

PLAT NO. S/D 70-49 MAP NO. 5642

NAME S & G. Industrial Addition

LOCATION On the north side of 47th Street South in  
an area between the Kansas Turnpike and the Arkansas  
River ~~Riverside Levee~~

ENGINEER Don C. Moehring

OWNER D. O. Snyder and L. Jay Gilbert

APPLICATION FILED 9-9-70

SKETCH PLAT FILED 9-9-70

PRELIMINARY FILED 4-10-72

S/D ACTION 4-20-72 Approve

FINAL FILED 5-8-72

S/D ACTION 5-18-72 approve

MAPC ACTION 5-25-72 approve 11.9.72

" " 11-9-72 reapproved

BCC ACTION 11-7-72 approve as amended

RECORDED APRIL 27, 1973

REMARKS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ACTION

	DATE
S/D COMMITTEE (Prelim.) Approve	4-20-72
S/S Comm. (Final) approve	5-18-72
M.A.P.C.	Approve 5-25-72
	<del>Re-approve</del> 11-9-72
B.C.C.	<del>Approve</del> as Amended 1-7-72

S/D 70-49 - S & G INDUSTRIAL ADD. -  
On the north side of 47th Street South  
in an area between the Ks. Turnpike  
and the Arkansas River ~~Riverside~~ Levee.

Map No. 5642  
Sec. No. 15  
Twp. No. 28 S  
Range 1E

Subdivision Report and Progress

S/D No.: 70-49

Name: S & G INDUSTRIAL ADDITION

General Location: On the north side of 47th Street South in an area between the Kansas Turnpike and the Arkansas River ~~Riverside Levee~~

Owner: D. O. Snyder and L. Jay Gilbert

Address: 4815 S. Spruce<sup>W</sup> & 4736 S. Madison<sup>W</sup> Phone: 524-5378 & 524-0036

Subdivider: Same as Jerry L. Griffith, Att'y.

Address: 101 N. Ballinger Derby 67831 Phone: 788-1551

Engineer/Surveyor: Don C. Moehring

Address: 314 Brown Building (02) Phone: 263-6781

Application Received 9-9-70

Conf. with ~~Applicant~~ Aug. 1970

Sketch Plat Received 9-9-70

Present Zoning "E"

Proposed Zoning "E"

Letter of Intent 11-18-70

PREL. PLAT RECEIVED 4-10-72

S/D Comm. Action 4-20-72 Approve

Dept. Report on Prel. 4-24-72

TRACING PROGRESS:

Received 9-7-72

Released 2-15-73

Received \_\_\_\_\_

Released \_\_\_\_\_

FINAL PLAT RECEIVED 5-8-72

S/D Comm. Action 5-18-72

Dept. Report on Final 5-19-72

M.A.P.C. ACTION 5-25-72 approve

Dept. Report on Final 5-26-72

Letter on Irons Received N/A

Title/Taxes Rec'd & Reviewed 12-19-72

Final Review 11-6-72

Referral to B.C.C. 11-2-72

B.C.C. ACTION 11-7-72 Approve & amended

Recorded APRIL 27, 1973

Comments:

11-9-72 MAPC Approved  
2-15-73 Called Jerry Griffith for pick-up for pick of plat tracing for filing.



REGISTER OF DEEDS  
SEDGWICK COUNTY, KANSAS

*F*  
*5-1-73*

S AND G INDUSTRIAL

ADDITION was

filed for record on April 27, 1973

S-3 3-13

82

vh

*John Hale*

Register Of Deeds

T9-328

JERRY L. GRIFFITH  
ATTORNEY AT LAW  
101 N. BALTIMORE  
DERBY, KANSAS 67037  
788-1551

February 8, 1973

Metropolitan Area Planning Commission  
104 S. Main  
Wichita, Kansas

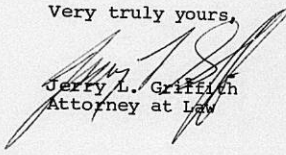
Attention: Robert A. Lakin, Director

Re: S and G Industrial  
Addition

Dear Mr. Lakin:

Please be advised on behalf of my clients we agree and accept the conditions contained in your letter November 8, 1972. These conditions have all been complied with. Consequently, I was not aware of the fact that a letter was needed. I would appreciate it if you would release the plat for filing.

Very truly yours,

  
Jerry L. Griffith  
Attorney at Law

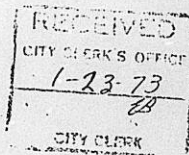
JLG:jp

cc: Richard A Shull  
Assistant City Attorney  
Department of Law  
Suite 600 City Bldg. Annex  
Wichita, Kansas 67202



EARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

January 19, 1973



City Manager  
City Clerk of Wichita, Kansas

Re: Harold Brown

Gentlemen:

This will advise you that Harold Brown lives on East 47th Street South, East of the turnpike about one block.

That he has lived there several years and has used the street for ingress and egress to his property that fronts on this street for about 131 feet.

That one Snyder has built a fence down the middle of this street, built up the level on south side of this fence and Mr. Brown has no access to his property at any time for the last year except over another's property for the last year.

That the south half of the street cannot be used and the north half is impassable and the said Harold Brown has no access whatever. That Harold Brown has been damaged and will continue to be damaged each day if the city does not forthwith make ingress and egress possible to his property.

That unless the city remedies this situation immediately, action will be taken to force the City to act to provide usable ingress and egress to his property and for adequate damages.

Yours very truly,

ECM/bh

EARL C. MOORE

*Earl C. Moore*

City Manager

*City Public Works*

*City*

JAN 20 1973

*Walt Newby - WAPD*

MICROFILMED  
FROM THE BEST  
AVAILABLE COPY

**GRIFFITH & MIZE**  
ATTORNEYS AT LAW  
101 N. BALTIMORE  
DERBY, KANSAS 67037  
788-1551

JERRY L. GRIFFITH  
ARNOLD M. MIZE

November 6, 1972

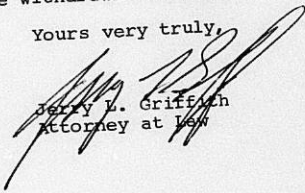
Subdivision Committee  
Metropolitan Area  
Planning Commission  
Wichita, Kansas

Re: S & G Industrial Addition

Dear Gentlemen:

In behalf of the applicant, I request that cases  
No. V-0347 and No. D-0297 be withdrawn and closed.

Yours very truly,

  
Jerry L. Griffith  
Attorney at Law

JLG:rg

curt

November 10, 1972

Mr. Jerry Griffith, Attorney  
101 North Baltimore  
Derby, Kansas 67037

Re: S & G INDUSTRIAL ADDITION

Dear Jerry:

I assume you have received a copy of Aiken's memo to Feldner regarding sewers for the S & G Industrial Addition. As I interpret this memorandum, your clients will not be able to obtain building permits for new construction in the area until something occurs to guarantee sanitary sewer installation and service. I suppose there are different alternatives for this, such as you could guarantee by cash the installation of such line, even though some parties might obtain a free ride at a future point in time. The other alternatives, I think, are those that were discussed by the City Commission, but for one reason or other were not approved. In particular, this would be a revised sewer petition which would have a majority property owners involved. Whether the Commission would approve it or not, I don't know, but if you are interested in pursuing this end, I would strongly urge you to contact Dick Linn and have a new petition form drawn with a reduced benefit district. If this is your approach, then Linn would arrange to have the matter placed on some future Commission agenda.

Sincerely,

  
Robert A. Lakin  
Director of Planning

RAL:ber

cc: Dick Linn, City Engineer  
James Aiken, Environmental Health Director

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE November 9, 1972

TO Bob Feldner, Superintendent of Central Inspection

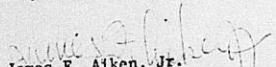
FROM Jim Aiken, Environmental Health Director

SUBJECT S & G Industrial Addition

This addition, which is located generally at 47th Street and South Madison, was recently approved by the City Commission. This is to advise you that permits for construction of buildings on lots in this subdivision should not be issued unless satisfactory arrangements are made for sanitary sewer service. The subdivision was not approved by the Health Department for use of septic tank systems and will therefore require sanitary sewer service.

It may be that the owners of the property in the subdivision will request that the sewer petition be resubmitted in relation to a smaller benefit district thus becoming a majority petition. If this occurs and is approved by the City Commission, it would of course provide a means whereby sanitary sewers could be provided to the lots in the subdivision.

If you have any questions concerning this request, please feel free to call me.

  
James F. Aiken, Jr.  
Environmental Health Director

JFA/jmk

cc: Ralph Wulz, City Manager  
Bob Lakin, Director of Planning  
Dick Lynn, City Engineer  
John Dekker, City Attorney  
Jerry Griffith

CERTIFICATE

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

I, \_\_\_\_\_ the undersigned \_\_\_\_\_, owners and plat-  
tors of \_\_\_\_\_ S & G Industrial \_\_\_\_\_ 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. EXTENSION OF A WATER MAIN
2. N/A
3. N/A
4. N/A
5. N/A
6. N/A
7. N/A

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

Signed this 20<sup>th</sup> day of September 1972.

Jay Hulbert  
Marita Hulbert  
Edo Snyder  
Erin Snyder

City of Wichita)  
Sedgwick County) ss  
State of Kansas)

Be it remembered that on this 20<sup>th</sup> day of September  
1972, before me, a notary public in and for said County and State,  
came J. J. Hulbert, Marita E. Hulbert, E. D. Snyder & Erin Snyder 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.

[Signature]  
Notary Public

My Commission Expires:

9-19-1974



T9-128

November 8, 1972

Mr. Jerry L. Griffith  
Attorney at Law  
101 Baltimore  
Derby, Kansas 67037

Subject: S/D 70-49 - S & G  
INDUSTRIAL ADDITION

Dear Mr. Griffith:

The City Commission at their meeting yesterday approved the plat as submitted with the exception that (1) the guarantee of sewer through the means of submission of a petition was disapproved "and thus a guarantee was not required", and (2) that an additional 10 feet of access for Mr. Brown would be provided by extending the triangular portion of 47th Street out of the right-of-way to the east 10 additional feet, making then the dimension on the face of the plat at the very westernmost tip of Lot 4 to read 56.82 feet rather than 46.82 feet, and (3) in addition, the fence in this 10 feet area should be removed. The North-South dimensions on that leg of the triangle will also have to be changed as well as redrawing the access control statement on the face of the plat drawing.

Your engineer should pick up the tracing and make such corrections and then return it to our office. Inasmuch as the owners have already filed the plat in its earlier approved form, I will need a letter from them or you stating you represent them agreeing to such additional dedications. At such time that we have these 3 items, we will be in a position to release the plat for recording.

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:rw

cc: George McCarthy, Beacon Building, 67202  
Don Moehring, Jr. C.E., 314 Brown Building 67202

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	70-49	Name	S & G INDUSTRIAL ADDITION
Application Filed:	9-9-70	Sketch Filed:	9-9-70
Preliminary Plat Filed:	4-10-72	Approved by S/D:	4-20-72
Final Plat Filed:	5-8-72	Approved by S/D:	5-18-72
Approved by Metropolitan Area Planning Commission:			5-25-72

DESCRIPTION

General Location: North side of 47th Street South in an area between the Kansas Turnpike and the Arkansas River

Surveyor or Engineer: Don C. Moehring  
Owner: D. O. Snyder and L. Jay Gilbert  
Address: 4815 S. Spruce 4736 South Madison

- |                          |                |                                |         |
|--------------------------|----------------|--------------------------------|---------|
| 1. Gross Acreage of Plat | 3.65           | 5. Lineal Feet of New Streets: |         |
| 2. Number of Lots:       |                | a. 5 R/W                       | 596 ft. |
| Residential              |                | b. 70 R/W                      | 72 ft.  |
| Commercial               |                | c. R/W                         | ft.     |
| Industrial               | 1              | d. R/W                         | ft.     |
| Other                    |                | e. R/W                         | 668 ft. |
| Total Number of Lots:    | 1              | TOTAL                          | ft.     |
| 3. Minimum Lot Frontage: | 126 ft.        | 6. Existing Zoning:            | "E"     |
| 4. Minimum Lot Area      | 8,064.5 sq.ft. |                                |         |

Satisfactory arrangements have been made with the Water Department for the extension of City water to serve the addition and a sanitary sewer petition has been submitted which has been scheduled as a separate item for public hearing on this agenda. A certificate has also been submitted certifying the petitions.

