

ACTION

| | DATE |
|---------------|----------|
| S/D COMMITTEE | 8-27-69 |
| " " | 8-21-69 |
| M.A.P.C. | 11-20-69 |
| B.C.C. | 11-26-69 |

~~_____~~ Oppose **4-28-70**

S/D 69-66 - AGILE ADDITION - North
west corner of West and 13th
Streets
Baughman

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

5-5-70

AGILE ADDITION was

filed for record on 5-5-70.

Drawer: R-2 2-14

5-5-70

sb

T9-328

John Hale
Register Of Deeds

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

| | | | | | |
|--|----------|------------------|----------------|--|----------|
| S/D Number | 69-66 | Name | AGILE ADDITION | | N/A |
| Application Filed: | 7-28-69 | Sketch Filed: | | | 8-21-69 |
| Preliminary Plat Filed: | 7-28-69 | Approved by S/D: | | | 11-20-69 |
| Final Plat Filed: | 11-10-69 | Approved by S/D: | | | 11-26-69 |
| Approved by Metropolitan Area Planning Commission: | | | | | |

DESCRIPTION

General Location: Northwest corner of West and 13th Street

Surveyor or Engineer: Baughman Company
Owner: Kansas District Lutheran Church - Missouri Synod
Address: % Vincent Bogart, 120 Building

| | | | |
|--------------------------|---------------|--------------------------------|--------------|
| 1. Gross Acreage of Plat | 7.2 | 5. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. 50 R/W | 423.62 ft. |
| Residential | | b. 75 R/W | 625. ft. |
| Commercial | 4 | c. R/W | ft. |
| Industrial | | d. R/W | ft. |
| Other | | e. R/W | ft. |
| Total Number of Lots: | 4 | TOTAL | 1,048.62 ft. |
| 3. Minimum Lot Frontage: | 60 ft. | 6. Existing Zoning: | "AA" |
| 4. Minimum Lot Area | 22,500 sq.ft. | | |

Sidewalks are existing on 13th and West Streets, and the applicant has submitted a petition for the extension of sanitary sewer together with a "certificate" certifying same.

Planning Commission Recommendation:

BLEDSON moved and TROUT 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.

Associated Zone Case: Z-1097 - "AA" to "LC", approved by the City Commission on May 27, 1969, subject to platting and submission of voluntary covenants which are forwarded herewith.

Vote of Planning Commission: Unanimous

ACTION: Approve the petition and instruct the Director of Law to prepare the necessary resolution, instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be paid by the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

** and restrictive covenants*

LAMBERTZ COMPANY
1608 EAST CENTRAL
WICHITA, KANSAS 67214

April 24, 1970

Mr. Vince Bogert
Attorney at Law
501 One Twenty Building
Wichita, Kansas 67202

cc: Bud Gettle
John Guest


RE: Agile Addition
13th and West Street

Dear Vince:

John Guest and I talked the other day and I was advised by John that we had not yet furnished the certificate showing the taxes had been paid.

We have sent photocopies to John and I know the matter will be processed in an orderly fashion.

Cordially yours,


Vern Lambertz:es





LAMBERTZ Company

Established 1933

AREA CODE 316 PHONE AREA 0-8927
1808 EAST CENTRAL / WICHITA KANSAS 67214

April 20, 1970

Mr. John Gist
Planning Department
104 South Main
Wichita, Kansas 67202

Dear Mr. Gist:

Enclosed please find two copies of
the tax receipts as per our conversation
on April 20, 1970.

Cordially yours,

Tom

Re: Agate Addition

COMMERCIALS • SHOPPING CENTERS • PROPERTY MANAGEMENT • INDUSTRIALS • INSURANCE

PLEASE RETURN ALL COPIES OF THIS STATEMENT DUE NOV 1, 1969
 FIRST HALF DELINQUENT DEC 21, 1969 SECOND HALF DELINQUENT
 JUNE 21, 1970 WITH INTEREST AT 10% PER ANNUM

