

PLAT NO. S/D 69-69 MAP NO. 6146

NAME PIZZA HUT SECOND ADDITION

LOCATION South side of U. S. 54 Highway
approximately 1/2 mile east of Webb Road

ENGINEER Don C. Moehring

OWNER Pizza Hut, Inc.

APPLICATION FILED 7-28-69

SKETCH PLAT FILED NONE SUBMITTED

PRELIMINARY FILED 7-28-69

S/D ACTION 8-7-69 Approve

FINAL FILED 8-25-69

S/D ACTION 9-1-69 Refer / 9-18-69 Approve

MAPC ACTION 9-25-69

BCC ACTION 10-28-69 Approve

RECORDED 12-3-69

REMARKS _____

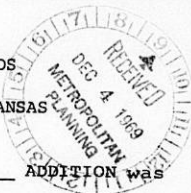
DATE

COMMITTEE 510 (urban) Approved 8-26-69
S/D Committee (final) Approved 9-1-69
"M.A.P.C." Approved 8-26-69
Approved 8-26-69

B.C.C. ~~78-69~~ Approved 10-28-69

S/D 69-69 - PIZZA HUT SECOND ADD.
South side U.S. 54 Highway approx.
1/2 mile east of Webb Road
Moehring

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS



PIZZA HUT SECOND ADDITION ADDITION was

filed for record on December 3, 1969.

R-1 6-11
December 3, 1969
vh

John Hall
Register Of Deeds

T9-328

ROBERT B. DOCKING, Governor

State Highway Commission of Kansas

JOHN D. MONTGOMERY, Director of Highways
R. L. PEYTON, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer



ROBERT F. HAGEN
Lawrence, Kansas
BOB KENT
Salina, Kansas
HENRY SCHWALLER
Hays, Kansas
KARL A. BRUECK
Topeka, Kansas
GALE MOSS
El Dorado, Kansas
LOUIS KAMPSCHROEDER
Garden City, Kansas

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

October 24, 1969

US-54
East Wichita
Pizza Hut Entrance
Sedgwick County

Mr. John D. Gist
Planner III
Wichita-Sedgwick County Metropolitan
Area Planning Department
City Building Annex
Wichita, Kansas 67202

Dear Mr. Gist:

In accord with your letter of September 26, 1969, I am returning one copy of the final plat and the C.U.P. for the Pizza Hut development on the south side of US-54 in east Wichita. I have indicated approval of the above noted enclosures insofar as the projects pertaining to access and frontage road are concerned.

I hope this will satisfactorily handle the matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. B. Stephenson".

J. B. Stephenson
Assistant State Highway Engineer

JBS:lmh

cc: W. H. Ogan, Engineer of Urban Highways
A. A. Holmquist, Division Engineer



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	69-69	Name	PIZZA HUT SECOND ADDITION
Application Filed:	7-28-69	Sketch Filed:	None
Preliminary Plat Filed:	7-28-69	Approved by S/D:	8-7-69
Final Plat Filed:	8-25-69	Approved by S/D:	9-18-69
Approved by Metropolitan Area Planning Commission:			9-25-69

DESCRIPTION

General Location: South side of U.S. 54 Highway approximately
1/2 mile east of Webb Road

Surveyor or Engineer: Don C. Moehring
Owner: Pizza Hut, Inc.
Address: 4328 East Kellogg

1. Gross Acreage of Plat	25.68	5. Lineal Feet of New Streets:	
2. Number of Lots:		a. _____ R/W _____ ft.	
Residential _____		b. _____ R/W _____ ft.	
Commercial _____ 1		c. _____ R/W _____ ft.	
Industrial _____		d. _____ R/W _____ ft.	
Other _____		e. _____ R/W _____ ft.	
Total Number of Lots: 1		TOTAL _____ None ft.	
3. Minimum Lot Frontage: 828.47 ft.			
4. Minimum Lot Area: 1,951,168 sq.ft.		6. Existing Zoning: "C"	

The applicant has made satisfactory arrangements with the Moose Lodge for connection to their sanitary sewer line; and has included general provisions within their associated Community Unit Plan (DP-36) to protect ultimate improvements of a frontage road and access from the adjacent highway.

Planning Commission Recommendation:

BLEDSON moved and HENNESSY 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 Case: DP-36 - Pizza Hut CUP

Note: Copies of the final plat and CUP have been forwarded to the State Highway Commission for concurrence insofar as access from the highway and the proposed frontage road are concerned.

Vote of Planning Commission: Unanimous

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

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

DON C. MOEHRING, C. E.
CONSULTING CIVIL ENGINEERS
314 BROWN BUILDING TELEPHONE FO 3-8781
SINCE 1927
WICHITA, KANSAS 67202

October 21, 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
Pizza Hut Second Addition to Wichita, Sedgwick
County, Kansas, are all set as of 7-9-69.

Respectfully submitted,

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

BY: Don Moehring, C.E.

DCM:rh



GERALD T. AARON

GENERAL COUNSEL

PIZZA HUT, INC.

4328 EAST KELLOGG
WICHITA, KANSAS 67218

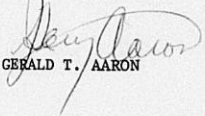
October 18, 1969

Mr. John D. Gist
Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas 67202

Dear Mr. Gist:

As you requested, enclosed is a copy of the Agreement between Pizza Hut, Inc. and The Loyal Order of the Moose No. 138, which was executed on October 15, 1969.

Very truly yours,


GERALD T. AARON

GTA:skt

Enc.



AGREEMENT

This Agreement is entered into between PIZZA HUT, INC., hereinafter called "Pizza Hut", and The Loyal Order of the Moose No. 138, hereinafter called "Moose".