Planning Commission Recommendation:

That the Planning Commission recommend to the City Commission that this plat be approved, subject to recording of the plat within 30 days after approval by the Board of City Commissioners. Kamen moved, Harrison seconded and it carried unanimously.

**NOTE:** Notices have been sent to affected property owners with regard to the petition for sanitary sewer service inasmuch as said petition is less than 100%.

**ACTION:** Approve the plat as approved by the Metropolitan Area Planning Commission, and subject to the approval of the associated sanitary sewer petition, and authorize the Mayor to sign, and instruct the City Clerk to file the certificate with the Register of Deeds, the filing costs of which shall be billed to the applicant.

November 1, 1972

Jerry L. Griffith  
Attorney at Law  
101 Baltmor  
Derby, Kansas 67037

Subject: S/D 70-49 - S & G INDUSTRIAL  
ADDITION

Dear Mr. Griffith:

This is to advise you that the above captioned plat is being forwarded to the Board of City Commissioners for consideration at their regular meeting of November 7, 1972.

There are also the following conditions of the plat approval which have not been completed:

- AK* Submission of a letter requesting that cases V-0347 and D-0297 be withdrawn and closed.
- AK* Submission of the properly executed certificate certifying the sanitary sewer and water petitions associated with the plat.

The above two items need to be submitted to the Planning Department prior to November 7, 1972 or it will be necessary to withhold the plat tracing from release for recording until such time as the two items have been submitted to the Planning Department.

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme

cc: Don C. Moehring, C.E., 314 Brown Building, 67202

November 1, 1972

Earl C. Moore  
Attorney at Law  
243 North Hillside  
Wichita, Kansas 67214

Subject: S/D 70-49 - S & G INDUSTRIAL  
ADDITION

Dear Mr. Moore:

This is to advise you that the above captioned plat is being forwarded to the Board of City Commissioners for consideration at their regular meeting of November 7, 1972.

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

Sincerely,

Curtis L. Newby  
Junior Planner

CLN:rme

In the District Court of SEDGWICK County, Kansas

HAROLD E. BROWN and BETTY G. BROWN

Plaintiff

vs.

No. C-24193

D.O. SNYDER and ERMA M. SNYDER

Defendant and Third-Party Plaintiff,

vs.

THE CITY OF WICHITA, KANSAS

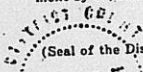
A Municipal Corp. Third-Party Defendant



**THIRD-PARTY SUMMONS**

The State of Kansas to Third-Party Defendant The City of Wichita, by serving the City Clerk, Ralph Eberly

You are hereby summoned to appear before the above-named court and to file your pleading to the petition, copy of which is attached hereto, and to file your pleading to the third-party petition, copy of which is attached hereto, and to serve a copy of each of your said pleadings upon Jerry Griffith, attorney for plaintiff, whose address is 101 N. Baltimore, Derby, Kansas, and upon Earl C. Moore, attorney for defendant and third-party plaintiff, whose address is 203 N. Hillside, Wichita, Kansas, all within twenty (20) days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party petition.



(Seal of the District Court)

Dated Sept 21, 19 72.

DOROTHY I. VAN ARSDALE  
Clerk of the District Court.

By [Signature] Deputy Clerk.

**RETURN OF SERVICE ON THIRD-PARTY SUMMONS**

I hereby certify that I received the foregoing Third Party summons at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and served the same in the following manner:

(1) By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a copy of the third-party summons, a copy of the petition, and a copy of the third-party petition to each of the within-named third-party defendants \_\_\_\_\_

(2) By leaving on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ for each of the within-named third-party defendants \_\_\_\_\_

A copy of the summons, a copy of the petition, and a copy of the third-party petition at the respective dwelling place or usual place of abode of said third-party defendants with some person of his or her family of suitable age and discretion.

(3) Corporate or Partnership Return: On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

(4) After diligent search and inquiry was unable to find the within-named third-party defendant \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

All done in \_\_\_\_\_ County, Kansas.

Sheriff's fees:

Summons \_\_\_\_\_

Not Found \_\_\_\_\_

Mileage \_\_\_\_\_

Total \_\_\_\_\_

Sheriff of \_\_\_\_\_ County, Kansas.

By \_\_\_\_\_ Deputy.



Attorney's Office  
243 North W. Side  
Wichita 14, Kansas

SEP 21  
FILED  
APP. DOCKET NO. \_\_\_\_\_  
SEP 21 4 02 PM '72

RECEIVED  
CITY CLERK'S OFFICE  
SEP 25 1972  
CITY CLERK

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
DEPUTY CLERK

HAROLD BROWN, and  
BETTY C. BROWN, Plaintiffs,

VS

CASE NO. C-24103

D. O. SNYDER, and  
ERMA SNYDER,  
CITY OF WICHITA, KS. Defendants,  
A MUNICIPAL CORP.

P E T I T I O N  
AGAINST THE CITY OF WICHITA, KANSAS

COME NOW, the Plaintiff and for his cause of action against the  
City of Wichita, allege and states:

I.

That Plaintiff is the owner of a tract of land on 47th Street  
South, and east of the turnpike. That Plaintiff notified the  
defendant, the City of Wichita, regarding the violation of the  
defendant Snyder in building a fence down the middle of the  
road on 47th Street South, thus cutting off the egress and  
ingress of Plaintiff. The City of Wichita did nothing to  
cause the defendant Snyder to remove the fence and still fails  
to do anything to cause its removal to the continuing damage  
of Plaintiff.

The only remedy these Plaintiffs have is to take out the fence  
themselves or request the Court for an order to direct the City  
to remove the fence and/or be liable in damages for failing to  
remove it.

WHEREFORE, the Plaintiffs pray that the Court issue an order  
directing the City to require that the fence be removed or  
respond in reasonable damages to the Plaintiff for permitting  
the defendant to continue to obstruct a public road.

Said reasonable damages is \$10,000.

Earl C. Mose  
ATTORNEY FOR PLAINTIFF.

Certificate of Clerk of the District Court. The above  
is a true and correct copy of the original instrument  
which is on file of record in this court.

Dated this 21 day of Sept. 1972  
DOROTHY L. VAN ARSDALE, Clerk  
By John R. Jones Deputy



EARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

FILED  
APP. DOCKET NO. \_\_\_\_\_

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
JAN 4 5 50 PM '72  
DOROTHY I. VAH, CLERK

HAROLD E. BROWN and  
BETTY C. BROWN,

DEPUTY

Plaintiffs,

24103

Case No. \_\_\_\_\_

VS

D. O. SNYDER and  
Ernest M. SNYDER,

4815 So Spruce

Defendants,

PETITION

Come now the Plaintiffs and allege:

1. The Plaintiffs live at ~~2261 1/2~~ East 47th Street South and have lived there for many years.
2. That 47th Street was opened to the public on the 28th day of December 1914, and has been since that time a public highway.
3. That on or about 1964 the defendant D.O. Snyder constructed a building on a part of this 47th Street road and has since that time operated a liquor store in the building that sits on this 47th Street South. That said building was constructed a short distance west of Madison Street South. That said 47th Street has never been vacated.
4. That the Plaintiffs own the property with a 131' frontage on the north side of 47th Street South and 74' feet west of ~~Madison~~ <sup>Spruce</sup> Avenue. That plaintiffs have used 47th Street as an exit to the newer 47th Street South. That their only exit to 47th Street is over old 47th Street.
5. That the defendants have caused dirt to be moved onto 47th Street South that prevents surface water from draining away from Plaintiffs' property.
6. That on or about the 1st of December 1971 the defendants built a five foot woven wire fence in the middle of the old road from the west end of the liquor store to more than 10' west of the west line of plaintiffs' property. That it fences in nothing, - but completely blocks the exit of these plaintiffs unless they go over the private property of others.

Amended, 10-15-72

Jan. 1-4-72

7. That grading dirt in by defendant has caused water to collect in front of plaintiffs' house. That the fence prevents plaintiffs from using the exit to new 47th Street that has been used for over 15 years by this plaintiff and others who were prior residents of the plaintiffs' property. That both of the acts of the defendant have caused real damage to the plaintiffs and will continue to do so unless the Court orders the defendants to remove the fence.

WHEREFORE, Plaintiffs pray judgment against the defendants and each of them in the sum of \$10,000.00 and costs of the action, and for an order of the court to require the defendant to remove the fence from the 47th Street right of way, and for an order of the court to remove the liquor store from the right of way that blocks the use of the street, and for costs.

SECOND CAUSE OF ACTION

Come now the plaintiffs and for their second cause of action allege:

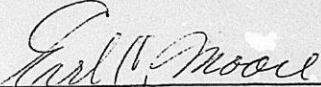
I.

The Plaintiffs make all of the allegations of the first cause of action that are applicable a part of this second cause of action and further allege:

II.

That the action of the defendant in building the fence in the 47th Street right of way is a deliberate and purposeful step to block the plaintiffs from use of the 47th Street right of way. That it is purposeful harassment and so intended.

WHEREFORE Plaintiffs pray for \$5000.00 punitive damage against the defendants, and that the defendants be permanently enjoined from using 47th South as their own private property.

  
ATTORNEY FOR PLAINTIFFS.

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

FILED 6 24103  
APP. DOCKET NO.

JAN 6 8 37 AM '72

DOROTHY I. VAN ARSDALE  
CLERK

HAROLD E. BROWN and

BETTY C. BROWN

Plaintiff

Case No. C-24103

DEPUTY [Signature]

vs.  
D. O. SNYDER and ERMA M. SNYDER

4815 South SPRUCE, Wichita, Kansas

Defendant

### SUMMONS

To the above-named Defendant:

You are hereby summoned to defend an action brought in the District Court of SEDGWICK

County, and required to serve upon Earl M. Moore

, plaintiff's attorney,

whose address is 243 North Hillside, Wichita, Kansas

with served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. Your pleading

also must be filed with the District Court of SEDGWICK County. As provided in section 60-213 (a), your answer must state any counterclaim any related claim which you may have against the plaintiff, or you will thereafter be barred from making such claim in any other action.

(Seal of the Court)

DOROTHY I. VAN ARSDALE

Clerk of said District Court

Dated January 4, 1972

By [Signature]

Deputy Clerk

### RETURN ON SERVICE OF SUMMONS

I hereby certify that I received the foregoing summons at 8:00 o'clock A. M. on the 5th day of Jan, 1972, and I served the same in the following manner:

(1) By delivering on the 5th day of Jan, 1972 a copy of the summons, copy of the petition, and copy of

to each of the within-named defendants D. O. Snyder and Erma M. Snyder  
at 10:30 AM

COPY MAILED  
①

(2) By leaving on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for each of the within-named defendants \_\_\_\_\_

A copy of the summons, a copy of the petition, and \_\_\_\_\_ at the respective dwelling place or usual place of abode of said defendants with some person of his or her family of suitable age and discretion.