1969 REAL ESTATE TAX
 SEDGWICK COUNTY
 WICHITA, KANSAS 67203

Ronald G. Miller County Treasurer
 Marie Wardew County Clerk

| PLEASE INDICATE ANY CHANGE OF ADDRESS | VALUATION | GENERAL TAX | SPECIAL | HALF | | TOTAL TAX |
|---|-----------|-------------|----------|----------|------------|-------------------|
| | | | | FIRST | SECOND | |
| Vern Lambert D-12429-1 KANSAS DIST. LUTHERAN CHURCH 1608 East Central Wichita, Kansas 67214 | 12,710 | 1,339.25 | 1,677.58 | 1,508.42 | 1,508.41 | 5,016.83 |
| THAT PART OF SE 1/4 LYING S OF WEST LYNN 5TH ADDITION & E OF WEST LYNN 7TH ADDITION. SEC 11-27-1W | 3,016.83 | | | 50.21 | APR 9 1970 | 5,067.04 |
| | | | | | | INTEREST 50.21 |
| | | | | | | PAID 5,067.04 |
| | | | | | | RECEIPT NO. 67107 |

PLEASE CONTACT COUNTY ASSESSOR ON QUESTIONS ABOUT ASSESSED VALUATION

MAKE CHECKS PAYABLE TO
 RONALD G. MILLER
 COUNTY TREASURER

ck # 259
 4-6-70

THIS BECOMES YOUR TAX RECEIPT WHEN VALIDATED HERE

CA 67107

| VALUATION NUMBER | | | | | | | | | | DISTRICT | | | | | | | | | | INTEREST | TOTAL PAID | RECEIPT NO. |
|------------------|---|---|---|---|---|---|---|---|---|----------|---|---|---|---|---|---|---|---|---|----------|------------|-------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 | | | |

Law Offices
Vincent L. Bogart

Albert Kirk

F Crat 3-6291

One Twenty Building
Suite 501, 120 South Market
Wichita, Kansas 67202

24 March 1970

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

Re: S/D 69-66
Final Plat of AGILE ADDITION



Gentlemen:

I have examined an abstract of title to the following described premises, to-wit:

A tract of land situated in the Southeast Quarter of Section 11, Township 27 South, Range 1 West of the 6th Principal Meridian, described as: beginning at the southeast corner of the Southeast Quarter of said Section 11, thence North 563 feet, thence West 560.62 feet to a point 563 feet North and 560.62 feet West of said southeast corner, thence South parallel to the East line of said Southeast Quarter 563 feet to the South line thereof, thence East 560.62 feet to point of beginning, except that portion of the East and South sides thereof heretofore conveyed and dedicated for road and street purposes,

last certified to the 16th day of March, 1970 at 7 o'clock a.m., by the Fidelity Title Company, Inc., certificate number 4826, and from said examination it is my opinion that legal title to said property is in the following named entity:

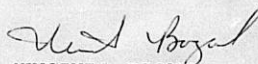
THE KANSAS DISTRICT LUTHERAN CHURCH (MISSOURI
SYNOD),

MAPD
24 March 1970
Page 2

subject to the following:

1) Taxes for the year 1969 in the approximate amount of \$3,016.83 plus interest are unpaid.

Very truly yours,


VINCENT L. BOGART

/cp

CC: Mr. L. N. Lambertz
1608 East Central Avenue
Wichita, Kansas 67214

Mr. Willard Gettle
Post Office Box 1760
Wichita, Kansas 67201

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

CERTIFICATE

~~SHAWNEE~~
County) ss
State of Kansas)

I, Kansas District Lutheran Church-Missouri Synod, owner and plat-
tor of AGILE Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

- 1. Sanitary Sewer
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Agile Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 16 day of Dec, 1969.



Kansas District of The Lutheran Church -
Missouri Synod,

By

Walter Schmid
Chairman, Church Ex.Fund.
WALTER SCHMID

~~SHAWNEE~~
County) ss
State of Kansas).

Be it remembered that on this 16th day of December,
1969, before me, a notary public in and for said County and State,
came Walter Schmid, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.



Ruth Mauderly
Notary Public Ruth Mauderly

My Commission Expires: _____

March 2, 1970

Vern Lambertz
1608 East Central
Wichita, Kansas 67214

Subject: S/D 69-66 - Final Plat of
AGILE ADDITION

Dear Mr. Lambertz:

In accordance with your written note received on February 27, 1970, and per our telephone conversation this afternoon, the following are the remaining matters which need the attention of the applicant in order that the above captioned plat may be forwarded to the Board of City Commissioners:

- OK* Certification by an attorney that fee title is vested in the platfor.
- OK* *64 taxes unpaid*
Certification that all taxes due and payable have been paid.
- Certification that the irons have been set as required by the MAPC Subdivision Regulations. (In addition to Baughman Company furnishing this certification, they also need to submit their computation of closure sheet for subject plat.)
- OK* The enclosed form entitled "Certificate" needs to be returned to the Kansas District of the Lutheran Church - Missouri Synod, and their corporate seal attached thereto adjacent to Walter Schmid's signature.