WHEREAS, Pizza Hut owns certain real estate at 10225 East Kellogg; and whereas, Moose owns property immediately to the West; and whereas, Pizza Hut is building its new home offices; and whereas, it is necessary that Pizza Hut have a sewer; and

WHEREAS, Moose has consented to Pizza Hut's tapping Moose's existing sewer line.

NOW, THEREFORE, for One Dollar (\$1.00) and other valuable consideration, the parties agree as follows:

1. For the sum of Ten Thousand Dollars (\$10,000.00), Moose agrees to let Pizza Hut tap and hook on to Moose's existing sewer line, which is located to the Southeast of the Moose Lodge structure, specifically set forth in Exhibit "A" attached hereto. Referring to Exhibit "A", the proposed sewer line (red line) will be constructed at Pizza Hut's sole expense and shall tap into the manhole, which is identified by the initials, "MH", the Moose Lodge's sewer line being an eight inch sewer line (green line).

2. Pizza Hut agrees that the Moose will be able to operate its sewer line under regular and normal conditions and Pizza Hut agrees not to interfere with the use of Moose's existing service at any time during the construction of the hook-up. Pizza Hut agrees to indemnify Moose for any damage which may be sustained due to Pizza Hut's negligent hook-up and tie-in.

3. It is understood that the Ten Thousand Dollars (\$10,000.00) fee, the receipt of which is hereby acknowledged, does not include any hook-up by any other facility other than the new home office to be utilized by Pizza Hut.* In the event Pizza Hut should develop the front of its property, and desire to hook on to the Moose's sewer, it will be necessary for further negotiations to take place.
*As shown by Exhibit A.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and seals this 15 day of _____, 1969.

ATTEST:

PIZZA HUT, INC.

By

Gerald T. Aaron
Gerald T. Aaron, Assistant Secretary

By

Frank L. Carney
Frank L. Carney, President

ATTEST:

THE LOYAL ORDER OF THE MOOSE NO. 138

By

By

Hugh Lee

607

STATE OF KANSAS)
COUNTY OF SEDGWICK)

ss:

BE IT REMEMBERED, that on this 8th day of October, 1969, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Frank L. Carney, President of Pizza Hut, Inc. who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same as and for the duly authorized act of such corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official seal the day and year above written.

William Taylor
Notary Public

My Commission Expires:

Nov 4, 1972

STATE OF KANSAS)
COUNTY OF SEDGWICK)

ss:

BE IT REMEMBERED, that on this 14 day of October, 1969, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Hugh Gee who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same as and for the duly authorized act of such corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official seal the day and year above written.

Little Cochran
Notary Public

My Commission Expires:

12-10-69

GERALD T. AARON
GENERAL COUNSEL
PIZZA HUT, INC.
4529 EAST KELLOGG
WICHITA, KANSAS 67218

October 13, 1969

Mr. John D. Gist
Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas 67202

Dear Mr. Gist:

Please be advised that I have examined the abstract of title for the following-described property, to-wit:

That portion of the following-described tract lying South of Highway 54, and North of the Kansas Turnpike Right of Way within the following description: The East Half of the Northwest Quarter of Section 28, Township 27 South, Range 2 East of the 6th P.M., Except a tract beginning at the Northwest Corner of the East Half of the Northwest Quarter of Section 28, thence South 80 rods; thence East 30 rods; thence North 80 Rods, thence West 30 rods, to the point of beginning, in Sedgwick County, Kansas,

and I find title to be vested in the plattor, that is, Pizza Hut, Inc., and further certify that all real estate taxes for the year 1968 and prior years have been paid. Naturally, the 1969 taxes are not due and payable yet.

Very truly yours,

Gerald T. Aaron
GERALD T. AARON

GTA:skt



September 26, 1969

Mr. J. B. Stephenson
Assistant State Highway Engineer
State Highway Commission
State Office Building
Topeka, Kansas 66612

Subject: S/D 69-69 - Final Plat of
Pizza Hut Second Addition, and
DP-36 Pizza Hut Second Addition
Community Unit Plan, generally
located on the south side of U.S.
54 Highway approximately 1/4 mile
east of Webb Road (East Wichita)

Dear Mr. Stephenson:

You will recall our joint meeting held in Wichita on September 12, 1969, at the Pizza Hut offices relative to the above captioned cases. That next week you telephoned Dick Linn of the Engineering Division of the Department of Public Works regarding your findings in the review of the proceedings in which the access rights were acquired along U. S. 54 in that particular area. Mr. Linn indicated to me, and to the Subdivision Committee of the Metropolitan Area Planning Commission, your request for forwarding of copies of the final plat and C.U.P. for concurrence as recommended for approval. It was also pointed out at the Subdivision Committee meeting that the staffs of the Department of Public Works for the City, as well as the staff representatives of the State Highway Commission had agreed not to recommend a break in the median in the future re-improvement of the highway, unless subject property and the property adjacent on the west (Moose Lodge) could agree upon the construction and use of a joint and common drive.

Page 2 - S/D 69-69 and DP-36
Mr. J. B. Stephenson
State Highway Commission

September 26, 1969

On Thursday, September 25, 1969, the Wichita-Sedgwick County Metropolitan Area Planning Commission approved the final plat and C.U.P. subject to several conditions. Enclosed are two copies of each for your information which now contain the required language, and will be forwarded to the Board of City Commissioners with the recommendation that they be approved. Also attached for your information are copies of letters setting forth the actions of the Subdivision Committee and Planning Commission on subject cases. It is suggested that you might return a copy of the plat and C.U.P. marked with your approval or concurrence insofar as the provisions pertaining to access and future front-age road are concerned, with the others being retained for your files.