(3) Corporate or Partnership Return: On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

(4) After diligent search and inquiry was unable to find the within-named defendant \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

All done in Sedgwick County, Kansas.

Sheriff's fees: 1.00

Summons \_\_\_\_\_

Not Found \_\_\_\_\_

Mileage 2.90

Total 3.90

Sheriff of [Signature]

County, Kansas

By [Signature]

Deputy

FILED  
APPROPRIATE NO. 624103

JAN 25 10 06 AM '72

DOROTHY E. VAN ARSDALE  
CLERK  
DEPUTY DW

GRIFFITH & MIZE  
Attorneys at Law  
101 N. Baltimore  
Derby, Kansas 67037

Phone: 788-1551

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

HAROLD E. BROWN and	)	
BETTY C. BROWN,	)	
vs.	)	
	)	Plaintiffs,
D. O. SNYDER and	)	
ERMA M. SNYDER,	)	
	)	Defendants.

Case No. 24103

ANSWER

COMES NOW the Defendants and for their answer to plaintiffs  
Petition, alleges as follows:

1. Denies each and every allegation contained in Plaintiff's Petition.
2. That on or about May, 1955, the South Hydraulic Park, Second Addition, was platted. A copy of said plat is attached hereto, marked exhibit "a" and made a part hereof.
3. That on or about the 13th day of October, 1964 the defendant Erma M. Snyder purchased Block G of said addition. A copy of the deed is attached hereto marked exhibit "b" and made a part hereof.
4. That the said defendants have been in the continual and exclusive possession of said Block G, South Hydraulic Park, Second Addition, Sedgwick County, Kansas since said October 13, 1964.

WHEREFORE, Defendants pray Plaintiffs take nothing by this pretended cause of action.

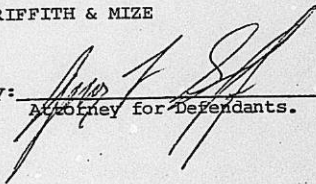
GRIFFITH & MIZE

By: [Signature]  
Attorney for Defendants

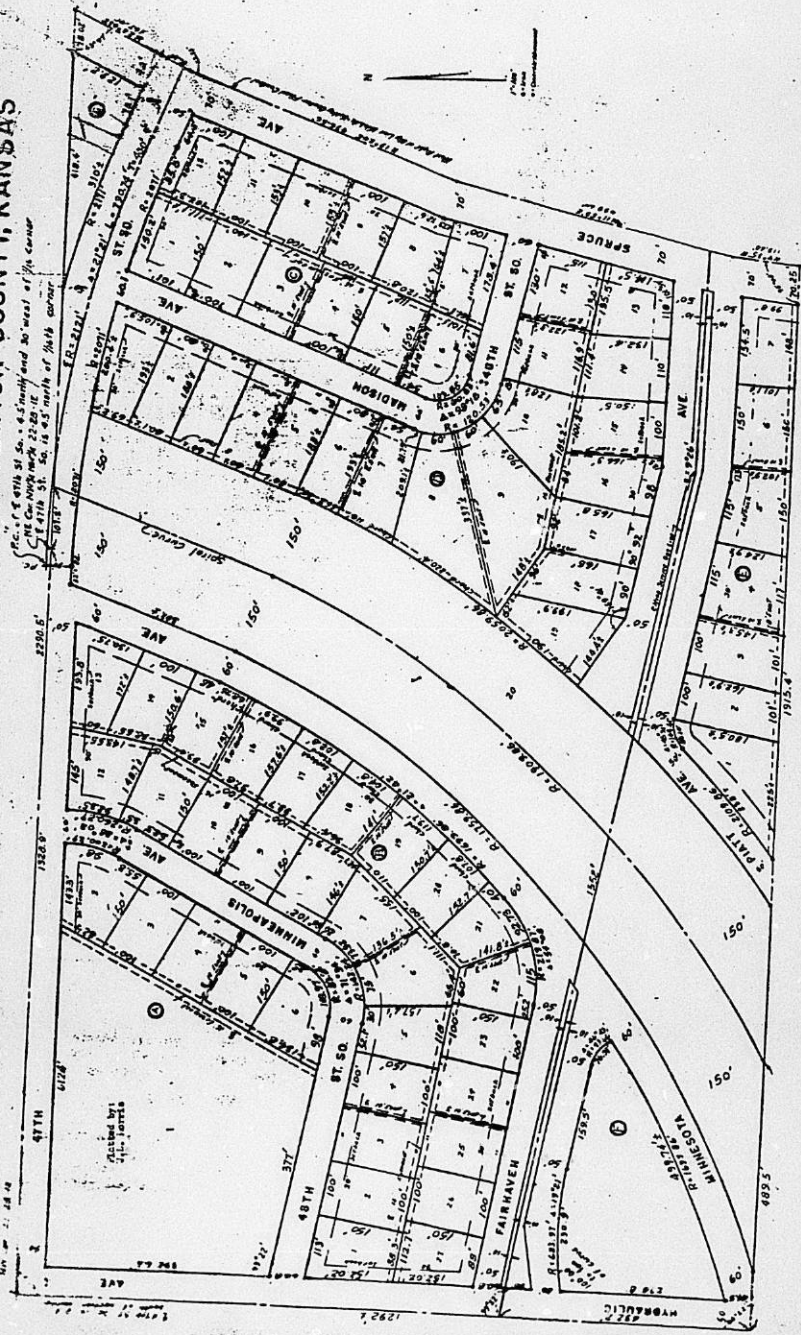
CERTIFICATE OF MAILING

I hereby certify that an exact copy of Answer was mailed this 24th day of January, 1972, to Earl M. Moore, Attorney at Law, 243 North Hillside, Wichita, Kansas, 67214, attorney for Plaintiffs.

GRIFFITH & MIZE

By:  \_\_\_\_\_  
Attorney for Defendants.

# SOUTH HYDRAULIC PARK SECOND ADDITION, SEDGWICK COUNTY, KANSAS



SEC. 4, T. 41 N. R. 25 W.,  
 Containing 22.83 AC.  
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STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
NOV 27 1964  
25253  
RUFUS E. DEERING  
REGISTER OF DEEDS

*Seller*

CO-EXECUTRICES' DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, the undersigned May Morris and Mary Margaret Morris Boyd are the duly appointed, qualified and acting co-executrices of the will and of the estate of W. L. Morris, deceased; and

WHEREAS, the said decedent at the time of his death was the owner of the real property hereinafter described; and

WHEREAS, the Last Will and Testament of said decedent, in item EIGHT thereof, grants unto the testator's co-executrices the "full power and authority to sell [and] convey...any and all of my...property, whether real, personal or mixed, and wheresoever situate,...without the necessity of securing the approval of the Probate Court, or any other court having jurisdiction of my said estate..."; and

WHEREAS, the said W. L. Morris during his lifetime entered into a contract to sell the real property hereinafter described to Erma M. Snyder;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt and sufficiency whereof are hereby acknowledged, the undersigned co-executrices do hereby and by these presents grant, bargain, and sell unto the said Erma M. Snyder all of the interest of W. L. Morris in and to the following described real property situate in Sedgwick County, Kansas, to-wit:

ALL of Block G, South  
Hydraulic Park Second Addition.

ENTERED ON  
TRANSFER RECORD  
NOV 27 1964

TO HAVE AND TO HOLD unto the said ERMA M. SNYDER, her heirs and assigns forever, subject to the restrictions hereinafter set forth.

Certain protective restrictions, applicable to South Hydraulic Park Second Addition are now of record; and this conveyance is subject to such restrictions.

The following restrictions are imposed on the above described real property by the owners. 1. Said property shall be improved, used and occupied for residential purposes only, and no residence shall be built thereon having less than 700 sq. ft., exclusive of garage. No garage, outbuilding, or temporary buildings shall be placed or used on said premises as a residence pending the time of erecting the dwelling thereon. No used, second hand or previously constructed house or building of any kind shall be moved or placed as a whole or in sections upon said property. 2. The setback is shown in the recorded plat and all houses shall conform with this setback. Any structure erected on the premises shall conform and be in harmony with similar structures in the Addition. 3. No poultry house for a domestic flock to exceed 200 birds shall be permitted on said premises. No swine, cows or horses shall be allowed on the premises. 4. No trailer house, second hand cars, nor junk yard of any kind shall be permitted. 5. No noxious or offensive trade shall be carried on upon said premises nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood. 6. Each dwelling shall have inside plumbing and toilet facilities and septic tank and be connected to same, and no outside toilet shall be built and used. 7. These restrictions shall run with the land and shall be binding on the grantee and all persons claiming under her until the 10th day of May, 1975 at which time said covenants and restrictions shall terminate. Violation of any of the above restrictions may be restrained, enjoined and prevented by the grantors, their successors or assigns by any legal or equitable remedy at such time available including recovery of any and all damages recoverable by law.



*Erma M. Snyder*  
*4815 S. Agave*

*1.75*  
*1.75*

*Erma M. Snyder*  
*4815 S. Agave*

IN WITNESS WHEREOF, the above named co-executrices have executed this instrument on and as of this 12th day of October, 1964.

Mary Morris  
Mary Morris

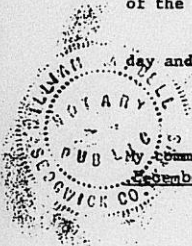
Mary Margaret Morris Boyd  
Mary Margaret Morris Boyd

as Co-executrices of the will and of the estate of W. L. Morris, deceased

STATE OF KANSAS )  
SEDGWICK COUNTY ) ss.

BE IT REMEMBERED, That on this 12th day of October, 1964, before me, a Notary Public in and for said county and state, came MAY MORRIS, co-executrix of the will and of the estate of W. L. Morris, deceased, who is to me personally known to be the same person who executed the foregoing instrument as co-executrix of said estate, and duly acknowledged the execution of the same as co-executrix of the will and of the estate of W. L. Morris, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



William A. Bell  
Notary Public

STATE OF KANSAS )  
PAWNEE COUNTY ) ss.

BE IT REMEMBERED, That on this 13th day of October, 1964, before me a Notary Public in and for said county and state, came MARY MARGARET MORRIS BOYD, co-executrix of the will and of the estate of W. L. Morris, deceased, who is to me personally known to be the same person who executed the foregoing instrument as co-executrix of said estate, and duly acknowledged the execution of the same as co-executrix of the will and of the estate of W. L. Morris, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Leland E. Fickerts  
Notary Public

243 North Hillside  
Wichita 14, Kansas

*C 2410*  
FILED  
APP. DOCUMENT NO.

JAN 28 2 40 PM '72

GORDON E. WARRSDALE  
CLERK  
DEPUTY *[Signature]*

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

HAROLD E. BROWN and  
BETTY C. BROWN,

VS

Plaintiffs,

D. O. SNYDER and  
ERMA M. SNYDER,

Defendants.

CASE NO. 24103

JURY TRIAL DEMAND

COMES now the Plaintiff and shows to the Court that  
an answer was filed in this case on the 25th day of  
January 1972. That the issues are join .

WHEREFORE, Plaintiff demands a jury trial.

*Earl C. Moore*  
ATTORNEY FOR PLAINTIFFS.

This will certify that a copy of this demand was mailed to  
Griffith and Mize, Attorneys, 101 N. Baltimore, Derby, Kansas  
on January 26th, 1972.

*Earl C. Moore*  
EARL C. MOORE

#2829 *[Signature]*  
1-26-72  
W.S.