*letter on the irons no longer
necessary per amendment
to Subl Regs effective 3/4/70*

Page 2 - S/D 69-66
Vern Lambertz
March 2, 1970

This is the information you requested, and once these matters are satisfactorily completed and furnished to this office, the plat will be forwarded to the earliest possible City Commission meeting.

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

Very truly yours,

John D. Gist
Planner III

JDG:vjp

Enclosure

cc: Willard Gettle
Box 1760
Wichita, Kansas 67201

Kansas District Lutheran Church
% Vincent L. Bogart
One Twenty Building
Wichita, Kansas 67202

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211



LAMBERTZ Company
Established 1955

AREA CODE 316 PHONE: AMHERST 5-8537
1808 EAST CENTRAL / WICHITA KANSAS 67214

February 26, 1970

• Mr. John Guest
• Metropolitan Planning Dept.
• 104 South Main
• Wichita, Kansas 67202

Dear John:

I thought I would drop you a note to ask if there is anything that needs to be done regarding the Agile addition at 13th and West Street.

We are hopeful of doing whatever is necessary.

Cordially yours,

cc Bud Gettle



COMMERCIALS • SHOPPING CENTERS • PROPERTY MANAGEMENT • INDUSTRIALS • INSURANCE

CERTIFICATE

~~SHAWNEE~~
Seawick County) ss
State of Kansas)

I, Kansas District Lutheran Church-Missouri Synod, owner and plat-
tor of Acile Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

- 1. Sanitary Sewer
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Acile Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 16 day of Dec, 1969.

Kansas District of The Lutheran Church -
Missouri Synod,

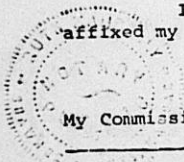
By

Walter Schmid
Chairman, Church Ex.Fund.
WALTER SCHMID

~~SHAWNEE~~
Seawick County) ss
State of Kansas)

Be it remembered that on this 16th day of December,
1969, before me, a notary public in and for said County and State,
came Walter Schmid, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.



Ruth Mauderly
Notary Public Ruth Mauderly

My Commission Expires: _____

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maintenance

DATE January 21, 1970



TO John Gist, Planner III

FROM M. S. Mitchell

SUBJECT Final Plat of Agile Addition
S/D 69-66

Reference is made to my request before the Subdivision Committee for a lot grading plan for subject plat.

Please be advised that on January 20, 1970 I received a lot grading plan from Mr. Rey, advising that lot will be graded to drain to 13th Street and West Street when developed.

This plan is satisfactory and I trust this information is sufficient to permit final processing of the plat.

M. S. Mitchell
C.S.

M. S. Mitchell
Ass't. Superintendent of
Public Works Maintenance

MSM/cs

cc: G. H. Wilton
Agile Addition Plat File

November 28, 1969

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Re: S/D 69-66 - Final Plat of
AGILE ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on November 26, 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 November 21, 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 *Taxes for 69 are unpaid*
Certification that all taxes due and payable have been paid.
5. Certification that the irons have been set as required by the Subdivision Regulations of the Metropolitan Area Planning Commission.

Page 2 - Baughman Company
November 28, 1969

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

Sincerely,

Robert A. Lakin
Secretary

RAL:ber

cc: Kansas District Lutheran Church
% Vincent Bogart
One Twenty Building
Wichita, Kansas 67202

Vern Lambertz
1608 East Central
Wichita, Kansas 67214

November 21, 1969

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Subject: S/D 69-66 - Final Plat of
AGILE ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, November 20, 1969, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

OK The executed copy of the applicant's voluntary covenants guaranteeing the construction of a 6 - 8-foot high obscuring fence along the west side of the plat, as required in associated zone case Z-1097 shall be forwarded to the Board of City Commissioners with the final plat. It is also necessary that the applicant meet with the Department of Public Works regarding the placement of said fence in relation to the utilities and utility easement existing along the west side of the plat.

OK The names of the individuals signing the plat for the Kansas District Lutheran Church, shall be indicated under their respective signature lines.

OK The applicant shall install or guarantee the extension of sanitary sewer to serve each lot. *→ petitioned*

OK Indicating a 20-foot utility easement centered on the north line of Lots 3 and 4, and centered along the west line of said Lot 3.