It is hoped that these could be returned to us as soon as possible to avoid any delay in the forwarding of Pizza Hut's applications to the Board of City Commissioners.

If you have any questions concerning these matters, please contact our office.

Very truly yours,

John D. Gist
Planner III

JDG:vjp

Enclosures 7

September 26, 1969

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

Re: S/D 69-69 - Final Plat of
PIZZA HUT SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Metropolitan Area Planning Commission on September 25, 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 September 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 City Commissioners for their 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 plattor.
- 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.

~~with the requirements of the Metropolitan Area Planning Commission.~~

Page 2 - Don C. McWhring
September 26, 1969

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:ber

cc: Gerald T. Aaron
4328 East Kellogg
Wichita, Kansas 67218

Dick Linn
Engineering Division

Paul Graves
Traffic Engineer

Robert Feldner, Superintendent
of Central Inspection

September 22, 1969

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

Subject: S/D 69-69 - Final Plat of
PIZZA HUT SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 18, 1969, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

ok 1. The condemnation case number for the acquisition of right-of-way proceedings for U. S. 54 Highway shall be indicated on the face of the plat.

ok 2. The applicant shall furnish a copy of the contract entered into by Pizza Hut, Inc. and the Moose Lodge, which contract permits Pizza Hut to tie into the sewer line owned by the Lodge that is connected to the City sewer system.

ok 3. That the following items be included in the General Provisions of the associated case DP-36, Pizza Hut Second Addition Community Unit Plan:

ok change no. 4 to read,

"Building setbacks - 35 feet from the east, south and west Parcel boundary lines. The building setback from Kellogg Street shall be determined and established in the replat as called for in provision #11. below."

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

OK - relocate no. 10 as last provision and renumber as 14.

OK - add provision, (no. 10.)

"Pizza Hut, Inc. agrees and binds upon their successors and assigns, that no development shall take place on the north 255 feet of Lot 1, Block A, Pizza Hut Second Addition, until such time as a frontage road system is dedicated from this property."

OK - add provision, (no. 11.)

"Pizza Hut, Inc. agrees, and binds upon their successors and assigns, that said frontage road will be dedicated at the location required by the City of Wichita within said 255 feet when this portion of the property is proposed to be developed; OR when the City of Wichita determines that said right-of-way and frontage road is needed."

"In the event Pizza Hut, Inc., or their successors and assigns, desires to develop said property being herein reserved for future frontage road, replatting shall be required and the needed right-of-way and geometrics of construction shall be determined at that time."

OK - add provision, (no. 12.)

"Pizza Hut, Inc. and their successors and assigns shall be bound to provide and/or join in a valid paving petition for the guarantee of the future improvement at the time the frontage road right-of-way is dedicated."

OK - add provision, (no. 13.)

"Pizza Hut, Inc. agrees and binds upon their successors and assigns that when a frontage road is constructed, the private drive indicated generally along the west parcel line shall be relocated to the east of where the frontage road will intersect with its direct access to the highway."

Page 3 - S/D 69-69
Mr. Don C. Moehring
September 22, 1969

4. The final plat and associated C.U.P. (DP-36) as recommended for approval, shall be forwarded to the State Highway Commission for concurrence insofar as the provisions regarding access from the highway and the frontage road are concerned.
5. Recording within 30 days after approval by the Board of City Commissioners.

It should be pointed out to the applicant that at the initial hearing of the final plat before the Subdivision Committee, the Department of Public Works indicated that in the future the full development of the entire tract may necessitate an actual extension of the City sanitary sewer to serve such development. It should also be pointed out that the limitations on the development of the north 255 feet of the property shall be indicated on the face of the plat as shown on the marked "engineer's" copy.

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, September 25, 1969, at 1:45 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: Gerald T. Aaron
4328 East Kellogg
Wichita, Kansas 67218

Dick Linn
Engineering Division

Paul Graves
City Traffic Engineer

Robert Feldner
Superintendent of Central
Inspection Division

9-18-69

Moose, Pizza Hut Problems Shrink

Metropolitan Area Planning Commission subdivision committee may have a less complicated problem on its hands Thursday when it examines the final plat of a new \$1 million home office of Pizza Hut at 10225 E. Kellogg.

Pizza Hut attorney Gerald Aaron said Wednesday he and Kansas Highway Department staff members had found in researching access rights granted in 1955 to owners of Pizza Hut land and adjoining Moose Lodge land that no provisions were made for a medial break on U. S. 54.

TWO WEEKS AGO the subdivision committee deferred action on the plat in hopes this question could be answered so it could better examine problems of separate adjoining driveways for Pizza Hut and Moose Lodge. Traffic engineer Paul Graves contends a joint drive would be safer.

Moose Lodge officials have refused to agree to a joint drive because they feel it would be more hazardous than the present situation with two driveways about 20 feet apart.

Lodge members leaving large night functions would use all four lanes to enter

U. S. 54, thus creating a hazardous condition, lodge officials have stated.

Aaron met city personnel Wednesday to discuss plat problems. He is attempting to receive approval as soon as possible so construction can continue on the offices.

At a meeting last week, Aaron told city and state highway department officials Pizza Hut would agree to not develop the first 300 feet of its property in case an access road is needed later to alleviate traffic problems.

THE ONLY ACCESS to U. S. 54 for both Pizza Hut and Moose Lodge is at the joint property line. Without a medial break, persons leaving both properties will have to drive a half mile east to Greenwich Road to return toward downtown Wichita.

Pizza Hut would like the medial break, but Moose Lodge attorney Paul Arabia has said the break is "of no concern" to lodge officials in regard to opposing a joint driveway.

State highway officials have said they would not recommend a medial break with separate driveways because of increased traffic hazards.