4



Wichita 14, Kansas

RECEIVED  
SHERIFF'S DEPARTMENT  
SEDGWICK COUNTY, KANSAS  
APR 7 12 02 PM '72

APR 10 8 15 AM '72  
DOROTHY L. HARSDALE  
CLERK  
DEPUTY *RW*

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
WICHITA, KANSAS

HAROLD E. BROWN and  
BETTY C. BROWN,

Plaintiffs,

Vs

CASE No. C-24103

D. O. SNYDER and  
ERMA M. SNYDER,

Defendants,

SUBPOENA DUCES TECUM

The Clerk will issue a Subpoena Duces Tecum to Robert A. Lakin, manager or director of Metropolitan Planning Commission together with all records of applications by the defendant, D. O. Snyder in filing applications for platting of the property where his liquor store is located on 47th Street South, or any application to vacate 47th South, or any application for a permit to build the liquor store building on 47th Street South.

To Grover McLure, County Engineer, 1015 Stillwell to bring with him the records of the laying out of 47th Street South, East of Hydraulic to the river. Any records of the vacation of said 47th Street South from Hydraulic to the river, - any records of any permits being given to D. O. Snyder or Erma M. Snyder to build a liquor store on 47th street, South, East of Hydraulic, - the records showing the new 47th Street South.

Both witnesses may bring photo copies to be substituted for the originals if the Court will permit the substitution.

Both witnesses to appear at 10:00 A.M. on April 12, 1972, in Division 2 of District Court of Sedgewick County, Kansas, to testify on behalf of the plaintiffs.

*Earl C. Moore*  
EARL C. MOORE, ATTORNEY FOR PLAINTIFF.

COPY MAILED  
①

EARL C. MOORE  
Attorney & Counselor  
843 North Hillside  
Wichita 14, Kansas

FILED  
APP. DOCKET NO. 824103

JUN 21 9 53 AM '72

DOROTHY L. VAN ARSDALE  
CLERK

DEPUTY *lv*

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
WICHITA, KANSAS

HAROLD E. BROWN and  
BETTY C. BROWN,

Plaintiffs,

VS

D. O. SNYDER and  
ERMA M. SNYDER,

Defendants,

CASE NO. C-24103

MOTION TO MAKE THE CITY OF  
WICHITA A DEFENDANT ✓

COMES NOW the Plaintiff and moves the Court for  
an order making the City of Wichita a defendant in the  
above entitled case, for the reason it, by and through  
its planning department, is passing on the restriction  
of access to Plaintiff's property.

*Earl C. Moore*  
\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF.

A copy of the above motion is being mailed to  
Jerry L. Griffith, Attorney at Law, 101 North Baltimore,  
Derby, Kansas 67037, this 20th day of June, 1972.

*Earl C. Moore*  
\_\_\_\_\_  
EARL C. MOORE

HAROLD E BROWN and  
BETTY C BROWN

vs.

CASE No. C-24103

D. O SNYDER and  
ERMA M SNYDER

Attorneys: { For Plaintiffs EARL C MOORE  
For Defendants JERRY L GRIFFITH

Date Filed June 21, 1972

Motion MOTION TO MAE THE CITY OF WICHITA A DEFENDANT----

Last Ruling:

*Sustained* *no appearance by Δ* Date *6-30-72*

Date

Date

Date

Date

Journal Entry Filed

EARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

FILED  
APP. DOCKET NO.

6  
C 24103

SEP 21 4 02 PM '72

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

DEPUTY CLERK

HAROLD BROWN, and  
BETTY C. BROWN, Plaintiffs, )

VS )

D. O. SNYDER, and  
ERMA SNYDER,  
CITY OF WICHITA, KS. Defendants, )  
A MUNICIPAL CORP. )

CASE NO. C-24103

P E T I T I O N  
AGAINST THE CITY OF WICHITA, KANSAS

COME NOW, the Plaintiff and for his cause of action against the  
City of Wichita, allege and states:

I.

That Plaintiff is the owner of a tract of land on 47th Street  
South, and east of the turnpike. That Plaintiff notified the  
defendant, the City of Wichita, regarding the violation of the  
defendant Snyder in building a fence down the middle of the  
road on 47th Street South, thus cutting off the egress and  
ingress of Plaintiff. The City of Wichita did nothing to  
cause the defendant Snyder to remove the fence and still fails  
to do anything to cause its removal to the continuing damage  
of Plaintiff.

The only remedy these Plaintiffs have is to take out the fence  
themselves or request the Court for an order to direct the City  
to remove the fence and/or be liable in damage for failing to  
remove it.

WHEREFORE, the Plaintiffs pray that the Court issue an order  
directing the City to require that the fence be removed or  
respond in reasonable damages to the Plaintiff for permitting  
the defendant to continue to obstruct a public road.

Said reasonable damages is \$10,000.

Earl C. Moore  
ATTORNEY FOR PLAINTIFF.

APP. DOCKET NO. 624103

SEP 21 4 05 PM '72

DOROTHY I. VANARSDALE  
CLERK

DEPUTY [Signature]

GRIFFITH & MIZE  
Attorneys at Law  
101 N. Baltimore  
Derby, Kansas 67037

Phone: 788-1551

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

HAROLD E. BROWN and  
BETTY C. BROWN,

Plaintiffs,

vs.

Case No. C-24103

D. O. SNYDER and  
ERMA SNYDER,

Defendants.

JOURNAL ENTRY ON MOTION  
FOR ADDITIONAL PARTY  
DEFENDANT

NOW, on this 30th day of June, 1972, the above matter came before the Court on its regular motion docket on the motion of Plaintiffs to make the City of Wichita a party defendant.

The Plaintiffs were represented by their attorney, Earl C. Moore.

The Court finds the motion should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the City of Wichita be and is hereby made a party defendant in the above entitled case.

[Signature]  
JUDGE OF DISTRICT COURT  
for Judge Raum

APPROVED:

By: Earl C. Moore  
EARL C. MOORE  
Attorney for Plaintiffs

By: [Signature]  
JERRY L. GRIFFITH  
Attorney for Defendants

Form 3 RECEIVED

69-103

In the District Court of SEDGWICK County, Kansas DOCKET #0.  
HAROLD E. BROWN and BETTY G. BROWN

SEP 22 1 53 PM '72

SEP 26 8 17 AM '72

Plaintiff  
vs.  
D.O. SNYDER and ERMA M. SNYDER

DOROTHY I. VANARSDALE  
CLERK  
No. C-24103  
DEPUTY

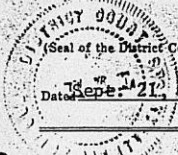
Defendant and Third-Party Plaintiff,  
vs.  
THE CITY OF WICHITA, KANSAS  
A Municipal Corp.  
Third-Party Defendant

540

THIRD-PARTY SUMMONS

The State of Kansas to Third-Party Defendant: The City of Wichita, by serving the City Clerk, Ralph Eberly

You are hereby summoned to appear before the above-named court and to file your pleading to the petition, copy of which is attached hereto, and to file your pleading to the third-party petition, copy of which is attached hereto, and to serve a copy of each of your said pleadings upon Jerry Griffith, attorney for plaintiff, whose address is 101 N. Baltimore, Derby, Kansas, and upon Earl C. Moore, attorney for defendant and third-party plaintiff, whose address is 243 N. Hillside, Wichita, Kansas, all within twenty (20) days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party petition.



DOROTHY I. VAN ARSDALE  
Clerk of the District Court.  
By *John Lewis*  
Deputy Clerk.

COPY MAILED

RETURN OF SERVICE ON THIRD-PARTY SUMMONS

I hereby certify that I received the foregoing Third Party summons at 1:52 o'clock P. M. on the 22 day of Sept, 1972, and served the same in the following manner:

- (1) By delivering on the 22 day of Sept, 1972, a copy of the third-party summons, a copy of the petition, and a copy of the third-party petition to each of the within-named third-party defendants
- (2) By leaving on the day of 1972, for each of the within-named third-party defendants

A copy of the summons, a copy of the petition, and a copy of the third-party petition at the respective dwelling place or usual place of abode of said third-party defendants with some person of his or her family of suitable age and discretion.

(3) Corporate or Partnership Return: On the 25 day of Sept, 1972, by City of Wichita, via Ralph Eberly, asst City Clerk

(4) After diligent search and inquiry was unable to find the within-named third-party defendant on the day of 1972.

All done in Sedgwick County, Kansas.  
Sheriff's fees:  
Summons 2.00  
Not Found  
Mileage 2.15  
Total 2.15  
By *Johnnie Klan*  
Sheriff of Sedgwick County, Kansas.  
By *John M... ..*  
Deputy.



**THE CITY OF WICHITA**

**OFFICE OF** Water Department

**DATE** October 17, 1972



**ON SAFETY  
PHASE II**

**TO** Jack H. Galbraith, Chief Planner

**FROM** Bill H. Otten, Design & Planning Supt.

**SUBJECT** S & G Industrial Addition  
& Roger Brown Addition

The platfords of S & G Industrial Addition & Roger Brown Addition have submitted a valid petition for a water main extension to serve this plat. Therefore, all of our requirements for water service to this area have been fulfilled.

*Bill H. Otten*

Bill H. Otten  
Design & Planning Supt.

BHO:le

cc: John D. Wynkoop, Operations Chief Engineer



**GRIFFITH & MIZE**

ATTORNEYS AT LAW  
101 N. BALTIMORE  
DERBY, KANSAS 67037  
788-1551

JERRY L. GRIFFITH  
ARNOLD M. MIZE

October 18, 1972

Metropolitan Planning Commission  
City of Wichita  
Wichita, Kansas

Re: S & G Industrial Addition

Dear Gentlemen:

Please be advised that I have examined the abstracts of title covering the property known as S & G Industrial Addition. Said abstracts extended to the 21st day of September, 1972. Said properties being described as follows, to-wit:

Beginning at a point in the South line of Sec. 15, T28S, R1E of the 6th P.M., said point being 1794.08 feet East of the SW corner of said Section 15; thence N89° 50'E along the South line of said Section 15, a distance of 142.82 feet; thence N0°06'E, a distance of 231.0 feet; thence S89°50'W, a distance of 277.39 feet to a point in the East line of the K.T.A. Right-of-way; thence N16°19'02"E along said Right-of-way line, a distance of 262.80 feet; thence N89°50'E, a distance of 278 feet; thence S0°06'W, a distance of 463.0 feet; thence S89°50'W, a distance of 5.0 feet; thence S0°06'W, a distance of 20.0 feet; thence N89°50'E, a distance of 70.0 feet; thence N0°06'E, a distance of 20.0 feet; thence S89°50'W, a distance of 5.0 feet; thence N0°06'E, a distance of 133.0 feet; thence N89°50'E, a distance of 210.0 feet; thence S0°06'W, a distance of 153.0 feet; thence S89°50'W, a distance of 486.82 feet to the point of beginning.

AND beginning at a point 2070.67 feet N89°50'E and 419.0 feet N0°06'E from the SW corner of Sec. 15, T28S, R1E of the 6th P.M.; thence N89°50'E, a distance of 183.0 feet; thence N0°06'E, a distance of 133.0 feet; thence S89°50'W, a distance of 183.0 feet; thence S0°06'W, a distance of 133.0 feet to the point of beginning.

AND a Replat of Block "G", South Hydraulic Park Second Addition, Sedgwick County, Kansas.

Metropolitan Planning Commission  
October 18, 1972  
Page 2

Assuming the correctness of the abstracts, I find title to the tracts vested in

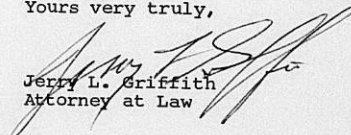
Erma Snyder, a/k/a Erma M. Snyder, L. Jay Gilbert, a/k/a L. J. Gilbert and Marieta A. Gilbert, his wife,

with several various mortgages to the Farmers & Merchants State Bank, free and clear of all claims except:

1. Civil Case No. C-24103, Harold E. Brown vs. Erma M. Snyder, which is in action for damages and claiming an interest in 47th Street Right-of-way.
2. Taxes for 1971 and all prior years paid in full.

