

PLAT NO. 78-85 MAP NO. 5145

NAME WESTPARK ADDITION

LOCATION: Southwest corner Esthner and West

ENGINEER VanDoren-Hazard-Stallings

OWNER Kessler Bros. Inc. and Fidelity Investment

APPLICATION FILED 8-14-78

SKETCH PLAT FILED _____

PRELIMINARY FILED 8-14-78

S/D ACTION 8-24-78 *approve*

FINAL FILED 10-9-78

S/D ACTION 10-19-78 *approve*

MAPC ACTION 10-26-78 *Approved*

BCC ACTION 1/16/79 *Approved*

RECORDED 1-31-79

REMARKS _____

S/D 78-85 WESTPARK ADDITION
S.W. corner Esthner and West.
VanDoren-Hazard-Stallings

S/D COMMITTEE (prelim) approved 8-24-78
S/D (final) approved 10-19-78
DATE

M.A.P.C. Approved 10-26-78

B.C.C./B-~~606~~ Approved 1-16-79

WICHITA-SEDGWICK COUNTY

September 16, 1980

METROPOLITAN AREA PLANNING DEPARTMENT

TO Mike Lindebak, Project Development Engineer
Forrest L. Nagley, Junior Planner

FROM

SUBJECT Status of improvements guaranteed by letter of credit for
Stein 2nd, Westlink Village 18th and Westpark Addition

Please check at your earliest convenience the status of the following improvements required as a condition of plattin:

1. Stein 2nd Addition - storm sewer. (RELEASE)
2. Westlink Village 18th - main sanitary sewer extension west of Maize Road to serve plat. (RELEASE)
3. Westpark Addition - lift station and force main.

If any of the above improvements are as of yet uncompleted, please advise if an increase in the dollar figure of the guarantee is required.

COPY

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Stein 2nd plat file
Westlink Village 18th plat file
Westpark plat file

Mike never got back with me on this \$25,000.00 guarantee. Expired 12/26/80. Applicant did construct improvement, but, as far as we know, Engineering never gave final approval of system.

FLN

1/6/81

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 78-85 Name Westpark Addition
Application & Sketch Filed: 8-14-78
Preliminary Plat Filed: 8-14-78 Approved by S/D: 8-24-78
Final Plat Filed: 10-9-78 Approved by S/D: 10-19-78
Approved by Metropolitan Area Planning Commission: 10-26-78

DESCRIPTION

General Location: Southwest corner of Esthner and West Street

Surveyor or Engineer: Van Doren-Hazard-Stallings
Owner: Kessler Bros, Inc., et al
Address: 1905 Southwest Blvd.

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>40</u> | 6. Access Control |
| 2. Number of Lots: | St. <u>West Street</u> No. Openings <u>3</u> |
| Residential _____ | St. _____ No. Openings _____ |
| Commercial _____ | St. _____ No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements |
| Other <u>25</u> | St. Paving <u>req'd</u> Water <u>req'd</u> |
| Total Number of Lots: <u>25</u> | Sidewalk <u>not req'd</u> Drainage <u>req'd</u> |
| 3. Minimum Lot Area: <u>0.75</u> Acres | Sewer <u>req'd</u> Other <u>None</u> |
| 4. Existing Zoning <u>E</u> | |
| 5. Special Problems Discussed <u>Drainage improvements and requirements as</u> | |

property is in Southwest Drainage Area B
Valid petitions have been submitted guaranteeing paving of streets, installation of sanitary sewer and City water, storm sewer and drainage channel improvements. A certificate has been submitted certifying the petitions. An irrevocable letter of credit has been submitted in the amount of \$25,000 guaranteeing the construction of a sanitary sewer lift station and force main.

Planning Commission Recommendation:

That this plat be approved subject to:

- Approval of the plat shall be subject to the approval of the associated vacation Case V-0920, vacation of Tracy Street.
- The applicant shall submit by separate instrument the additional drainage easement required adjacent to the west line of the plat and south of Pinaire Addition.
- Recording of the plat within 30 days after approval by the Board of City Commissioners.