Page 2 - S/D 69-66
Baughman Company
November 21, 1969

ok
The applicant shall submit a drainage plan to M. S. Mitchell of the Maintenance Division of the Department of Public Works. A letter giving approval of such a plan shall be obtained and forwarded to the Planning Department.

6. 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 Wednesday, November 26, 1969, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Very truly yours,

John D. Gist
Planner III

JDG:vjp

Enclosure

cc: Kansas District Lutheran Church
% Vincent Bogart
One Twenty Building
Wichita, Kansas 67202

Vern Lambertz
1608 East Central
Wichita, Kansas 67214

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 69-66 Name AGILE ADDITION
Date Application Rec'd. 7-28-69 Preliminary Approval
Scheduled S/D Meeting 11-20-69

DESCRIPTION

General Location Northwest corner of West and 13th Streets

Owner Kansas District Lutheran Church - Missouri Synod
Surveyor/Engineer Baughman Company Phone MU 3-7431
Address 2522 East Kellogg

- | | | | |
|---|-----------------------|---|--|
| 1. Gross Acreage of Plat | <u>7.2</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>50</u> R/W <u>423.62</u> ft. | |
| Residential | | b. <u>75</u> R/W <u>625.</u> ft. | |
| Commercial | <u>5</u> | c. _____ R/W _____ ft. | |
| Industrial | | d. _____ R/W _____ ft. | |
| Other | | e. _____ R/W _____ ft. | |
| Total Number of Lots | <u>5</u> | TOTAL <u>1,048.62</u> ft. | |
| 3. Minimum Lot Frontage | <u>60</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>22,500</u> sq. ft. | streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> | |
| 5. Existing Zoning | <u>AA</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) _____ (Yes-No) | | | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | | | |

STAFF COMMENTS:

1. The associated zone case Z-1097 "AA" to "LC" has been approved by the Board of City Commissioners subject to platting and offering restrictive covenants.
2. The executed copy of the applicant's voluntary covenants guaranteeing the construction of a 6 - 8-foot high obscuring fence along the west side of the plat, as required in associated zone case Z-1097 has been submitted and shall be forwarded to the Board of City Commissioners with the final plat. It is also necessary that the applicant meet with the Department of Public Works regarding the placement of said fence in relation to the utilities and utility easement existing along the west side of the plat.
3. The names of the individuals signing the plat for the Kansas District Lutheran Church, shall be indicated under their respective signature lines.
4. The applicant shall install or guarantee the extension of sanitary sewer to serve each lot.
5. Indicating a 20-foot utility easement centered on the north line of Lots 3 and 4, and centered along the west line of said Lot 3.
6. The applicant shall submit a drainage plan to M. S. Mitchell of the Maintenance Division of the Department of Public Works. A letter giving approval of such a plan shall be obtained and forwarded to the Planning Department.
7. Recording within 30 days after approval by the Board of City Commissioners.

August 22, 1969

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Subject: S/D 69-66 - Preliminary Plat of
AGILE ADDITION

Gentlemen:

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 approve the preliminary plat and authorize the preparation of the final, subject to:

1. The executed copy of the applicant's voluntary covenants guaranteeing the construction of a 6 - 8-foot high obscuring fence along the west side of the plat, as required in associated zone case Z-1097, shall be forwarded to the Board of City Commissioners with the final plat. It is also necessary that the applicant meet with the Department of Public Works regarding the placement of said fence in relation to the utilities and utility easement existing along the west side of the plat.

OK Lots 1 and 2 shall be combined into one so as to make a 4-lot plat.

OK Indicating "complete access control" adjacent to the south 40 feet of the east line, and the east 40 feet of the south line, of what is shown as Lot 5. Prior to the preparation of the final plat, the applicant shall meet with the Traffic Engineering Division and establish the access controls to be indicated to the balance of the plat, adjacent to 13th and West Streets.