Saturday, September 13, 1969

THE WICHITA EA

Pizza Hut Construction Cleared

By HOWARD INGLISH
Eagle Staff Writer

A meeting between representatives of Pizza Hut Inc., the State Highway Department and city agencies Friday produced a temporary solution allowing construction of Pizza Hut's \$1-million home office to continue.

The Moose Lodge-Pizza Hut driveway dilemma, however, remained unsolved. Gerald Aaron, Pizza Hut attorney, said an agreement was reached for approval of the final plat of the new home office at 10225 E. Kellogg.

Pizza Hut, in exchange, will sign an agreement not to develop the first 300 feet along U.S. 54.

This second agreement provides for an access which may be the only solution at a potentially hazardous intersection. One medial break on U.S. 54 at the intersection must serve two separate driveways.

The Metropolitan Area Planning Commission (MAPC) subdivision committee Sept. 4 deferred action on the final plat for two weeks.

The deferral was made in hope Pizza

Hut representatives could determine with the aid of city and state officials whether there are definite plans for a break in the medial at the only access point available to Pizza Hut and Moose Lodge — their joint property line.

LODGE OFFICIALS have insisted they will not agree to a joint driveway because their members would use all four lanes for outgoing traffic after large night meetings, creating a hazardous situation.

Also, whether there is a medial break is "of no concern" to the lodge, according to Paul Arabia, lodge attorney.

Pizza Hut will agree to the 300-foot agreement because otherwise the final plat approval "could get hung up for months," Aaron said. The city has indicated that until the final plat is approved, Pizza Hut will not be issued a permanent building permit, thus delaying construction, he said.

IN ADDITION TO the solution to the plating delay, "basically what was decided is that the state and city agreed that unless Pizza Hut and Moose Lodge agree to a joint common drive, they will

both recommend against any opening in the medial strip.

"There is still one question — whether the state made a commitment in 1955 when access rights were granted to allow the owners of land, which Pizza Hut and Moose Lodge now own, the right to cross over Kellogg and proceed west.

"If they made a commitment, they will have to honor it," Aaron said.

THE QUESTION is to be researched before a Wednesday meeting with the city attorney, he said, adding "we are hoping this agreement with the city" will obtain plat approval and a regular building permit.

Officials also agreed the state could not force the lodge and Pizza Hut to agree to a joint driveway, he said. There also was common agreement there would be no traffic problem with separate driveways if there was no medial break. "Naturally, we want a medial break," he added.

Attending the meeting besides Aaron was William Stephenson and A. A. Holmquist of the state highway department, city traffic engineer Paul Graves, Dick Linn, assistant city engineer, and John Gist of MAPC.

Meeting with Pizzagat
and St. Highway Com.
on Sept. 12, 1969.

CONCLUSIONS

1. It was the concensus of the City and Highway representatives that they would not recommend an opening in the median if separate drive-ways are utilized by the two property owners.
2. ^{did} Would the Highway Department commit itself to a break in the median at the time it acquired the access rights? If the answer is in the affirmative, then it is the concensus of the Highway Department and City representatives that they would require dedication of a ~~state~~ ^{street} and possible frontage road to insure a common point of access.
3. In the event the State Highway Department ~~would~~ ^{did} not commit itself to a break in the median, then it is felt best that an Agreement be prepared, whereby the developer would limit development of the North 300 feet of the property in question until the access problem is finally resolved. The purpose of the 300 foot limitation is reserved for a possible frontage road to be located somewhere in the 300 feet.

after review of the
condemnation of access
rights to determine whether
median break already
committed by state,
then have another meeting
on Wednesday morning with
Dekker.

Point No. 1: ^{City and} Highway Staff will definitely not recommend
an opening in the median if used as ^{separate} ~~joint~~ driveways, or a
~~common frontage road system at this point.~~

Point No. 2: ^{Has} ~~Would~~ the State ^{ted} commit themselves to a break
in the median? If the State ^{has} ~~commits~~ ^{ted} themselves to a break
in the median at the property line, then the position ^{of the City} is clear as
far as the State and ^{City} ~~frontage road~~ is concerned. * Should have
agreement to protect the development of the ^{N-300' of property} ~~frontage of this~~ ^{for possible}
~~property for frontage road, and frontage road dedication at a~~ ^{front. rd.}
~~later date.~~ * ^{City will require dedication of street}
~~and possible frontage rd. to assure a~~
^{common access to Hwy} ~~should come to some agreement as to depth. (300~~
~~feet suggested.~~

Point No. 3: Protection of development by deleting a portion
from the plat, if agreement is reached not to develop the de-
leted portion. When you exclude it from the plat, make sure that
it has direct access to the public highway, or you have a tract
that is landlocked.

Develop access, knowing that we are not going to
recommend a break in the median.

Right of Way Agreement Research.

In Agreement - as far as Community Unit Plan, state that same is subject to Agreement
between the Landowner and the City, giving recording information.

Question #1

Will the St. Hwy. Com. Staff recom.
no median break if there cannot be
a joint driveway arrangement between
Pizza & Moose? (NO)

Question #2

Is there a median break already
committed in R/W agreement by
St. Hwy. Com. ?

if already committed then City
will recom. a street ~~on~~ on the
west R plus a frontage rd.
or protection for future ~~rd.~~
front. rd.

if not already committed THEN

- 1) protect frontage of property for
certain depth to insure further
solution of frontage road const.
- 2) that no break in median is recom.

PIZZA HUT SECOND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

N.W. Cor. E. 1/2, N.W. 1/4 Sec. 28,
T27S, R2E of the 6th PM.