Cole moved, Taylor seconded and it carried unanimously.

Note: The paving petition for Esthner is a 61% petition. Therefore, appropriate notices have been sent to affected property owners.

ACTION: Receive and file the irrevocable letter of credit, accept the drainage easement dedication, approve the petitions and instruct the Director of Law to prepare the necessary resolutions and instruct the City Clerk to file the certificate and drainage easement dedication with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

EASEMENT

THIS EASEMENT made this 12 day of October, 1978
by and between Chester H. Simpson
of the first part and The City of Wichita
of the second part

WITNESSETH: That the said first party _____, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second parties a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing their Drainage Channel, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

The east 72.5 feet of that part of the west 1/2 of the south 1/2 of the northeast 1/4, Section 35, T 27 S, R 1 W, lying south of that portion of Pinaire Addition.

And said second party are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing their Drainage Channel, including the right to open and excavate in any streets or ways that may be constructed on the surface of said easements, provided that upon completion of the necessities of grantee's operations the surface of such easements shall be restored as nearly as possible to its original condition.

IN WITNESS WHEREOF: The said first party _____ has signed these presents the day and year first written.

Chester H. Simpson

STATE OF _____
(COUNTY)

Personally appeared before me a notary public in and for the County and State aforesaid Chester H. Simpson

to me personally known to be the same person who executed the fore-going instrument of writing and said person duly acknowledged the execution thereof.

Dated at _____ this 12th day of October, 1978.



Raydora M. Wylie
Notary Public

(My Commission expires 10-8-80)

CERTIFICATE

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

I, Kessler Brothers, Inc., Fidelity Investment Company, owner and plat-
tor of Westpark 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. Paving
- 2. Sanitary Sewer
- 3. Water
- 4. Storm Sewer
- 5. Storm Channel
- 6.
- 7.

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

Signed this 28th day of December, 1978.

Frank M. Kessler
Kessler Brothers, Inc.

Ivan P. Salyer, President
Fidelity Investment Company

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

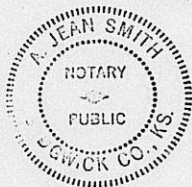
Be it remembered that on this, 28th day of December 1978, before
me, a notary public in and for said County and State, came Frank M. Kessler & Ivan P. Salyer
to me personally known to be the same person who executed the fore-going instrument
of writing and duly acknowledge the execution of same.

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

A Jean Smith
Notary Public

My Appointment Expires:

6-9-82



IRREVOCABLE LETTER OF CREDIT

Fidelity Investment Company
(Name and address of bank)
229 South Market
Wichita, Kansas 67202

Date: December 28, 1978

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 25,000.00 for the account of Kessler Brothers, Inc. and The Fidelity Investment Company (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before October 26, 1980 (6)
(Insert date two years from MAPC approval of plat)

1. Sanitary sewer lift station and force main.
- 2.
- 3.

in West Park Addition, a subdivision of the City of Wichita, Kansas.

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

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

All drafts drawn hereunder must be marked: "Drawn under Fidelity Investment Company, Credit No. 115, dated December 28, 1978 (Name of bank)

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

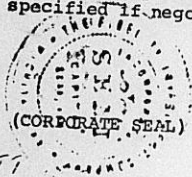
Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before December 26, 1980 (insert a date at least 60 days after the date on line 6)

Very truly yours,

THE FIDELITY INVESTMENT COMPANY,
(Name of bank)

By: Ivan P. Salver
(Authorized signature)
Ivan P. Salver, President



ENDORSEMENT

(FIDELITY INV. &
KESSLER BROS., INC.)

Attached to and forming a part of

Commitment to Insure No. 268223

No. E-1

Issued by
CHICAGO TITLE INSURANCE COMPANY

Said Commitment to Insure is hereby amended as follows:

Item 8 SCHEDULE B is hereby amended by adding the following thereto:

1978 Tax \$2,016.09 paid in full. Key #D-18466-17-Z; #D-18466-17-AQ;
#D-342-UP; and #D-18466-17-AA.

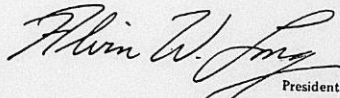
This endorsement is made a part of the policy or commitment and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy or commitment and prior endorsements, if any, nor does it extend the effective date of the policy or commitment and prior endorsements or increase the face amount thereof.