Page 2 - S/D 69-66
Baughman Company
August 22, 1969

- under construction by City 11-11-61*
4. The applicant shall install or guarantee the installation of sidewalks adjacent to both streets; the total estimated construction cost to be in the amount of \$2,560.
 5. The applicant shall install or guarantee the extension of sanitary sewer to serve each lot.
 6. Indicating a 10-foot utility easement adjacent to the north line of the plat; and a 20-foot utility easement centered on the north line of what is shown as Lots 4 and 5, and centered along the west line of said Lot 4.
 7. The applicant shall submit a drainage plan to M. S. Mitchell of the Maintenance Division of the Department of Public Works along with the submission of the final plat. A letter giving approval of such a plan shall be obtained and forwarded to the Planning Department.
 8. Requirements for a final plat (see pages 20 - 25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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

Very truly yours,

John D. Gist
Planner III

JDG:vjp

Enclosure

cc: Kansas District Lutheran Church
% Vincent Bogart
One Twenty Building
Wichita, Kansas 67202

Vern Lambertz
1608 East Central
Wichita, Kansas 67214

August 12, 1969

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Subject: S/D 69-66 - Preliminary Plat of
AGILE ADDITION

Gentlemen:

At its regular meeting on August 7, 1969, the Subdivision Committee of the Metropolitan Area Planning Commission considered the above captioned plat. The action of the Committee was to defer this matter due to the questions that they had regarding the unusual lotting arrangement, and the absence of the applicant or his representatives to answer such questions. They expressed concern for the individual developments which could occur, one behind the other, and the difficulties which exist in determining the appropriate location for utility easements to serve the lots as proposed.

This matter will be rescheduled for the next regular meeting of the Subdivision Committee on Thursday, August 21, 1969.

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

Very truly yours,

John D. Gist
Planner III

JDG:vjp

cc: Kansas District Lutheran Church
% Vincent Bogart
120 Building
Wichita, Kansas 67202

Vern Lambert
1608 East Central
Wichita, Kansas 67214

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 69-66 Name AGILE ADDITION
Date Application Rec'd. 7-28-69 Preliminary Approval _____
Scheduled S/D Meeting 8-7-69

DESCRIPTION

General Location Northwest corner of West and 13th Streets

Owner Kansas District Lutheran Church - Missouri Synod
Surveyor/Engineer Baughman Company
Address 2522 East Kellogg Phone MU 3-7431

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>7.2</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>50</u> R/W <u>423.62</u> ft. |
| Residential _____ | b. <u>75</u> R/W <u>625.</u> ft. |
| Commercial <u>5</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>5</u> | TOTAL <u>1,048.62</u> ft. |
| 3. Minimum Lot Frontage <u>60</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>22,500</u> sq. ft. | streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> |
| 5. Existing Zoning <u>AA</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) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

1. Associated zone case Z-1097 - "AA" to "LC", approved by the Board of City Commissioners on 5-27-69, subject to the submission of the applicant's voluntary covenants and the platting of the property.
2. The executed copy of the applicant's covenant, guaranteeing the construction of a 6 - 8-foot high obscuring fence along the west side of the plat, shall be forwarded with the final plat to the Board of City Commissioners.
3. The Planning staff is of the understanding that a developer anticipates developing all the property within the plat, but plans to acquire the land a part at a time, and therefore, has created a five lot plat to avoid problems of a lot split. The staff has suggested that an alternate solution be worked out in this regard, and the platting of the property into from 1 to 3 lots is preferable.

With 5 lots as shown, there potentially could be 5 separate owners with individual, non-related development occurring one behind the other, and such does not appear to be good and proper platting of the property.

4. Indicate "complete access control" adjacent to the south 40 feet and the east 40 feet, of the east and south lines of Lot 5 respectively. Access control to the balance of the frontage on both West and 13th Streets will be discussed at the Subdivision Committee meeting.
5. The applicant shall install or guarantee the installation of sidewalks adjacent to both streets; the total estimated construction cost to be in the amount of \$2,560.

Law Offices
Vincent L. Bogart

Albert John Kirk

Form 3-6291

One Twenty Building
Suite 501, 120 South Market
Wichita, Kansas 67202

29 July 1969

for plat file,
AGILE ADDITION

City Clerk
City Building
204 South Main Street
Wichita, Kansas 67202

Re: Z-1097-Zone change request
from "AA" to "LC" for the NW
corner of West & 13th Streets

Dear Sir:

Enclosed is the original of a Covenant executed in
connection with the above zoning case.