U.S. 54 HIGHWAY

828.47'

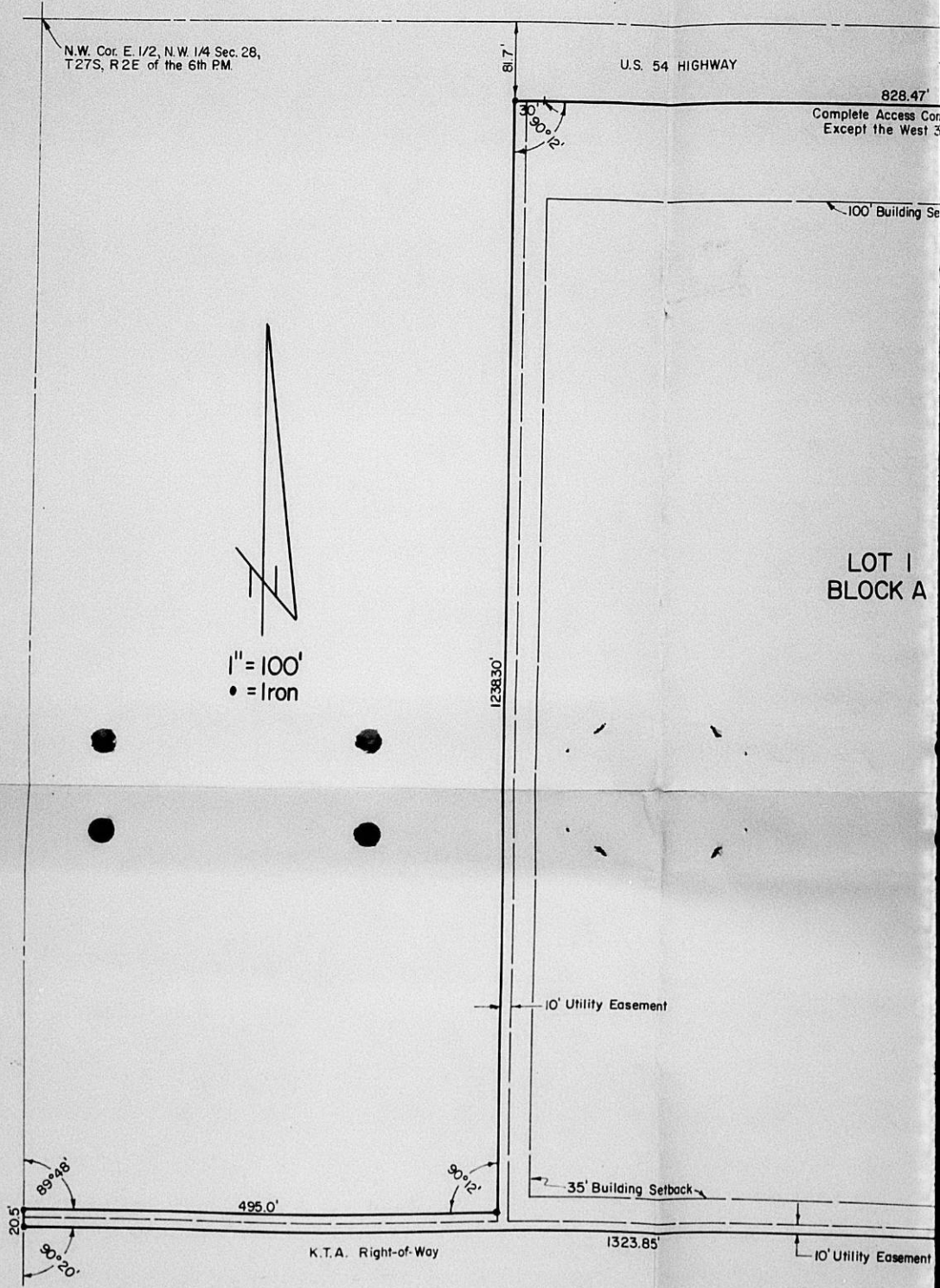
Complete Access Corridor
Except the West 3'

