots                                                        | <u>4</u>                    | TOTAL                              | <u>0</u> ft. |
| 3. Minimum Lot Frontage                                                     | <u>75.0</u> ft.             | 8. Sidewalk adjacent to all        |              |
| 4. Minimum Lot Area                                                         | <u>11,250</u> sq. ft.       | streets? <u>yes</u> <u>X</u> no    |              |
| 5. Existing Zoning                                                          | <u>LC</u>                   |                                    |              |
| 6. Proposed Zoning                                                          | <u>LC</u>                   |                                    |              |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u>     |                             |                                    |              |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> |                             |                                    |              |
| 11. Health Department Approval (where applicable) <u>No</u> (Yes-No)        |                             |                                    |              |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u>                    </u>  |                             |                                    |              |

STAFF COMMENTS:

1. Seneca Street and May Avenue shall be labeled as being adjacent to the east and north sides of the plat respectively.
2. A dimension for the southern most line of lot 3 and the north line of lot 2 shall be indicated on the face of the plat.
3. In the text providing for signatures of the Planning Commission, Robert A. Lakin shall be indicated as being Secretary of the Commission.
4. The Board of City and County Commissioners' texts shall be amended to read as follows: "This plat accepted by the Board of ....."
5. Amending the plat's text as follows: "....., provided that Lots 1, 2, 3 and 4, Block A, shall have access to Seneca Street at a total of four locations, to be ....."
6. The applicants shall furnish a copy of a joint executed agreement between the individual property owners within the plat, setting forth a common understanding for utilization of the four access points permitted to Seneca Street.
7. The applicant shall install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2, and 4. The Engineering Division of the Department of Public Works should be contacted regarding this matter.
8. Recording within 30 days after approval by the Board of City Commissioners.

July 9, 1969

Mr. Don C. Moehring  
314 Brown Building  
Wichita, Kansas 67202

Subject: S/D 69-56 - Preliminary Plat of  
MC ARDEEL SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, July 3, 1969, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to:

1. Indicating "access control except 4 openings" adjacent to the west line of Seneca, both on the face of the plat and in the plat's text.
2. Indicating a dimension for the east line of Lot 3 adjacent to Seneca Street.
3. Increase the 8-foot utility easements adjacent to the west and south property lines to 10 feet in width.
4. Indicating a utility easement for the north 10 feet of the west 20 feet of Lot 2, and extending same across Lot 3 to the west line of the plat.
5. The applicant shall install or guarantee the extension of a public sanitary sewer to serve Lots 1, 2 and 4. The Engineering Division of the Department of Public Works should be contacted regarding this matter.
6. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Page 2 - S/D 69-56  
Mr. Don C. Moehring  
July 9, 1969

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

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

Very truly yours,

John D. Gist  
Planner III

JDG:vjp

Enclosure

cc: Lakeview Gardens, Inc.  
12122 E. 13th Street  
Wichita, Kansas 67206

Union National Bank  
John McEwen  
Union Center Building  
Wichita, Kansas 67202

McClellan-Fallon, Inc.  
1302 Iroquois  
Wichita, Kansas 67203

Teco-Tico, Inc.  
2033 South Seneca  
Wichita, Kansas 67213

Robert M. Nelson  
Attorney at Law  
Union Center Building  
Wichita, Kansas 67202

PRELIMINARY PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 69-56 Name REPLAT OF MC ABDEEL ADDITION  
Date Application Rec'd. 6-24-69 Preliminary Approval  
Scheduled S/D Meeting 7-3-69

DESCRIPTION

General Location Southwest corner of Seneca and May Avenue

Owner Lakeview Gardens, Inc., et al  
Surveyor/Engineer Don C. Moehring  
Address 314 Brown Building Phone FO 3-6781