Sincerely yours,

Vincent L. Bogart
VINCENT L. BOGART

/cp

7-4-69
original + 1 copy of
covenant to be forwarded
with final plat to
the BCC. / JY



5/27/64
2-10-97

COVENANT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, The Kansas District Lutheran Church (Missouri Synod), a Kansas non-profit corporation, as Seller, and Willard L. Gettle, Jr., as Purchaser, of the following tract, to-wit:

A tract of land situated in the Southeast Quarter (SE/4) of Section Eleven (11), Township Twenty-Seven (27) South, Range One (1) West of the 6th Principal Meridian described as follows:

Beginning at the southeast corner of the Southeast Quarter (SE/4) of said Section Eleven (11) thence North 563 feet, thence West 560.62 feet to a point 563 feet North and 560.62 feet West of said Southeast corner, thence South parallel to the East line of said Southeast Quarter(SE/4) 563 feet to the South line thereof, thence East 560.62 feet to point of beginning, except for that portion heretofore conveyed and dedicated for road and street purposes, and except for that portion along the South and East sides which is to be dedicated for road and street purposes in a plat of the subject property,

do hereby, for the purpose of satisfying legal protestants to a change of zoning of said property and for the purpose of providing protection for the hereinabove described property and the property owned by others adjacent thereto, voluntarily declare and impose the following restrictive covenant upon the use of said property as follows:

1. Said parties covenant that prior to or contemporaneously with the construction of commercial structures thereon, they will construct

or cause to be constructed a six (6) to eight (8) foot obscuring fence on and along the west side of the hereinbefore described property.

2. The requirements of said covenant shall extend to and include heirs, assigns, devisees, lessees and holders of every kind, of and under all who may purchase or acquire any property in the above described tract from the undersigned, their heirs, personal representatives or assigns, and may be enforced by any owner of the above described premises, or by the owners of any property, any part of which is located within a radius of 200 feet from the above described premises, their heirs, personal representatives and assigns, or by the City of Wichita.

3. Any violation of the foregoing covenants may be stopped or prevented by an injunction or any other lawful procedure.

EXECUTED this 9th day of June, 1969.

THE KANSAS DISTRICT LUTHERAN
CHURCH (MISSOURI SYNOD), A
Kansas Non-profit Corporation,
Seller

By Orland Breuns President

Paul Van Diering secretary

WILLARD L. GETTLE, JR., Purchaser

By Willard L. Gettle, Jr.



STATE OF KANSAS)
)SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 28th day of July, 1969, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Willard L. Gettle, Jr., to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Carol M. Palmer
Notary Public

My commission expires:

April 16, 1972

STATE OF Kansas)
)SS:
COUNTY OF Shawnee)

BE IT REMEMBERED, that on this 29th day of July, 1969, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Arlen J. Bruns, president of The Kansas District Lutheran Church (Missouri Synod), and Paul Von Dielingen, secretary of The Kansas District Lutheran Church (Missouri Synod), to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Ruth Mauderly
Notary Public Ruth Mauderly

My commission expires:

Feb. 8, 1971

Map No.: 5149
Section No.: 11
Twp. No.: 22-S
Range: 1-W

S/D No. 69-66

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: ACILE ADDITION

General Location: 13th & West Street

Name of Property Owner: The Kansas District Lutheran Church
Address: Att: Vincent Bogart One Twan ty Bldg. Phone: WO 36291

Name of Subdivider: same Phone: _____
Address: _____

Name of Agent/Surveyor: Paughman Co.
Address: 2522E, Kellogg Phone: NU 37431

Date of Application: July 22, 1969

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 7.2 Ac.
2. Number of Lots:
 - Residential _____
 - Commercial 5
 - Industrial _____
 - Other _____Total Number of Lots 5
3. Minimum Lot Frontage 60 ft.
4. Minimum Lot Area 22,500 ft.
5. Existing Zoning AA
6. Proposed Zoning CC
7. Lineal Feet of New Streets:
 - a. 50 R/W 123.62 ft.
 - b. 75 R/W 1606.25 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL 1048.62 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply yes (Yes-No), Name _____ City _____
10. Public Sanitary Sewers yes (Yes-No), Name _____ City _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita City 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.

The Kansas District of The Lutheran Church - Missouri Synod.
Owner's Signature: By: William Heinrich
Secy. Board of Trustees.

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

Received by C-N
Date 7/28/69
Fee Submitted 63.00

T9-301B (10-68)



Form 223-021

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 | Plan. | Plbg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

| DESCRIPTION | AMOUNT |
|----------------------------------|--------------------------|
| <i>Prelim Plat of</i> | <i>\$62.00</i> |
| <i>Legal Adm</i> | |
| Name: <i>Willard Investments</i> | |
| Address: <i>502 New York</i> | |
| Type: <i>R-71-C</i> | Due Date: <i>7-28-69</i> |
| Comments: | |

Date: *7-28-69* By: *mjr*