100' Building Setback

LOT 1
BLOCK A



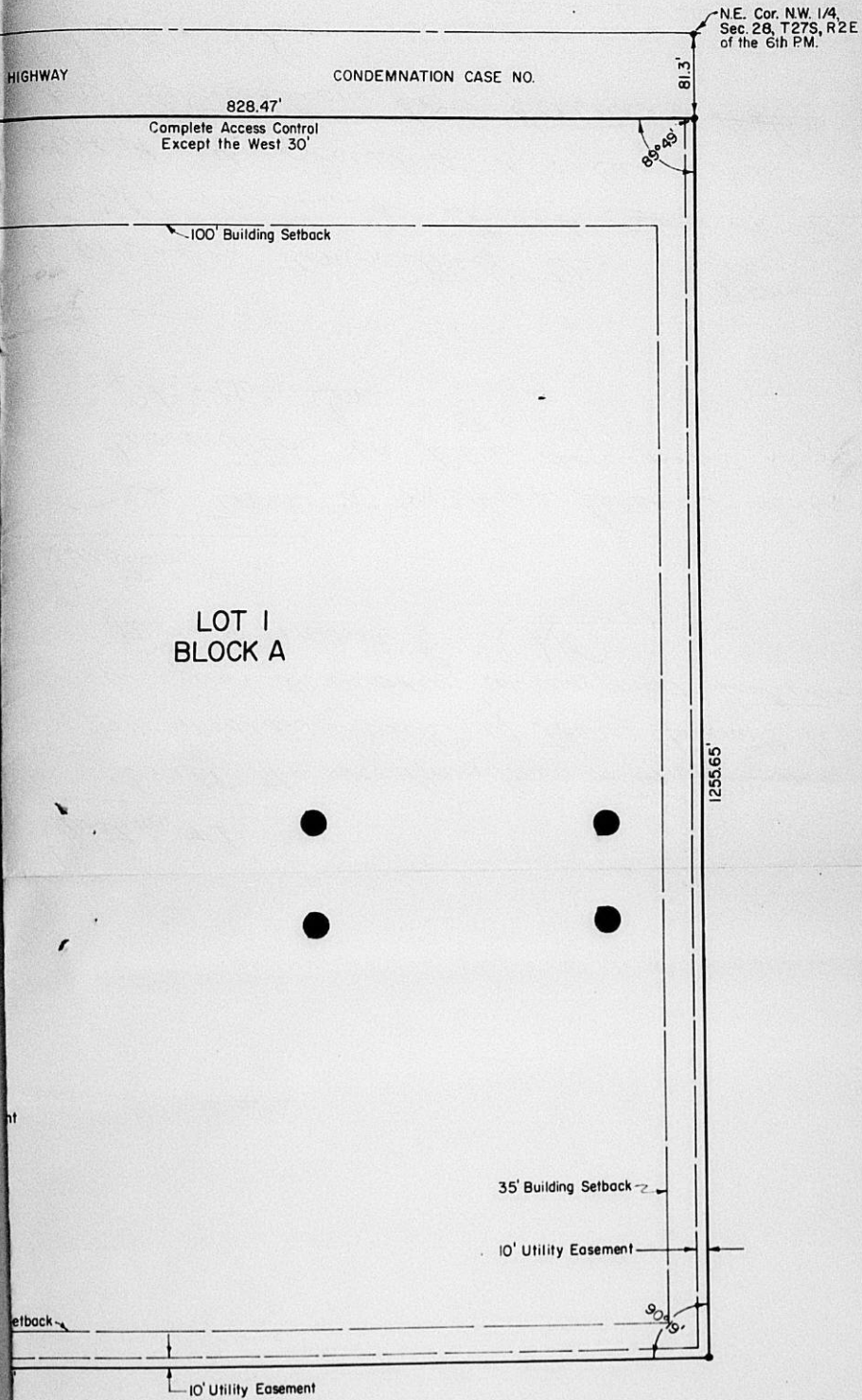
1" = 100'
• = Iron

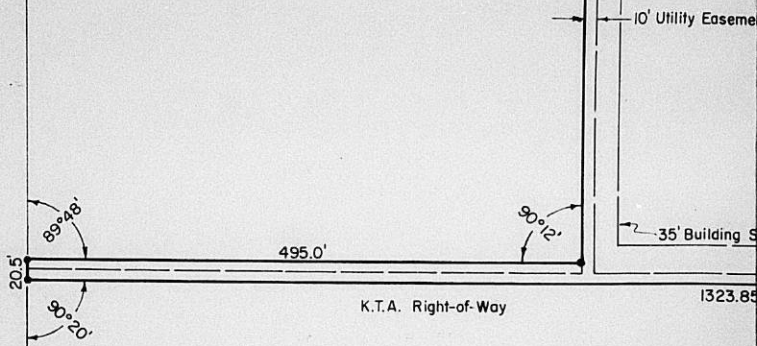


K.T.A. Right-of-Way

10' Utility Easement

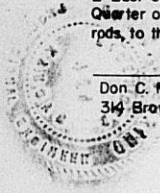
SECOND ADDITION GWINN COUNTY, KANSAS





STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

I, Don C. Moehring, a Civil Engineer in said State and County, do hereby certify that I have surveyed and platted "PIZZA HUT SECOND ADDITION" to Wichita, Sedgwick County, Kansas, into a Block and a Lot, the same being accurately set forth in the accompanying plat and described as follows: That portion of the following described tract lying South of Highway 54, and North of the Kansas Turnpike Right of Way within the following description: The East Half of the Northwest Quarter of Section 28, Township 27 South, Range 2 East of the 6th P.M., except a tract beginning at the Northwest Corner of the East Half of the Northwest Quarter of Section 28, thence South 80 rods; thence East 30 rods; thence North 80 rods; thence West 30 rods, to the point of beginning, in Sedgwick County, Kansas.



Don C. Moehring, C.E.
314 Brown Bldg.

Don C. Moehring, C.E.
Consulting Civil Engineers
Wichita, Kansas

Know all men by these presents that we, the undersigned property owners of the land as above set forth in the Civil Engineer's certificate, have caused the same to be surveyed and platted into a Block and a Lot, the same to be known as "PIZZA HUT SECOND ADDITION" to Wichita, Sedgwick County, Kansas. Easements for the construction and maintenance of public utilities, as indicated on the accompany plat, are hereby granted. All abutter's rights of access to and from U.S. 54 Highway, over and across the North line of Block A, except the West 30 feet thereof, are hereby granted to the City of Wichita.

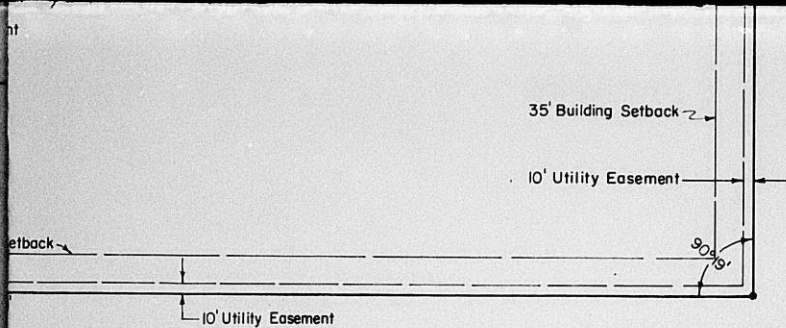
PIZZA HUT, INC.