- |                                                                                               |                                            |
|-----------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. Gross Acreage of Plat <u>2.48</u>                                                          | 7. Lineal Feet of New Streets:             |
| 2. Number of Lots:                                                                            | a. <u>0</u> R/W <u>        </u> ft.        |
| Residential <u>        </u>                                                                   | b. <u>        </u> R/W <u>        </u> ft. |
| Commercial <u>        </u>                                                                    | c. <u>        </u> R/W <u>        </u> ft. |
| Industrial <u>        </u>                                                                    | d. <u>        </u> R/W <u>        </u> ft. |
| Other <u>        </u>                                                                         | e. <u>        </u> R/W <u>        </u> ft. |
| Total Number of Lots <u>        </u>                                                          | TOTAL <u>        </u> ft.                  |
| 3. Minimum Lot Frontage <u>        </u> ft.                                                   | 8. Sidewalk adjacent to all                |
| 4. Minimum Lot Area <u>11,250 sq. ft.</u>                                                     | streets? <u>        </u> yes <u>X</u> no   |
| 5. Existing Zoning <u>IC</u>                                                                  |                                            |
| 6. Proposed Zoning <u>IC</u>                                                                  |                                            |
| 9. Public Water Supply <u>yes</u> (Yes-No), Name <u>City of Wichita</u>                       |                                            |
| 10. Public Sanitary Sewers <u>yes</u> (Yes-No); Name <u>City of Wichita</u>                   |                                            |
| 11. Health Department Approval (where applicable) <u>        </u> No <u>        </u> (Yes-No) |                                            |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u>        </u>                                |                                            |

STAFF COMMENTS:

**NOTE:** This plat is a replat of McAbdeel Addition, setting forth the existing ownerships into four (4) lots and eliminating the conflict of lot splits, thus permitting the future issuance of a building permit on the area shown as Lot 1.

1. The name of the plat shall be changed to eliminate the word "Replat", and should not duplicate any existing name of an already recorded plat. The replat should then be set forth within the engineer's certificate on the final plat.
2. Indicating a demension for the east line of Lot 3 adjacent to Seneca Street.
3. Increasing the 8 and 16-foot utility easements to 10 and 20 feet in width respectively.
4. The original plat of McAbdeel Addition indicated access control except for 3 openings onto Seneca Street. Since the property is now under four ownerships, the applicant has expressed a need for additional openings to serve the overall development. Therefore, access control will be discussed at the Subdivision Committee meeting.
5. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
6. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: 5345  
Section No.: 31  
Twp. No.: 27 S  
Range: 1 E

S/D No. 69-56

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Replat of McAbdeal Addition to Wichita,  
Sedgwick County, Kansas.  
General Location: South of May Avenue and West of Seneca Street, Wichita,  
Kansas.  
Name of Property Owner: Lakeview Gardens, Inc., 12122 E. 13th St. MU 4-5246  
Name of Property Owner: Union Natl. Bank in Wichita & John McEwen, Trustees  
Address: First & Main, Wichita, Kansas Phone: AM 5-3211  
Name of Subdivider: McClellan-Fallon Inc., 1302 Iroquois, WH 3-8954  
Name of Subdivider: Lago Tico, Inc Phone: AM 7-2491  
Address: 2033 South Seneca  
Name of Agent/Surveyor: Don C. Moehring, C. E., Consulting Civil Engineers,  
Address: 314 Brown Building Phone: FO 3-6781  
Date of Application: 6-23-69

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 2.48 Acres
2. Number of Lots:
  - Residential \_\_\_\_\_
  - Commercial 4
  - Industrial \_\_\_\_\_
  - Other \_\_\_\_\_
3. Minimum Lot Frontage 75.0 ft.
4. Minimum Lot Area 11,250 ft.
5. Existing Zoning LC
6. Proposed Zoning LC
7. Lineal Feet of New Streets:
  - a. 0 R/W \_\_\_\_\_ ft.
  - b. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - c. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - d. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
  - e. \_\_\_\_\_ R/W \_\_\_\_\_ ft.
8. Sidewalk adjacent to all streets? yes  no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita  Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto including petitions for improvements such as streets, sewer, sidewalks, etc. with the register of deeds as well as all costs of publication of initiating resolutions approving any petition for improvements shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Lakeview Gardens, Inc.

Wichita-Sedgwick County Metropolitan Area  
Planning Commission, Room 402, City Building  
Annex, 104 South Main Street, Wichita, Kansas

Received by John Hat  
Date 6-23-69  
Fee Submitted 59.00

T9-301B (10-68)



FORM 27-1

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	<b>Plan</b>	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT **59.00**

*Replat of Mc Abdul Adams*

Name: *Robert H. Nelson*

Address: *Union Center*

Type: *R-71-C*

Due Date: *6-24-69*

Comments:

Date: *6-24-69*

By: *Thomas J. Lantry*