DATED: January 2, 1979

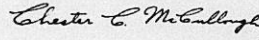
CHICAGO TITLE INSURANCE COMPANY


Authorized Signatory




President.

ATTEST:


Secretary.

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE December 26, 1978

TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Chief Engineer-Water Engineering

SUBJECT Westpark Addition

The plattors of Westpark Addition have submitted a valid 100% petition for a water benefit district to serve this plat. Therefore, our requirements for water service to this area have been fulfilled. The petition and resolution will be placed on the City Commission Agenda for approval on or about January 16, 1979.



Bill H. Otten, Chief Engineer
Water Engineering Division

BHO:sd

12-22-78

AMERICAN LAND TITLE ASSOCIATION COMMITMENT - 1966

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) AM 7-8371

CHICAGO TITLE INSURANCE COMPANY

Alvin W. Long
President.

ATTEST:

Chester C. McCullough
Secretary.

David B. Henderson
Authorized Signatory



CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusion from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

SCHEDULE A

Number
268223

Effective Date
August 25, 1978 @ 7:00 A. M.

1. Owners Policy to be issued: ALTA Form B - 1970 Amount: Unknown
(Amended 10-17-70)

Proposed Insur. d:

City of Wichita

Loan Policy to be issued: ALTA Form 1970 Amount:
(Amended 10-17-70)

Proposed Insured:

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

The Fidelity Investment Company and Kessler Bros., Inc.

3. The land referred to in this Commitment is described as follows:

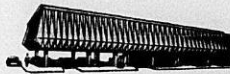
The Southeast Quarter of the Northeast Quarter of Section 35, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, except a tract beginning 828 feet North of the Southeast Corner of the Northeast Quarter of Section 35, Township 27 South, Range 1 West, thence North along the East line of said Northeast Quarter, 128 feet; thence West parallel with the South line of said Northeast Quarter, 350 feet; thence South 128 feet; thence East 350 feet to beginning.

SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): Year 1977 Taxes \$529.42 Paid. Key #D-18466-17-AQ;
Year 1977 Taxes \$474.74 Paid. Key #D-18466-17-Z; Year 1977 Taxes \$529.42 Paid.
Key #D-342-UP; Year 1977 Taxes \$419.50 Paid. Key #D-18466-17-AA.
9. Right of Way for road purposes, over the East 40 feet of captioned property, as created by instrument filed October 26, 1949, in Misc. Book 251, Page 323.
10. Easement over the West 10 feet of the East 50 feet of captioned property, for construction and maintenance of a pipeline, granted to Consolidated Gas Utilities Corporation by instrument filed August 12, 1960, in Misc. Book 468, Page 61.
11. The North 35 feet of captioned property, dedicated to the public, for street purposes, in instrument filed April 17, 1940, in Deed Book 1503, Page 158.

FIDELITY INVESTMENT COMPANY
AN AFFILIATE OF FIDELITY SAVINGS



229 SOUTH MARKET ■ WICHITA, KANSAS 67202 ■ (316) 265-2261
Branch Office — 3100 Gage, Topeka, Kansas 66614, (913) 273-2687

Incorporated 1905

September 11, 1978

Mr. Steve Anderson
Van Doren-Hazard-Stallings
260 North Rock Road, #250
Wichita, Kansas 67208

Dear Mr. Anderson:

Attached you will find a Commitment for Title Insurance which we believe shows the information required in connection with ownership of the proposed West Park Addition.