_____, President
Frank L. Carney
_____, Secretary
Joseph P. Flynn

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this _____ day of _____, 1969, before me, a Notary Public in and for said State and County, came Pizzo Hut, Inc., by Frank L. Carney, President, and Joseph P. Flynn, Secretary, to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

_____, Notary Public
Wanda Sharp
My Commission expires June 30, 1973



This plot of "PIZZA HUT SECOND ADDITION" has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this _____ day of _____, 1969.

Wichita-Sedgwick County Metropolitan Area Planning Commission

_____, Chairman

_____, Secretary

Robert A. Lakin

This plat accepted by the City Commission of the City of Wichita, Kansas, this _____ day of _____, 1969.

_____, Mayor

_____, City Clerk

Ralph C. Eberly

This plat accepted by the Board of County Commissioners, Sedgwick County, Kansas, this _____ day of _____, 1969.

_____, Chairman

_____, Commissioner

_____, Commissioner

_____, County Clerk

Attest: Marie Warden

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____ on the _____ day of _____, 1969.

_____, Register of Deeds

_____, Deputy

Pearl B. Gilbert

Entered on transfer record this _____ day of _____, 1969.

_____, County Clerk

Marie Warden

September 5, 1969

Pizza Hut, Inc.
4328 East Kellogg
Wichita, Kansas 67218

Subject: S/D 69-69 - Final Plat
of PIZZA HUT SECOND ADDITION

Gentlemen:

At its regular meeting on September 4, 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 for two weeks. The applicant is to contact the State Highway Department, along with the Engineering and Traffic Engineering Divisions of the Department of Public Works, to determine whether a medial break permitting left turns into the property will be provided in the future improvement and reconstruction of U. S. 54 Highway. It is necessary that this information be obtained now in order to determine the appropriate needs of the plat in terms of access and right-of-way for frontage road purposes.

This matter will be rescheduled for the next regular meeting of the Subdivision Committee on Thursday, September 18, 1969, in hopes that the necessary information has been obtained to permit further action at that time.

Page 2
September 5, 1969

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

Very truly yours,

John D. Gist
Planner III

JDG:rne

cc: Don C. Moehring, P.E.
314 Brown Bldg.
Wichita, Kansas 67202

Gerald T. Aaron, Attorney
4328 East Kellogg
Wichita, Kansas 67218

Paul Arabia
Pettis and Arabia
Suite 504, 120 South Market
Wichita, Kansas 67202

Paul Graves
City Traffic Engineer

Dick Linn
Engineering Division

Robert Feldner
Superintendent of Central
Inspection Division

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 69-69 Name PIZZA HUT SECOND ADDITION
Date Application Rec'd. 7-28-69 Preliminary Approval 8-7-69
Scheduled S/D Meeting 9-4-69

DESCRIPTION

General Location South side of U. S. 54 Highway approximately 1/2 mile east of Webb Road

Owner Pizza Hut, Inc.

Surveyor/Engineer Don C. Moehring

Address 314 Brown Building Phone FO 3-6781

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>25.68</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>0</u> R/W <u>0</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>1</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL <u>None</u> ft. |
| 3. Minimum Lot Frontage <u>828.47</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>X</u> <u>no</u> |
| 4. Minimum Lot Area <u>1,051,168.38</u> sqft. | |
| 5. Existing Zoning <u>C</u> | |
| 6. Proposed Zoning <u>C</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:

ASSOCIATED CASE: DP-36, Pizza Hut Commercial C.U.P.

1. The condemnation case number for the acquisition of right-of-way proceedings for U. S. 54 Highway shall be indicated on the face of the plat.
2. It is the understanding of the Planning Department that the joint, executed agreement regarding the private ingress and egress rights between the property being platted and that adjacent on the west, cannot be obtained. Therefore, the Subdivision and Utility Advisory Committee will need to further discuss and resolve questions of access, possible frontage road, and adjustments in setbacks at the meeting.
3. The applicant shall furnish a copy of the contract entered into by Pizza Hut, Inc. and the Moose Lodge, which contract permits Pizza Hut to tie into the sewer line owned by the Lodge that is connected to the City sewer system.
4. Recording within 30 days after approval by the Board of City Commissioners.

LAW OFFICES
FETTIS AND ARABIA
SUITE 504-190 SOUTH MARKET STREET
AREA CODE 316-AMHERST 7-7251
WICHITA, KANSAS 67202

EVERETT C. FETTIS
PAUL ARABIA
JAMES G. BEASLEY
KEITH M. CURFMAN

August 25, 1969

Metropolitan Area Planning Commission
City Building
Wichita, Kansas

Gentlemen:

This is to advise you that Pizza Hut, Inc. and the Moose Lodge have agreed upon a contract whereby Pizza Hut will be permitted to tie on to and use the sewer line presently owned by Moose Lodge to the City sewer system. Final draft of this contract is being prepared and will be furnished to you in connection with the final plat submitted by Pizza Hut, Inc.

Very truly yours,

Everett C. Fettis
EVERETT C. FETTIS
Attorney for Moose Lodge

Gerald T. Aaron
GERALD T. AARON
Attorney for Pizza Hut, Inc.

ECF:jm



August 13, 1969

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

Subject: S/D 69-69 - Preliminary Plat of
PIZZA HUT SECOND ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 7, 1969, the above captioned plat was considered. The action of the Committee was to approve the preliminary plat and authorize preparation of the final plat, subject to:

1. Indicating the condemnation case number for the acquisition of right of way proceedings for U. S. 54 Highway.
- OK 2. Indicating "complete access control" adjacent to the south line of U. S. 54 Highway except for the west 30 feet of the plat.
3. The applicant shall furnish the Planning Department with a copy of a joint, executed agreement regarding the private ingress and egress easement rights between the property being platted and that adjacent on the west.
4. The applicant shall install or guarantee the extension of sanitary sewer to serve subject property.
- OK 5. Indicate a 10-foot utility easement adjacent to the west line of the plat.
6. Requirements for a final plat (see pages 20 - 25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Page 2 - S/D 69-69
Mr. Don C. Moehring
August 13, 1969

The Committee also discussed whether a frontage road adjacent to U. S. 54 Highway was needed in this location. They indicated that the applicant should be aware of the alternatives involved, but concluded that right of way for this purpose was not needed based on the existing and proposed uses of the land and since the applicant had already discussed the matter with various departments of the City.