It is my opinion that the plat signed by the above named title holders and their spouses and consented to by the Farmers & Merchants State Bank, would be valid and legal plat.

Yours very truly,

  
Jerry L. Griffith  
Attorney at Law

JLG:rg



KANSAS GAS AND ELECTRIC COMPANY

October 18, 1972

Mr. John Gist  
Metropolitan Area Planning Department  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67211

Re: S and J Industrial Addition (D. O. Snyder and L. Jay Gilbert)

Dear Mr. Gist:

In connection with the reference matter, you are advised that the applicants (Mr. Snyder) have made "satisfactory arrangements" with our company.

Sincerely,

Steven P. Peek  
Division Engineer  
Kansas Gas and Electric Company

SPP:pw

cc: Mr. Bob Blevins  
Mr. D. O. Snyder  
Mr. George McCarthy

S/D 70-49 ;  
NEED THE FOLLOWING

9-12-72

A. Letter requesting that V-0347 and D-0297 be considered withdrawn and closed and submitted to the Planning Dept.

B. Make satisfactory arrangements with K&E (relocation of facility or adequate easement) obtain letter for MAPD

C. Verify dimensions on the plot tracing with M.S. Mitchell.

D. Install or guarantee sanitary sewer (should be by petition and a joint effort between applicants of S.F.M. Industrial and the applicant on Roger Brown addition. SEE ENG. DIVISION)

E. Make arrangements for installing or guarantee extension of City water. (circulate petition rec'd. from Water Dept. and return to that Dept. for processing).

2. Completion of certificate form and  
return to the Planning Dept.

3. Submission to the Planning Dept.  
of a current and sufficient  
Attorney's title and tax opinion,  
OR a title report by an abstract  
or title insurance company.



Southwestern Bell

P.O. Box 2579  
Wichita, Kansas 67201  
July 6, 1972

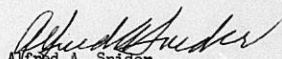
Mr. John Gist  
Metropolitan Area Planning Commission  
104 South Main  
Wichita, Kansas 67202

Subject: S&G Industrial  
Addition (5-18-72  
meeting)

Dear Mr. Gist:

This letter is to advise the S&G Industrial Addition plat is satisfactory to Southwestern Bell Telephone Company. The existing Southwestern Bell telephone lines are on either dedicated easements or streets, and therefore will not need to be relocated.

Sincerely,

  
Alfred A. Snider  
District Engineer

Att:

cc: ~~Don C. Moehring~~  
Consulting Civil Engineer



*Out  
File*  
**RO  
in**

**THE CITY OF WICHITA**  
**OFFICE OF CITY MANAGER**

**DATE** May 31, 1972

**ON SAFETY  
PHASE II**

**TO** John Dekker, Director of Law  
**FROM** Elmer Karstensen, <sup>OK</sup> Executive Assistant

**SUBJECT** Protest MAPD  
Case S/D 70-49

Attached is a copy of a letter from Mr. Earl C. Moore, Attorney, representing Mr. Harold Brown, owner of a tract adjacent to the subject platting on old 47th Street South.

The matter has been heard by the Subdivision Committee and the Planning Commission and the Planning Commission has recommended approval of the plat. This matter should be considered by the City Commission in the immediate future.

This material is transmitted for your information in advance of consideration by the City Commission.

EK:mp  
Attachment  
cc: Robert A. Lakin, Director of Planning ✓



**EARL C. MOORE**  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

BEFORE THE CITY COMMISSION OF  
WICHITA, KANSAS

IN RE: THE MATTER OF                     )  
S & G INDUSTRIAL ADDITION         )         S. D. 70-49

PROTEST AND OBJECTION TO  
APPROVAL AS RECOMMENDED

COMES NOW, Harold Brown and advises the City Commission  
that:

I.

He is the owner with his wife of a tract of land 211' by 131'  
frontage on Old 47th Street South and adjacent to a tract in-  
cluded in the plat.

II.

That the applicant did prior to December 15, 1971, build a fence  
down the middle of Old 47th Street South, clear across in front  
of the Brown property and approximately 12' farther west, leaving  
no ingress or egress to this protestant except by crossing prop-  
erty of Scott Stuckey who owns the tract west of protestant's  
131' frontage.

III.

That the applicant Snyder has built up the ground level at least  
one foot higher than the north half of Old 47th Street South  
and prevents surface water from escaping to the drainage hole left  
in the front of protestant's property at the S.W. corner.  
That pictures of the fence and the drainage problem will be sub-  
mitted to the Commission.

IV.

That protests were made to the Subcommittee hearing and to the  
Planning Commission in writing.

V.

That the recommendation of the Planning Commission provides for  
access to protestant's property on the extreme southwest corner,  
35 feet wide, about 15 of which is just north of the drainage pit  
and leaves no room for the protestant to make turns into his  
property with his tractor and trailer combination of 50' in length.

VI.

That protestant has conducted, in addition to manufacturing ceptic tanks on his property, a soft drink operation in his garage and planned to do the same this year, but the fence cut off all access to his property.

VII.

The Planning Commission has placed the access outlet in the wrong place for use by this protestant. It should be located in about the middle of his 131' tract, in order to get proper access from the new 47th Street to his property.

VIII.

Protestant believes that the present recommendation is taking away proper access, and blocking surface drainage. Both property rights are being denied him without compensation, and without regard to his own use and prospective use of his industrial property.

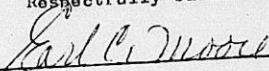
WHEREFORE, this Protestant requests that the Honorable City Commission deny approval of this plat until . . .

A - Proper drainage is provided.

B - Proper ingrees and egress are provided to protect and save to this Protestant his full and complete use of his property for industrial uses.

Protestant's attorney will be present to present the matter to Commission when this is set for hearing.

Respectfully submitted,



EARL C. MOORE, ATTORNEY FOR PROTESTANT

May 31, 1972

Mr. George McCarthy  
Attorney at Law  
Beacon Building  
Wichita, Kansas 67202

Re: S/D 70-49 - S & G INDUSTRIAL  
ADDITION

Dear Mr. McCarthy:

Attached for your information and files is a copy of a formal protest to the Board of City Commissioners of the actions and recommendation from the Subdivision Committee and Metropolitan Area Planning Commission concerning the above captioned plat. The original was delivered to the City Manager's office and will be made available to the City Commission when the plat is ready for forwarding for their consideration. The Manager's office has advised us that they are forwarding a copy of the protest to the City's Department of Law.

Very truly yours,

John D. Gist  
Principal Planner

JDG:rme

Attachment

cc: Jerry L. Griffith, Attorney, 101 N. Baltmor, Derby, Kansas  
Elmer Karstenson, Executive Assistant to City Manager's  
Office  
Dick Linn, City Engineer  
M. S. Mitchell, Assistant Superintendent of Public  
Works Maintenance

**Carl C. Moore**

ATTORNEY AND COUNSELOR  
243 North Hillside  
Wichita, Kansas 67214

EARL C. MOORE

084-0108

May 26, 1972



City Clerk - City Hall  
Wichita, Kansas 67202

Dear Sir:

Re: S D 70-49

Enclosed is the copy of Protest  
on the proposed plat.

Yours very truly,

EARL C. MOORE

ECM/bh  
Enc.



EARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

BEFORE THE CITY COMMISSION OF  
WICHITA, KANSAS

IN RE: THE MATTER OF )  
S & G INDUSTRIAL ADDITION ) S. D. 70-49

PROTEST AND OBJECTION TO  
APPROVAL AS RECOMMENDED

COMES NOW, Harold Brown and advises the City Commission  
that:

I.

He is the owner with his wife of a tract of land 211' by 131'  
frontage on Old 47th Street South and adjacent to a tract in-  
cluded in the plat.

II.

That the applicant did prior to December 15, 1971, build a fence  
down the middle of Old 47th Street South, clear across in front  
of the Brown property and approximately 12' farther west, leaving  
no ingress or egress to this protestant except by crossing pro-  
perty of Scott Stuckey who owns the tract west of protestant's  
131' frontage.

III.

That the applicant Snyder has built up the ground level at least  
one foot higher than the north half of Old 47th Street South  
and prevents surface water from escaping to the drainage hole left  
in the front of protestant's property at the S.W. corner.

That pictures of the fence and the drainage problem will be sub-  
mitted to the Commission.

IV.

That protests were made to the Sub-committee hearing and to the  
Planning Commission in writing.

V.

That the recommendation of the Planning Commission provides for  
access to protestant's property on the extreme southwest corner,  
35 feet wide, about 15 of which is just north of the drainage pit  
and leaves no room for the protestant to make turns into his  
property with his tractor and trailer combination of 50' in length.

VI.

That protestant has conducted, in addition to manufacturing septic tanks on his property, a soft drink operation in his garage and planned to do the same this year, but the fence cut off all access to his property.

VII.

The Planning Commission has placed the access outlet in the wrong place for use by this protestant. It should be located in about the middle of his 131' tract, in order to get proper access from the new 47th Street to his property.

VIII.

Protestant believes that the present recommendation is taking away proper access, and blocking surface drainage. Both property rights are being denied him without compensation, and without regard to his own use and prospective use of his industrial property.

WHEREFORE, this Protestant requests that the Honorable City Commission deny approval of this plat until , - -

- A - Proper drainage is provided.
- B - Proper ingrees and egress are provided to protect and save to this Protestant his full and complete use of his property for industrial uses.

Protestant's attorney will be present to present the matter to Commission when this is set for hearing.

Respectfully submitted,

*Earl C. Moore*

EARL C. MOORE, ATTORNEY FOR PROTESTANT

**Carl C. Moore**

ATTORNEY AND COUNSELOR  
243 North Hillside  
Wichita, Kansas 67214

EARL C. MOORE

884-0108

May 26, 1972

City Planning Department  
City Hall  
Wichita, Kansas 67202

Re: S D 70-49

Gentlemen:

Enclosed is the protest of Harold  
Brown on the proposed plat.

Yours very truly,

*Earl C. Moore*

EARL C. MOORE

ECM/bh  
Enc.



CHARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

BEFORE THE CITY COMMISSION OF  
That protestant has WICHITA, KANSAS

IN RE: THE MATTER OF )  
S & G INDUSTRIAL ADDITION ) S. D. 70-49  
off all access to his property.

PROTEST AND OBJECTION TO

The Planning APPROVAL AS RECOMMENDED access outlet in the wrong  
place for use by this protestant. It should be located in about  
COMES NOW, Harold Brown and advises the City Commission  
the middle of his 131' tract, in order to get proper access from  
that:  
the new 47th Street to his property.

He is the owner with his wife of a tract of land 211' by 131'  
frontage on Old 47th Street South and adjacent to a tract in-  
cluded in the plat. blocking surface drainages. Both property rights  
II.

are being denied him without compensation, and without regard to  
That the applicant did prior to December 15, 1971, build a fence  
his own use and prospective use of his industrial property.  
down the middle of Old 47th Street South, clear across in front  
of the Brown property and approximately 12' farther west, leaving  
no ingress or egress to this protestant except by crossing pro-  
perty of Scott Stuckey who owns the tract west of protestant's  
131' frontage. gates and screens are provided to protect and save to  
III.

this protestant his full and complete use of his property for  
That the applicant Snyder has built up the ground level at least  
industrial uses.  
one foot higher than the north half of Old 47th Street South  
protestant's attorney will be present to present the matter to  
and prevents surface water from escaping to the drainage hole left  
Commission when this is set for hearing.  
in the front of protestant's property at the S.W. corner.