Yours very truly,

Ivan P. Salyer
President

IPS:sm
Enclosure

H. MARVIN BASTIAN
Chairman of the Board
IVAN P. SALYER
President
FRED MUENCHRATH
Senior Vice President
DAVID B. OSBURN
Vice President
DONALD L. DAY
Controller and Treasurer
HUGH M. McCLURE
Secretary
FRANK L. SCOTT
Asst. Vice President, Topeka Division
RICHARD B. STRIBLING
Asst. Secretary



FHA, GI, CONVENTIONAL, COMMERCIAL, FARM LOANS AND PROPERTY MANAGEMENT

10-13-78

AMERICAN LAND TITLE ASSOCIATION COMMITMENT - 1966

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) AM 7-8371

CHICAGO TITLE INSURANCE COMPANY

Wm W. Long
President.

ATTEST:
Chester C. McLaughlin
Secretary.

Wm L. B. ...
Authorized Signatory



CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusion from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

SCHEDULE A

Number
268223

Effective Date
August 25, 1978 @ 7:00 A. M.

1. Owners Policy to be issued: ALTA Form B - 1970 Amount: Unknown
(Amended 10-17-70)

Proposed Insured:

City of Wichita

Loan Policy to be issued: ALTA Form 1970 Amount:
(Amended 10-17-70)

Proposed Insured:

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

The Fidelity Investment Company and Kessler Bros., Inc.

3. The land referred to in this Commitment is described as follows:

The Southeast Quarter of the Northeast Quarter of Section 35, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, except a tract beginning 828 feet North of the Southeast Corner of the Northeast Quarter of Section 35, Township 27 South, Range 1 West, thence North along the East line of said Northeast Quarter, 128 feet; thence West parallel with the South line of said Northeast Quarter, 350 feet; thence South 128 feet; thence East 350 feet to beginning.

SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): Year 1977 Taxes \$529.42 Paid. Key #D-18466-17-AQ;
Year 1977 Taxes \$474.74 Paid. Key #D-18466-17-Z; Year 1977 Taxes \$529.42 Paid.
Key #D-342-UP; Year 1977 Taxes \$419.50 Paid. Key #D-18466-17-AA.
9. Right of Way for road purposes, over the East 40 feet of captioned property, as created by instrument filed October 26, 1949, in Misc. Book 251, Page 323.
10. Easement over the West 10 feet of the East 50 feet of captioned property, for construction and maintenance of a pipeline, granted to Consolidated Gas Utilities Corporation by instrument filed August 12, 1960, in Misc. Book 468, Page 61.
11. The North 35 feet of captioned property, dedicated to the public, for street purposes, in instrument filed April 17, 1940, in Deed Book 1503, Page 158.

FIDELITY INVESTMENT COMPANY
AN AFFILIATE OF FIDELITY SAVINGS



229 SOUTH MARKET ■ WICHITA, KANSAS 67202 ■ Incorporated 1905
Branch Office — 3100 Gage, Topeka, Kansas 66614, (913) 273-2687

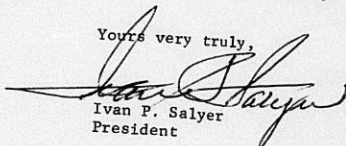
September 11, 1978

Mr. Steve Anderson
Van Doren-Hazard-Stallings
260 North Rock Road, #250
Wichita, Kansas 67208

Dear Mr. Anderson:

Attached you will find a Commitment for Title Insurance which we believe shows the information required in connection with ownership of the proposed West Park Addition.

Yours very truly,



Ivan P. Salyer
President

IPS:sm
Enclosure

H. MARVIN BASTIAN
Chairman of the Board
IVAN P. SALYER
President
FRED MUENCHRATH
Senior Vice President
DAVID B. OSBURN
Vice President
DONALD L. DAY
Comptroller and Treasurer
HUGH M. McCLURE
Secretary
FRANK L. SCOTT
Asst. Vice President, Topeka Division
RICHARD B. STRIBLING
Asst. Secretary



FHA, GI, CONVENTIONAL, COMMERCIAL, FARM LOANS AND PROPERTY MANAGEMENT

October 26, 1978

Van Doren-Hazard-Stallings
260 N. Rock Road, Suite 250
Wichita, Kansas 67-06

Re: S/D 78-85 - Final plat of Westpark Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on October 26, 1978, 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 October 23, 1978.