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: Pizza Hut, Inc.
4328 East Kellogg
Wichita, Kansas 67218

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 69-69 Name PIZZA HUT SECOND ADDITION
Date Application Rec'd. 7-28-69 Preliminary Approval
Scheduled S/D Meeting 8-7-69

DESCRIPTION

General Location South side of U. S. 54 Highway approximately 1/2 mile east of Webb Road

Owner Pizza Hut, Inc.
Surveyor/Engineer Don C. Moehring Phone FO 3-6781
Address 314 Brown Building

1. Gross Acreage of Plat 25.68
2. Number of Lots:
 - Residential _____
 - Commercial 1
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 828.47 ft.
4. Minimum Lot Area 1,051,168.38 sq. ft.
5. Existing Zoning C
6. Proposed Zoning C
7. Lineal Feet of New Streets:
 - a. 0 R/W 0 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL None ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita (Yes-No)
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X : Three-Mile Area

STAFF COMMENTS:

ASSOCIATED CASE: DP-36- COMMERCIAL COMMUNITY UNIT PLAN

1. Indicate the condemnation case number for the acquisition of right-of-way proceedings for U. S. 54 Highway.
2. Indicate "complete access control" adjacent to the south line of U. S. 54 Highway except for the west 30 feet of the plat.
3. The applicant shall furnish the Planning Department with a copy of a joint, executed agreement regarding the private ingress and egress easement rights between the property being platted and that adjacent on the west.
4. The applicant shall install or guarantee the extension of sanitary sewer to serve subject property.
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.: 6146
Section No.: 28
Twp. No.: 27-5
Range: 2-E

S/D No. 69-69

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Pizza Hut Second Addition to Wichita, Sedgwick County, Kansas.
General Location: South side Kellogg St & between Webb Road and Greenwich Road.

Name of Property Owner: Pizza Hut Inc. Phone: 685-9261
Address: 4328 E. Kellogg, Wichita, Kansas
Name of Subdivider: Same Phone: _____
Address: _____
Name of Agent/Surveyor: Don C. Moehring, C. E. Phone: FO 3-6781
Address: 314 Brown Building
Date of Application: 7-28-69

SUBDIVISION INFORMATION:

- 1. Gross Acreage of Plat 25.68
- 2. Number of Lots:
Residential _____
Commercial 1
Industrial _____
Other _____
Total Number of Lots 1
- 3. Minimum Lot Frontage 828.47 ft.
- 4. Minimum Lot Area 1,051,168.38 ft.
- 5. Existing Zoning "C"
- 6. Proposed Zoning "C"

- 7. Lineal Feet of New Streets:
a. 0 R/W 0 ft.
b. _____ R/W _____ ft.
c. _____ R/W _____ ft.
d. _____ R/W _____ ft.
e. _____ R/W _____ ft.
TOTAL None ft.
- 8. Sidewalk adjacent to all streets? yes no

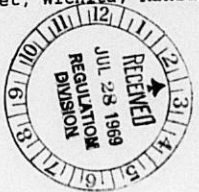
- 9. Public Water Supply (Yes-No), Name _____ City of Wichita
- 10. Public Sanitary Sewers (Yes-No), Name _____ City of Wichita
- 11. Health Department Approval (where applicable) _____ (Yes-No)
- 12. City of Wichita X Three-Mile Area

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: Don C. Moehring, C.E.
Agent

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

Received by J.D.H.
Date 7-28-69
Fee Submitted \$50.00



Amend or add to GENERAL PROVISIONS on DP-36, Pizza Hut Second Addition Community Unit Plan, as follows:

4. Building setbacks - 35 feet from the east, south and west Parcel boundary lines. The building setback from Kellogg Street shall be determined and established in a replat as called for in provision #11. below.

existing 10. renumber and relocate as last provision.

new 10. Pizza Hut, Inc. agrees and binds upon their successors and assigns, that no development shall take place on the north 255 feet of Lot 1, Block A, Pizza Hut Second Addition, until such time as a frontage road system is dedicated from this property.

11. Pizza Hut, Inc. agrees, and binds upon their successors and assigns, that said frontage road will be dedicated at the location required by the City of Wichita within said 255 feet when this portion of the property is proposed to be developed; OR when the City of Wichita determines that said right-of-way and frontage road is needed.

In the event Pizza Hut, Inc., or their successors and assigns, desires to develop said property being herein reserved for future frontage road, replatting shall be required and the needed right-of-way and geometrics of construction shall be determined at that time.

12. Pizza Hut, Inc. and their successors and assigns shall be bound to provide and/or join in a valid paving petition for the guarantee of the future improvement at the time the frontage road right-of-way is dedicated.

13. (#10 as now shown on plan)

NOTE:

When final plat is resolved and recommended for approval by the Subdivision Committee, then it is suggested that DP-36 be rescheduled before MAPC at the same meeting that they consider the final plat. At this time conditions of approval of each can be coordinated, and any needed revisions of the CUP can be required in its reapproval.

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
Preliminary Plat	50.00
Pizza Hut Inc	

Name Pizza Hut Inc

Address 4328 E. Kellogg

Type R-71-C Due 7/28/69

Comments:

Date 7/28/69 By ujp