That pictures of the fence and the drainage problem will be sub-  
mitted to the Commission.

IV.

That protests were made to the Subcommittee hearing and to the Plan-  
Committee hearing and to the  
Planning Commission in writing.

V.

That the recommendation of the Planning Commission provides for  
access to protestant's property on the extreme southwest corner,  
35 feet wide, about 15 of which is just north of the drainage pit  
and leaves no room for the protestant to make turns into his  
property with his tractor and trailer combination of 50' in length.

May 26, 1972

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

Re: S/D 70-49 - Final Plat of  
S & G INDUSTRIAL ADDITION

Dear Mr. Moehring:

At the regular meeting of the Metropolitan Area Planning Commission on May 25, 1972, 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 May 19, 1972.

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 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 for 1971 and prior years have been paid.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber  
cc: D. O. Snyder, 4815 South Spruce 67216  
L. Jay Gilbert, 4736 South Madison 67216  
Jerry L. Griffith, 101 North Baltimore, Derby, Kansas 67037  
Earl C. Moore, Attorney, 243 North Hillside 67214

May 19, 1972

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

Subject: S/D 70-49 - Final Plat  
of S & G INDUSTRIAL ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 18, 1972, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- DR* The applicant shall submit to the Planning Department a letter requesting that Cases V-0347 and D-0297 be withdrawn and closed.
- AK* The condemnation case number for the Kansas Turnpike right-of-way adjacent to Lots 1 and 2 shall be indicated on the face of the plat.
- AK* There are several bearings referred to in the engineer's text which have not been indicated on the face of the plat and the same shall be indicated thereon.
- AK* The legal tie shall be changed to refer to the southwest corner of section 15 on the face of the plat so as to coincide with the legal tie referred to in the engineer's text.
- AK* The labeling of the adjacent right-of-way to the north of Lot 4 shall be deleted from the plat.
- AK* A 35-foot building setback line shall be indicated on Lot 7 from the east line of Madison Avenue.

- OK* → *SWB OK per letter dated 7-7-72*  
*see letter dated 10-18-72*
- The applicant shall contact Kansas Gas and Electric Company and Southwestern Bell Telephone Company relative to making satisfactory arrangements for the relocation of certain portions of each company's existing facilities. A letter obtained from each company stating such arrangements have been made shall be submitted to the Planning Department.
- OK* 1. Any relocation or abandonment of utilities necessiated by the vacation of existing street rights-of-way or easements, or any other costs associated therewith, shall be at the sole expense of the applicant and without cost to the City, County or any utility company.
- OK* 2. Indicating a 10-foot utility easement adjacent to the south side of Lot 2 and the north side of Lots 3 and 4.
- OK* 3. The applicant's engineer shall contact M. S. Mitchell of the Maintenance Division of the Department of Public Works relative to some of the dimensions on the plat.
- OK* 4. The applicant shall contact Vic Pickering of the Department of Water Pollution Control relative to relabeling of the 30-foot easement across Lots 5 and 6.
- OK* 5. *petitioned - need petition returned from City*  
The applicant shall install or guarantee the extension of sanitary sewer to serve each lot within the subdivision.
- OK* 6. *see memo from Water Dept*  
The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City water.
- OK* 7. 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.
- OK* 8. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

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

Page 3 - Final Plat of S & G INDUSTRIAL ADDITION  
May 19, 1972

This matter will be forwarded to the Planning Commission for its consideration on Thursday, May 25, 1972 at 1:30 p.m. If you should have any questions concerning this matter, please call.

Very truly yours,

John D. Gist  
Principal Planner

JDG:rme

Enclosure

cc: D. O. Snyder, 4815 South Spruce, 67216  
L. Jay Gilbert, 4736 South Madison, 67216  
Jerry L. Griffith, Attorney, 101 Nroth Baltmor, Derby, Ks.  
Earl C. Moore, Attorney, 243 North Hillside, 67214

**EARL C. MOORE**  
Attorney at Law  
Hillsdale  
Wichita 14, Kansas

THE CITY OF WICHITA, KANSAS,  
BEFORE THE METROPOLITAN PLANNING COMMISSION

IN RE: PROPOSED PLAT OF S & G INDUSTRIAL

ADDITION - Docket # S.D. 70-49

PROTEST VACATION OF 47th STREET SOUTH

COMES now Harold Brown, the owner of a tract of land facing 47th Street South with a frontage of 131 feet on 47th Street South and shows to the planning commission:

1. That the tract is industrial and the owner operates a business on said tract, namely, - building ceptic tanks.
2. That protestant operates heavy equipment with a long trailer. That customers have come in to haul out ceptic tanks in their own equipment and have refused to come into the property because of the access problem.
3. That prior to the construction of the fence by Mr. Snyder, the protestor had the use of the full forty (40) feet of Old 47th Street South.
4. That applicant Snyder does not own any property on the south side of 47th Street for a distance of approximately 75 feet east of the southwest corner of protestor's property and therefore has no legal right to have any of this 75 feet vacated because he owns no property adjacent to it.
5. That this Commission has no authority to vacate 47th Street under this plat until it gets to the point east of S.W. corner of the protestor's property where the applicant owns property on the south side of 47th Street South.

WHEREFORE, Protestant denies the right of this commission to vacate any portion of 47th Street South that is not adjacent to the property owned by petitioner on the South side of 47th Street South.

Protestant further denies that this Commission has the right to vacate this portion of 47th Street South, and denies the protestant complete access to that portion of 47th Street where 47th Street

is not adjacent to any ownership of property on the South side of  
47th Street South.

Earl C. Moore  
EARL C. MOORE, ATTORNEY FOR  
PROTESTANT, HAROLD BROWN

FINAL PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 70-49 Name S & G INDUSTRIAL ADDITION  
Date Application Rec'd. 9-9-70 Preliminary Approval 4-20-72  
Scheduled S/D Meeting 5-18-72

DESCRIPTION

General Location On the north side of 47th Street South in an area  
between the Kansas Turnpike and the Arkansas River

Owner D. O. Snyder and L. Jay Gilbert  
Surveyor/Engineer Don C. Moehring  
Address 314 Brown Building Phone 263-6781

- |  |                                 |
|--|---------------------------------|
| 1. Gross Acreage of Plat <u>3.65</u>                             | 7. Lineal Feet of New Streets:  |
| 2. Number of Lots:   | a. <u>5</u> R/W <u>596</u> ft.  |
| Residential _____  | b. <u>70</u> R/W <u>72</u> ft.  |
| Commercial _____   | c. _____ R/W _____ ft.          |
| Industrial <u>7</u>  | d. _____ R/W _____ ft.          |
| Other _____  | e. _____ R/W _____ ft.          |
| Total Number of Lots <u>7</u>                                    | TOTAL <u>668</u> ft.            |
| 3. Minimum Lot Frontage <u>126</u> ft.                           | 8. Sidewalk adjacent to all     |
| 4. Minimum Lot Area <u>8,064.5</u> sq. ft.                       | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>E</u>                                      |                                 |
| 6. Proposed Zoning <u>E</u>                                      |                                 |
| 9. Public Water Supply <u>No</u> (Yes-No), Name _____            |                                 |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name _____        |                                 |
| 11. Health Department Approval (where applicable) _____ (Yes-No) |                                 |
| 12. City of Wichita <u>Yes</u> : Three-Mile Area _____           |                                 |

STAFF COMMENTS:

- A. There are two pending cases involved with subject property, V-0347 - Vacation of street right-of-way and D-0297 - Dedication of street right-of-way. Since said street right-of-way and others are now proposed to be vacated by this plat, the applicant shall submit to the Planning Department a letter requesting that cases V-0347 and D-0297 be withdrawn and closed.
- B. It should be noted that the final plat differs from the approved preliminary in that another lot (Lot 7) has been added to the plat.
- C. The condemnation case number for the Kansas Turnpike right-of-way adjacent to Lots 1 and 2, shall be indicated on the face of the plat.
- D. There are several bearings referred to in the engineers text which have not been indicated on the face of the plat and the same shall be indicated thereon.
- E. The legal tie shall be changed to refer to the southwest corner of section 15 on the face of the plat so as to coincide with the legal tie referred to in the engineers text.
- F. It is recommended that the labeling of the adjacent right-of-way to the north of Lot 4 be deleted from the plat.
- G. A 35-foot building setback line shall be indicated on Lot 7 from the east line of Madison Avenue.
- H. The applicant shall contact Kansas Gas and Electric Company and Southwestern Bell Telephone Company relative to making satisfactory arrangements for the relocation of each companys existing facilities located in the old 47th Street right-of-way being vacated by this plat. A letter obtained from each company stating such arrangements have been made, shall be submitted to the Planning Department.

(over)

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

April 24, 1972

Subject: S/D 70-49 - Preliminary  
Plat of S & G INDUSTRIAL ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 20, 1972, 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 the following:

- A. There are two pending cases involved with subject property, V-0347 - vacation of Street right-of-way and D-0297 - Dedication of street right-of-way. Since said street right-of-way and others are now proposed to be vacated by this plat, the applicant shall submit to the Planning Department a letter requesting that cases V-0347 and D-0297 be withdrawn and closed.
  - B. The 20 foot easement adjacent to the easterly line of Lot 5 shall be labeled as a storm sewer easement.
  - C. The applicant shall install or guarantee the extension of sanitary sewer to serve each lot within the subdivision.
  - D. The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City water.
- In see letters in file from each co.*  
The applicant shall contact Kansas Gas and Electric Company and Southwestern Bell Telephone Company relative to making satisfactory arrangements for the relocation of each company's existing facilities located in the old 47th Street right-of-way being vacated by this plat. A letter obtained from each company stating such arrangements have been made, shall be submitted to the Planning Department.

Page 2 - Preliminary Plat of S & G  
INDUSTRIAL ADDITION  
April 24, 1972

F. Any relocation or abandonment of utilities necessitated by the vacation of existing street rights-of-way or easements, or any other costs associated therewith, shall be at the sole expense of the applicant and without cost to the City, County or any utility company.

G. The street rights-of-way proposed to be vacated shall be referenced in the engineer's certificate of the final plat, and the intent of said right-of-way being vacated by virtue of K.S.A. 1971 Supp. 12-512(b) shall be indicated therein.

H. 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.

I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

In addition to the above comments and conditions, the Committee expressed the hope that the applicants and the owner of the unplatted tract adjacent to the west side of the area being platted as Lot 4, could reach a satisfactory agreement regarding access to said unplatted tract prior to filing of a final plat.

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.

Sincerely,

Curtis L. Newby  
Planning Analyst

CLN:rme

Enclosure

cc: D. O. Snyder, 4815 South Spruce, 67216  
L. Jay Gilbert, 4736 South Madison, 67216  
Jerry L. Griffith, Attorney, 101 North Baltmor, Derby, Ks.

April 17, 1972

Jerry L. Griffith  
Attorney at Law  
101 North Baltimore  
Derby, Kansas 67037

Subject: S/D 70-49 - Preliminary  
Plat of S & G INDUSTRIAL ADDITION,  
generally located on the north side  
of 47th Street South between the  
Kansas Turnpike and the Arkansas  
River.

Dear Mr. Griffith:

The purpose of this notice is to advise you and others receiving a copy hereof, including property owners and representatives of property owners in the immediate vicinity of the above captioned plat, that on Thursday, April 20, 1972, that the Subdivision Committee of the Metropolitan Area Planning Commission will consider the preliminary plat of S & G Industrial Addition. This plat proposes to vacate a portion of the existing east-west 20-foot strip of right-of-way which followed the old alignment of 47th Street South before said street curved south and southeasterly of the south line of Section 15-288-1E. This plat also involves and proposes to vacate portions of rights-of-way which exist but are not open for Ash Street and Spruce Street in this same vicinity.