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 Department.
- 1-5-79 2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 10-13-78 3. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the platfor.
- 1-8-79 4. ~~certification~~ Certification that all taxes due and payable for 1977 and prior years have been paid.

Please call if you have any questions.

Sincerely yours,

Jack H. Galbraith
Chief Planner
JHG:bh

cc: Kessler Bros., Inc., 1905 Southwest Blvd., 67218
Fidelity Inv. Co., 220 S. Market, 67202

October 23, 1978

Van Doren-Hazard-Stallings
260 N. Rock Road, #250
Wichita, Kansas 67208

Re: S/D 78-85 - Final Plat of Westpark Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, October 19, 1978, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- ok* An application for the vacation of the west half of Tracy Street has been submitted. Approval of this final plat shall be subject to the approval of this vacation and the granting of the necessary area for drainage purposes west of this plat. (More than the 35 feet of Tracy Street right-of-way may be needed for drainage).
- ok* B. The location for the proposed sanitary sewer lift station shall be shown on the final plat tracing.
- ok - petitioned* C. The applicant shall guarantee the paving of Esthner Avenue, Florence Street, Florence Court and May Avenue.
- ok - petitioned, letter of credit for force main and lift station* D. The applicant shall guarantee the extension of sanitary sewer to serve all lots.
- ok - petitioned* E. The applicant shall guarantee the extension of City water to serve all lots.
- ok - petitioned* F. The applicant shall guarantee all drainage improvements required by the plat.
- ok* G. The applicant's engineer shall contact the Planning Department regarding several notation changes to be made on the face of the plat.
- ok* H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Van Doren-Hazard-Stallings
October 23, 1978
Page 2

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.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, October 26, 1978, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Louise Olivarez
Junior Planner

LO:bh

cc: Kessler Brothers, Inc., 1905 Southwest Boulevard, 67218
Fidelity Inv. Co., 220 S. Market, 67202
Dean Sellers, Assistant City Engineer

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 78-85 Name Westpark Addition
Date Application Rec'd. August 14, 1978 Preliminary Approval 8-24-78
Scheduled S/D Meeting 10-19-78

DESCRIPTION

General Location Southwest corner Esthner and West

Owner Kessler Brothers, Inc., and Fidelity Investment Company

Surveyor/Engineer Van Doren-Hazard-Stallings

Address 260 North Rock Road, #250, Wichita, Ks. 67208 Phone 686-7303

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>40 acres</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>70</u> R/W <u>2550</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial <u>25</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>25</u> | TOTAL <u>2550</u> ft. |
| 3. Minimum Lot Frontage <u>90</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>x</u> <u>no</u> |
| 4. Minimum Lot Area <u>.75+</u> acres | |
| 5. Existing Zoning <u>"E"</u> | |
| 6. Proposed Zoning <u>"E"</u> | |
| 9. Public Water Supply <u>(Yes-XX)</u> , Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>(Yes-XX)</u> , Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>None</u> <u>(Yes-No)</u> | |
| 12. City of Wichita <u>X</u> ; Three-Mile Area _____ | |

STAFF COMMENTS:

- A. An application for the vacation of the west half of Tracy Street has been submitted. Approval of this final plat shall be subject to the approval of this vacation and the granting of the necessary area for drainage purposes west of this plat. (More than the 35 feet of Tracy Street right-of-way may be needed for drainage).
- B. The utility easements between Lots 3 and 4, Block 2, and Lots 6 and 7, Block 3, shall be increased to 20 feet.
- C. The applicant shall guarantee the paving of Esthner Avenue, Florence Street, Florence Court and May Avenue.
- D. The applicant shall guarantee the extension of sanitary sewer to serve all lots.
- E. The applicant shall guarantee the extension of City water to serve all lots.
- F. The applicant shall guarantee all drainage improvements required by the plat.
- G. The applicant's engineer shall contact the Planning Department regarding several notation changes to be made on the face of the plat.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

SCCD-CONS-5 (Rev 11/77)
RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

DATE: August 24, 1978

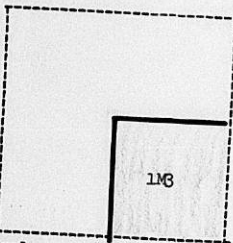
PROPERTY NAME: WESTPARK ADDITION

LOCATION: Southwest corner Bethmer and West

MAILED TO: Van Doren-Hazard-Stallings
260 North Rock Road, #250
Wichita, Kansas 67208

PREPARED BY: Larry L. Henry
District Conservationist
USDA-Soil Conservation Service
4100 Maple, Wichita, Kansas
942-8422 67209

REQUESTED BY: Wichita-Sedgwick County
Metropolitan Area Planning
Commission



Scale: 4" equals 1 mile
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-27-1W

Situation and/or Problems:

This plat is on very good soil but will blow severely if left uncovered. Temporary and permanent covers must be maintained on this site.

<u>Symbols</u>	<u>CLASS</u>	<u>Soil</u>	<u>SOILS LEGEND</u>	<u>Brief Description</u>	<u>Hydro Group</u>
1M6	I-1	Baron sandy loam 0 to 2 percent slopes		Deep, nearly level and gently sloping, well drained soils on bottomlands and terraces. These soils have slow runoff and moderate to high available water capacity. Permeability is moderate to moderately rapid. <u>Prime agricultural land.</u>	B

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>Class</u>	<u>Soil</u>	<u>Item</u>	<u>Limitation</u>	<u>Reason</u>
1M3	I-1	Maron sandy loam 0 to 2 % slopes	Dwellings	Slight	None
			Small commer. buildings	Slight	None
			Local Roads & Streets	Moderate	Low Strength
			Lawns & Landscaping	Slight	None
			Playgrounds	Slight	None

RECOMMENDATIONS:

1. Disturb only the area needed for construction.
2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.
3. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.
4. Temporarily stabilize each segment of graded or otherwise disturbed land by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.
5. Loose-pile material that is excavated for building construction purposes. Keep it loose-piled until it is used for foundation backfill or until the lot is ready for final grading and permanent vegetation.
6. Stabilize each lot within 60 days after work starts on home or other building construction.
7. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
8. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316-942-8422.

If you have any questions or if we can be of additional assistance, don't hesitate to call on us.

August 25, 1978

Van Doren-Hazard-Stallings
260 North Rock Road, #250
Wichita, Kansas 67208

Re: S/D 78 - 85 - Preliminary plat of Westpark Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 24, 1978, 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. The utility easements between Lots 3 and 4, Block 2 and Lots 6 and 7, Block 3, shall be increased to 20 feet.
- B. The notation of access control except for 3 openings on West Street adjacent to Lots 5 and 12, Block 2, shall be changed to reflect one opening per lot.
- C. The applicant shall attempt to obtain by separate instrument the balance of the ~~easement~~ needed for drainage purposes west of the plat.
- D. The applicant shall submit a separate application for the vacation of the existing portion of Tracy Street prior to or at the time of submission of the final plat. Approval of this final plat shall be subject to the approval of this vacation and the granting of said area for drainage purposes.
- E. The "drainage and utility" easements shown on the plat shall be separated so that there is a definite area for utilities and a definite area for drainage.
- F. The applicant shall guarantee the paving of all streets.
- G. The applicant shall guarantee the extension of sanitary sewer to serve all lots.
- H. The applicant shall guarantee the extension of City water to serve each lot.

VAN DOREN-HAZARD-STALLINGS

August 25, 1978

Page 2

- I. The applicant shall guarantee all drainage improvements required by the plat.
- J. ✓ May Avenue at its intersection with West Street shall be reduced to 90 feet in width.
- K. A drainage easement for an underground drainage pipe will be needed on the north part of Lot 4, Block 2, the width to be determined after further drainage studies are made.
- L. 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.
- M. Requirements for a final plat (see pages 20-25, Part 4 Article 5 of the MAPC Subdivision Regulations).