The Committee meeting will be held at 2:00 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, 67202. You may attend this meeting if you so desire, and discuss with members of the Committee your feelings concerning this plat as they relate to the proposed vacation of street rights-of-way.

Very truly yours,

Curtis L. Newby  
Planning Analyst

CLN:rme

Page 2 -- Preliminary Plat of S & G  
INDUSTRIAL ADDITION  
April 17, 1972

cc: Erma M. Snyder, 4815 South Spruce, 67216  
L. Jay Gilbert, 4736 South Madison, 67216  
Don C. Moehring, C.E., 314 Brown Building, 67202  
David Leroy Stuckey, et. al, 2214 East 47th Street South, 67216  
Mid Kansas Federal Savings and Loan Assoc., 230 S. Market, 67202  
Everett E. Caldwell, 3533 Ohio, 67219  
Beverly B. Gilbert, 4740 South Madison, 67216  
Earl Moore, Attorney, 243 North Hillside, 67214  
Harold E. & Betty G. Brown, 2216 East 47th St. South, 67216

PRELIMINARY PLAT  
SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 70-49 Name S & G INDUSTRIAL ADDITION  
Date Application Rec'd. 9-9-70 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 4-20-72

DESCRIPTION

General Location On the north side of 47th Street South in an area  
between the Kansas Turnpike and the Arkansas River

Owner D. O. Snyder and L. Jay Gilbert  
Surveyor/Engineer Don C. Moehring  
Address 314 Brown Building Phone 263-6781

- |   |                        |                                 |                |
|---|------------------------|---------------------------------|----------------|
| 1. Gross Acreage of Plat                          | <u>3.65</u>            | 7. Lineal Feet of New Streets:  |                |
| 2. Number of Lots:                                |                        | a. <u>5</u> R/W <u>596</u> ft.  |                |
| Residential                                       | _____                  | b. <u>70</u> R/W <u>72</u> ft.  |                |
| Commercial  | _____                  | c. _____ R/W _____ ft.          |                |
| Industrial  | <u>6</u>               | d. _____ R/W _____ ft.          |                |
| Other   | _____                  | e. _____ R/W _____ ft.          |                |
| Total Number of Lots                              | <u>6</u>               | TOTAL                           | <u>668</u> ft. |
| 3. Minimum Lot Frontage                           | <u>126</u> ft.         | 8. Sidewalk adjacent to all     |                |
| 4. Minimum Lot Area                               | <u>8,064.5</u> sq. ft. | streets? <u>yes</u> <u>X</u> no |                |
| 5. Existing Zoning                                | <u>E</u>               |                                 |                |
| 6. Proposed Zoning                                | <u>E</u>               |                                 |                |
| 9. Public Water Supply No (Yes-No), Name          | _____                  |                                 |                |
| 10. Public Sanitary Sewers No (Yes-No), Name      | _____                  |                                 |                |
| 11. Health Department Approval (where applicable) | _____ (Yes-No)         |                                 |                |
| 12. City of Wichita <u>Yes</u> : Three-Mile Area  | _____                  |                                 |                |

STAFF COMMENTS:

- A. There are two pending cases involved with subject property, V-0347 - Vacation of street right-of-way and D-0297 - Dedication of street right-of-way. Since said street right-of-way and others are now proposed to be vacated by this plat, the applicant shall submit to the Planning Department a letter requesting that cases V-0347 and D-0297 be withdrawn and closed.
- B. The applicant shall furnish a current certified abstractors list of the names and addresses of all owners of property abutting the street rights-of way proposed to be vacated by this plat. Said street right-of-way affecting portions of: Ash Street, Spruce Street and the old alignment of 47th Street South along and either side of the section line.
- C. Any relocation or abandonment of utilities necessitated by the vacation of existing street rights-of-way or easements, or any other costs associated therewith, shall be at the sole expense of the applicant and without cost to the City, County or any utility company.
- D. The street rights-of-way proposed to be vacated shall be referenced in the engineer's certificate of the final plat, and the intent of said right-of-way being vacated by virtue of K.S.A. 1971 Supp. 12-512(b) shall be indicated therein.
- E. The 20 foot easement adjacent to the easterly line of Lot 5 shall be labeled as a storm sewer easement.
- F. The applicant shall install or guarantee the extension of sanitary sewer to serve each lot within the subdivision.
- G. The applicant shall contact the Water Department and make satisfactory arrangements and guarantee for the extension of City Water.
- H. 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.

I. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

## OWNERSHIP LIST

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
Block G, South Hydraulic Park 2nd Add.	Erma M. Snyder 4815 S. Spruce 67216
Lot 1, Scott Stuckey Addition, except beg. 264.9 ft. E. and 20 ft. N. of SW cor. Lot 7, Sec. 15-28-1 E., thence NE-ly along E. line Turnpike R/W to a point 231 ft. N. of S. line Gov. Lot 7; thence E. to a point 386 ft. E. of W. line Gov. Lot 7; thence SE-ly to a point 146 ft. N. and 425 ft. E. of SW corner Gov. Lot 7; th. S. 126 ft to a point 20 ft. N. of S. line Gov. Lot 7; thence W. 160.1 ft. to beg.	Mid Kansas Federal Savings and Loan Association 230 S. Market St. 67202
Part of Lot 1, Scott Stuckey Addition, beg. 264.9 ft. E. and 20 ft. N. of SW cor. Lot 7, Sec. 15-28-1 E., thence NE-ly along E. line Turnpike R/W to a point 231 ft. N. of S. line Gov. Lot 7; thence E. to a point 386 ft. E. of W. line Gov. Lot 7; thence SE-ly to a point 146 ft. N. and 425 ft. E. of SW corner Gov. Lot 7; thence S. 126 ft. to a point 20 ft. N. of S. line Gov. Lot 7; thence W. 160.1 ft. to beg.	David Leroy Stuckey 2214 E. 47th St. South 67216 Nancy Carolyn Holmes Frank Dean Stuckey
Beginning 477 ft. E. and 20 ft. N. of SW corner of Gov. Lot 7, in SW $\frac{1}{4}$ Sec. 15-28-1 E., thence E. 131 ft.; th N. 211 ft.; th. W. 131 ft., th. S. 211 ft to beg.	Harold E. Brown & Betty G. Brown 2216 E. 47th St. South 67216
Beg. 425 ft. E. of SW corner Gov. Lot 7, in SW $\frac{1}{4}$ Sec. 15-28-1 E., th N. 20 ft th. E. 183 ft.; th S. 20 ft.; th E. 154 ft.; th N. 20 ft., th E. to West R/W line of Riverside Drainage Ditch; th. S. along said R/W to S. line Gov. Lot 7, th. W. to beg.	Everett E. Caldwell 3533 Ohio 67219
Beginning 608 ft. E. of SW corner of Gov. Lot 7, in SW $\frac{1}{4}$ Sec. 15-28-1 E., th. $\searrow$ N. 357 ft.; th E. 74 ft; th S. 357 ft.; th W. 74 ft. to beg.	Erma M. Snyder 4815 S. Spruce 67216

- continued - 2

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
Beginning 742 ft. E. and 20 ft. N. of SW corner Gov. Lot 7, in SW $\frac{1}{4}$ Sec. 15-28-1 E., thence E. 210 ft.; th. N. 133 ft.; thence W. 210 ft.; th S. 133 ft. to beg.	L. Jay Gilbert 4736 S. Madison 67216
Beginning 952 ft. E. of SW corner Gov. Lot 7, in SW $\frac{1}{4}$ Sec. 15-28-1 E., thence N. 552 ft., thence W. 27 ft.; thence N. 511.2 ft.; thence E. 33 ft. to a fence; thence NW-ly along said fence approximately 266 ft. to an iron at the N. end of fence; thence E. to the Arkansas River, thence Southerly along said river to the S. line of Gov. Lot 7, thence W. to beginning, except Flood Control right of way	Beverley B. Gilbert 4740 S. Madison 67216

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THE SECURITY ABSTRACT AND TITLE COMPANY, INC., hereby certifies the foregoing to be a correct list of property owners of the lots abutting 47th Street South, from the East line of the Kansas Turnpike, to the West line of Flood Control Right of Way, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 12th day of April, 1972, at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*John Lynn*  
*Asst.*

Vice President.

Order No. 188333.  
(KPB)

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.	Plbk. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

65/00

DESCRIPTION	AMOUNT
-------------	--------

*preliminary plat*

Name *Law S. Marking*

Address *214 Brown Blvd.*

Type <i>HW - 4091-4</i>	Due Date
-------------------------	----------

Comments:

Date <i>4-11-72</i>	By <i>Shit</i>
---------------------	----------------

EARL C. MOORE  
Attorney & Counselor  
243 North Hillside  
Wichita 14, Kansas

(2 to Serve)

RECEIVED  
SHERIFF'S DEPARTMENT  
SEDGWICK COUNTY, KANSAS  
APR 7 12 01 PM '72

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS  
WICHITA, KANSAS

HAROLD E. BROWN and  
BETTY C. BROWN,

Plaintiffs,

Vs

D. O. SNYDER and  
ERMA M. SNYDER,

Defendants,

CASE No. C-24103

City Building  
104 S Main

SUBPOENA DUCES TECUM

The Clerk will issue a Subpoena Duces Tecum to Robert A. Lakin, manager or director of Metropolitan Planning Commission together with all records of applications by the defendant, D. O. Snyder in filing applications for platting of the property where his liquor store is located on 47th Street South, or any application to vacate 47th South, or any application for a permit to build the liquor store building on 47th Street South.

To Grover McLure, County Engineer, 1015 Stillwell to bring with him the records of the laying out of 47th Street South, East of Hydraulic to the river. Any records of the vacation of said 47th Street South from Hydraulic to the river, - any records of any permits being given to D. O. Snyder or Erma M. Snyder to build a liquor store on 47th street, South East of Hydraulic, - the records showing the new 47th Street South.

Both witnesses may bring photo copies to be substituted for the originals if the Court will permit the substitution.

Both witnesses to appear at 10:00 A.M. on April 12, 1972, in Division 2 of District Court of Sedgwick County, Kansas, to testify on behalf of the plaintiffs.

Earl C. Moore  
EARL C. MOORE, ATTORNEY FOR PLAINTIFF.

GRIFFITH & MIZE

ATTORNEYS AT LAW  
101 N. BALTIMORE  
DERBY, KANSAS 67037  
788-1551

JERRY L. GRIFFITH  
ARNOLD M. MIZE

December 3, 1970

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

Attention: John D. Gist  
Senior Planner

Subject: S/D 70-49 - Sketch Plat  
of S & G INDUSTRIAL ADDITION

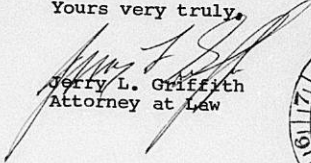
Dear Mr. Gist:

A copy of your letter dated November 18, 1970, has  
been submitted to me.

In the letter you indicate that the two pending cases,  
Vacation case V-0347 and Dedication case D-0297, must be  
pursued or that the plat be used to vacate the easements.  
It has been our general intention that we would use the plat  
to vacate the areas as indicated on the plat to be vacated.  
I am enclosing a current Ownership List dated June 26, 1970,  
which was secured at your suggestion earlier this year. This  
was not filed with the original vacation cases because it does  
show some change in ownership.

I trust, with this Ownership List and with this letter,  
you will be able to proceed with the proposed plat and give  
proper notice so the matter might be completed.

Yours very truly,

  
Jerry L. Griffith  
Attorney at Law

JLG:kh  
Enc. 1

cc: D. O. Snyder, 4815 South Spruce 67216  
Don C. Moehring, II, 314 Brown Building 67202



OWNERSHIP LIST

Block	Addition	Property Owner
1, G	South Hydraulic Park 2nd Addition	Erma M. Snyder 4815 S. Spruce Wichita, Kansas, 67216
2,	Beginning 264.9' E. & 20' N. of the SW corner of Gov. lot 7, in the SW $\frac{1}{4}$ of Sec. 15-28-1E, thence Northeasterly along the E. right of way of Kansas Turnpike to a point 231 feet N. of the S. line of said Gov. lot 7, thence E. to a point 477' E. of the W. line of Gov. lot 7, thence S. 211 ft. to a point 20 ft N. of the S. line of Gov. lot 7, thence W. to beginning	Scott Stuckey & Effie Stuckey 4658 S. Hydraulic Wichita, Kansas, 67216 and Mid Kansas Federal Savings and Loan Association, 230 S. Market Wichita, Kansas, 67202
3,	Beginning 477' E. & 20' N. of the SW corner of Gov. lot 7, in SW $\frac{1}{4}$ of Sec 15-28-1E, thence E. 131', th. N 211', th. W. 131', thence S. 211' to beg.	Harry E. Brown & Betty G. Brown. Address unknown
	Beginning 425' E, of the SW corner of Gov. lot 7, in SW $\frac{1}{4}$ of Sec. 12-28-1E, thence N. 20', thence E. 183', th. S. 20', th. E. 154', th. N. 20', thence E. to the W. right of way line of Riverside Drainage Ditch, th. S. along said r/w to S. line of Gov. lot 7, th. W. to beginning	Everett E. Caldwell 3533 Ohio Wichita, Kansas, 67219
4,	Beginning 608' E. of the SW corner of Gov lot 7, in the SW $\frac{1}{4}$ of Sec. 15-28-1E, thence N. 357', th. E. 74', th. S. 357', thence W. 74' to place of beginning	Erma M. Snyder, 4815 S. Spruce Street, Wichita, Kansas, 67216
5,	Beginning 742' E. & 20' N. of the SW corner of Gov. lot 7, in SW $\frac{1}{4}$ of Sec. 15-28-1E, thence E. 210', thence N 532', thence W. 210', thence S. 532' to the place of beginning, except the N. 266' thereof	Robert V. Gilbert 4740 S. Madison Wichita, Kansas, 67216
6,	Beginning 952' E. of the SW corner of Gov. Lot 7, in the SW $\frac{1}{4}$ of Sec. 15-28-1E, thence N. 552', th. W. 27', th. N 511.2', th. E. 33' to a fence, th. NWly along said fence approximately 266' to a irgn at the N. end of fence, th. E. to the Arkansas River, thence Southerly along said river to the S. line of Gov. lot 7, thence W. to beginning	Robert V. Gilbert 4740 S. Madison Wichita, Kansas, 67216

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of the lots and tracts of land hereinabove described as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 26th day of June, 1970 at 7:00 o'clock A. M.

The Security Abstract and Title Company, Inc.

By

*Mary Soble*

~~Wichita, Kansas~~ Assistant Secretary

November 20, 1970

Jerry L. Griffith  
Attorney at Law  
101 North Baltimor  
Derby, Kansas 67037

Subject: S/D 70-49 - Sketch Plat  
of S & G INDUSTRIAL ADDITION,  
generally located on the north  
side of 47th Street South between  
the Kansas Turnpike and the Arkansas  
River.

Dear Mr. Griffith:

Enclosed please find a xerox copy of a letter regarding the  
above captioned subject matter. We are forwarding this  
correspondence to you for your information per request of  
the applicants' engineer, Mr. Don C. Moehring, II.

Also enclosed is a copy of the plat drawing for your reference  
relative to the contents of the letter.

Very truly yours,

John D. Gist  
Senior Planner

JDG:rme

Enclosure

cc: Don C. Moehring, II, 314 Brown Building, 67202

November 18, 1970

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

Subject: S/D 70-49 - Sketch Plat  
of S & G INDUSTRIAL ADDITION, gen-  
erally located on the north side  
of 47th Street South in an area  
between the Kansas Turnpike and  
the Arkansas River.

Dear Mr. Moehring:

We have reviewed the Sketch Plat of S & G Industrial Addition in light of its associated and still pending cases, Vacation case V-0347 and Dedication case D-0297, and have also discussed the plat with various divisions of the Department of Public Works. The plat requires the completion of case V-0347, or if the applicant and his attorney so choose, the vacation of the various rights-of-way as requested in said case may be accomplished by this plat. If the applicant chooses to not proceed with the separate vacation proceedings, it is still necessary that he furnish a current abstractors ownership list of all the abutting property owners to that proposed to be vacated. Such a list shall be submitted either prior to the rehearing of V-0347 and/or with the filing of the applicant's preliminary plat. It should be pointed out here that if the applicant does desire to complete case V-0347 and the current abstractors ownership list reflects different owners than was originally a party to the vacation application, then a new vacation application must be submitted, signed by all the now abutting property owners.

In the Planning Commission's prior consideration of V-0347 conditions of approval were established which need to be reflected on the preliminary plat. Substitute utility easements were required which I believe are now shown on the plat drawing, however, this will be further checked and any additional easements arising out of the rights-of-way proposed to be vacated can be requested at the Subdivision Committee's review of the preliminary plat. Two other conditions of the vacation case

are what we normally refer to as the standard two utility clauses, and these too would then become conditions of approval of the plat which in summary requires that all costs associated with the vacation of the various rights-of-way will be the responsibility of the applicants.

One item of concern arising from our review is the unplatted tract lying west of proposed Lots 3 and 4. This tract's only direct access or common frontage to public right-of-way at this time is the 20 feet of right-of-way running east and west along south line of Section 15 (old alignment of 47th Street South). However, this right-of-way is for the most part blocked by an existing structure which encroaches into said right-of-way, together with the fact that the right-of-way is proposed to be vacated by this plat. The unplatted tract appears to receive access at the present time to 47th Street South across the west side of Block G, South Hydraulic Park Second Addition, or proposed Lot 4 in subject sketch plat. In discussing this matter with the Engineering and Traffic Engineering Divisions, we have concluded that since it is intended to vacate the east-west 20 feet of right-of-way along the section line, and since it would appear to be of everyone's advantage to do so, that the existing access to the unplatted tract across the western portion of proposed Lot 4 appears to be at its most logical location. We would also point out that due to the irregular shape and area of the proposed Lot 4, the most western portion thereof becomes too narrow for purposes of being useable for development.

Taking into account those comments mentioned above, we hereby authorize the preparation of the preliminary plat, subject to the following:

1. Completing requirements of the vacation case V-0347 and/or furnish the required current and certified ownership list from an abstract company including all abutting properties, property owners and their mailing addresses of those properties adjacent to that proposed to be vacated.

Indicating approximately the west 45 or 50 feet of Lot 4 as street right-of-way for 47th Street South.

Indicating access control except one opening to 47th Street South adjacent to the south line of Lot 4 and the south line of Lot 5.

Contacting M. S. Mitchell of the Maintenance Division of the Department of Public Works relative to indicating a storm sewer easement adjacent to the east line of Lot 5.

5. It will be necessary for the applicant to install or guarantee the installation of sanitary sewer to serve all lots within the subdivision.
6. Subject property is not now served by municipal water, however, the Wichita Water Department is currently involved with establishing an extension project and a formation of a water benefit district which this plat could be made a part thereof. The applicant shall contact said Department and make the necessary arrangements for the extension of water or becoming a party to said benefit district. Any interim and temporary needs for a water system prior to said municipal lines being installed shall only be with the approval of the Wichita Sedgwick County Health Department.
7. Submission of the required filing fee, and requirements for a preliminary plat of the MAPC Subdivision Regulations.

We would also like to point out that the southern portion of the triangular ownership lying east of Lot 6 and west of the Riverside levee appears to be of such size and irregular shape that it becomes almost undevelopable by the present owner. We suggest that the applicant involved with said Lot 6, pursue the possibility of negotiating for said triangular tract of land such that Lot 6 could be deepened to the east to the Riverside levee. We point out that this is perhaps advisable from the applicant's standpoint in that it increases the area of Lot 6 lying east of the 30 foot utility easement running diagonally across the property, which otherwise appears to have its usefulness extremely limited. We would also point out that the proposed Lot 3 is extremely shallow in depth and hereto suggest that the applicant might explore the possibilities of acquiring additional land from the unplatted tract to the west.

As you are aware there are still additional lands lying east of the tracts which front onto Madison and west of the Riverside levee, which when platted for development, will need to gain access from public streets. Our review of subject plat leads us to believe that at least some of such future required access will need to be provided by extending 46th Street South to the east of Madison at some location when platting occurs north of subject property.

The enclosed marked copy of the sketch plat is for your information and files. We direct your attention to, and question, the need for what appears to be two parallel and adjacent 10 foot easements along the south side of proposed Lot 6, and question the scaling and dimensioning of said lot versus the description shown on the face of the drawing for tract number 2.

Page 4  
November 18, 1970

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

Very truly yours,

  
John D. Gist  
Senior Planner

JDG:rme

Enclosure

cc: D. O. Snyder, 4815 South Spruce, 67216  
L. Jay Gilbert, 4736 South Madison, 67216

*Sketch*

Map No.: 5642  
Section No.: 15  
Twp. No.: 28 S  
Range: 1 E

S/D No. 70-49

**APPLICATION FOR SUBDIVISION APPROVAL**

Name of Subdivision: "S. & G. Industrial Addition" to Wichita,  
Sedgwick County, Kansas  
General Location: Madison Street @ 47th Street South -  
in Gov't Lot 7, Sec. 15, T. 28 S., R. 1 E., of 6th P.M.

Name of Property Owner: D. O. Snyder, et ux and L. Jay Gilbert, et ux  
Address: 4815 S. Spruce and 4736 S. Madison Phone: 524-5378 & 524-0036

Name of Subdivider: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Agent/Surveyor: Don C. Moehring, C.E.  
Address: 314 Brown Bldg. Phone: 263-6781  
Date of Application: September 8, 1970

**SUBDIVISION INFORMATION:**

- |  |  |
|--|--|
| 1. Gross Acreage of Plat <u>3.65</u>                             | 7. Lineal Feet of New Streets:                       |
| 2. Number of Lots:   | a. <u>5'</u> R/W <u>596 lin.ft.</u>                  |
| Residential _____  | b. <u>70'</u> R/W <u>72 lin.ft.</u>                  |
| Commercial _____   | c. _____ R/W _____ ft.                               |
| Industrial <u>6</u>  | d. _____ R/W _____ ft.                               |
| Other _____  | e. _____ R/W _____ ft.                               |
| Total Number of Lots <u>6</u>                                    | TOTAL <u>668 lin.ft.</u>                             |
| 3. Minimum Lot Frontage <u>126</u> ft.                           | 8. Sidewalk adjacent to all streets? <u>yes X no</u> |
| 4. Minimum Lot Area <u>8,064.5</u> Sq. ft.                       |  |
| 5. Existing Zoning <u>Light Industrial</u>                       |  |
| 6. Proposed Zoning <u>Light Industrial</u>                       |  |
| 9. Public Water Supply <u>No</u> (Yes-No), Name _____            |  |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name _____        |  |
| 11. Health Department Approval (where applicable) _____ (Yes-No) |  |
| 12. City of Wichita Yes <u>Three-Mile Area</u>                   |  |

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: *D. O. Snyder*  
*L. Jay Gilbert*

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

Received by *Newby*  
Date *9-9-70*  
Fee Submitted *none*

T9-301B (10-68)