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,

Louise Olivarez
Junior Planner

LO:bh
Enclosure

cc: Kessler Brothers, Inc., ^{1905 Southwest Blvd.} and Fidelity Investment Company
229 South Market, 67202

Dean Sellers, Assistant City Engineer

Preliminary Plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 78-85 Name Westpark Addition
Date Application Rec'd. August 14, 1978 Preliminary Approval _____
Scheduled S/D Meeting 8-24-78

DESCRIPTION

General Location Southwest corner Esthner and West

Owner Kessler Brothers, Inc., and Fidelity Investment Company
Surveyor/Engineer Van Doren-Hazard-Stallings
Address 260 North Rock Road #250, Wichita, Kansas 67204 Phone 686-7303

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>40 acres</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>70</u> R/W <u>2550</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial _____ | c. _____ R/W _____ ft. |
| Industrial <u>25</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>25</u> | TOTAL <u>2550</u> ft. |
| 3. Minimum Lot Frontage <u>90</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> <input type="checkbox"/> |
| 4. Minimum Lot Area <u>.75+</u> ft. | |
| 5. Existing Zoning <u>E</u> | |
| 6. Proposed Zoning <u>E</u> | |
| 9. Public Water Supply <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>None</u> <u>(Yes-No)</u> | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. Subject property is located in the Area B portion of the southwest drainage study area.
- B. The notation of access control except for 3 openings on West Street adjacent to Lots 5 and 12, Block 2, shall be changed to reflect one opening per lot.
- C. The applicant shall attempt to obtain by separate instrument the balance of the easement needed for drainage purposes west of the plat.
- D. The applicant shall submit a separate application for the vacation of the existing portion of Tracy Street. Approval of the plat shall be subject to the approval of this vacation and the granting of said area for drainage purposes.
- E. The representatives of the Department of Public Works shall be prepared to comment at the Subdivision Committee meeting on whether or not a drainage easement as proposed on the plat is acceptable, or should the property be dedicated for drainage.
- F. The applicant shall guarantee the paving of all streets.
- G. The applicant shall guarantee the extension of sanitary sewer to serve all lots.
- H. The applicant shall guarantee the extension of City water to serve each lot.
- I. The applicant shall guarantee all drainage improvements required by the plat.
- J. May Avenue at its intersection with West Street should be reduced to 70 feet in width by adjusting the south line of Lot 13, Block 2, so that it parallels the south line of said street.

T9-303

(over)

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

Map No.: 5145
Section No.: 35
Twp. No.: 27
Range: 1W

S/D No. 78-85

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Westpark Addition

General Location: Southwest corner Esthner and West

Name of Property Owner: Kessler Brothers, Inc. and Fidelity Investment Company

Address: 229 South Market Phone: 265-2261

Name of Subdivider: Van Doren-Hazard-Stallings

Address: 260 North Rock Road # 250 Wichita, Ks. Phone: 686-7303

Name of Agent/Surveyor: Van Doren-Hazard-Stallings

Address: 260 North Rock Road # 250 Wichita, Ks. Phone: 686-7303

Date of Application: August 14, 1978

SUBDIVISION INFORMATION:

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>40 Acres</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>70</u> R/W <u>2550</u> ft. |
| Residential <u>-</u> | b. <u>-</u> R/W <u>-</u> ft. |
| Commercial <u>-</u> | c. <u>-</u> R/W <u>-</u> ft. |
| Industrial <u>25</u> | d. <u>-</u> R/W <u>-</u> ft. |
| Other <u>-</u> | e. <u>-</u> R/W <u>-</u> ft. |
| Total Number of Lots <u>25</u> | TOTAL <u>2550</u> ft. |
| 3. Minimum Lot Frontage <u>90</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>X</u> <u>no</u> |
| 4. Minimum Lot Area <u>.75 Acres ±</u> ft. | |
| 5. Existing Zoning <u>E</u> | |
| 6. Proposed Zoning <u>E</u> | |
| 9. Public Water Supply <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>NONE</u> (Yes-No) | |
| 12. City of Wichita <u>X</u> <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 with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. 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: The Fidelity Investment Co.
M. Arthur Cochran, Chairman of Board

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

Received by LO
Date 8-14-78
Fee Submitted 122.00

FORM 223-

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev.	Cement	M.S.P.

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

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY