

PLAT NO. S/D 78-122 MAP NO. 5945

NAME ROCK ROAD ADDITION

LOCATION: southwest corner of Rock Road & Funston

ENGINEER Oblinger-Smith Corporation *Bayerman*

OWNER Land Enterprises Company *[Signature]*

APPLICATION FILED 11-6-78

SKETCH PLAT FILED _____

PRELIMINARY FILED 11-6-78

S/D ACTION 11-16-78 *approve*

FINAL FILED 12-4-78

S/D ACTION 12-14-78 *approve*

MAPC ACTION 12-21-78 *Approved*

BCC ACTION 4-17-79 *Approved - initiated*

RECORDED 5/10/79 *storm sewer plat*

REMARKS Associated: Z-1989; Z-1990 & DP-84

S/D 78-122 - ROCK ROAD ADDITION -
Southwest corner of Rock Road and
Funston. By Oblinger-Smith Corp.

~~Planned~~ 4-11-79
initial storm sewer permit
S/D (final) approved 12-14-78

Map No. 5945
Sec. 31
Twp. 27S
Range 2E

Subdivision Report and Progress
S/D No.: 78-122

Name: ROCK ROAD ADDITION

General Location: Southwest corner of Rock Road & Funston

Owner: Land Enterprises Company
Address: 3900 E. Harry, Suite 135

Subdivider: Same Zip Code: 67218 Phone: 685-2328
Address: _____ Zip Code: _____ Phone: _____

Engineer/Surveyor: Oblinger-Smith Corporation
Address: 625 First National Bank Bldg. Zip Code: 67202 Phone: 262-0451

final: Baughman Co. 330 Laura 67211

Present Zoning: "AA" M.A.P.C. ACTION: 12-21-78 Approved
Proposed Zoning: "C" & "E"
Assoc. Zone Case: Z-1989; Z-1990 & DP-84 Advisory Letter: 12-21-78

APPLICATION RECEIVED: 11-6-78 Closure Data Submitted: _____
Title/Taxes Rec'd. and Reviewed: 3-29-79
SKETCH PLAT RECEIVED: _____
Letter of Intent: _____ Final Review: 4-9-79
Referral to B.C.C.: 4-9-79

PREL. PLAT RECEIVED: 11-6-78 B.C.C. ACTION: 4-17-79
S/D Comm. Action: 11-16-78 approve

Advisory Letter: 11-17-78

FINAL PLAT RECEIVED: 12-4-78 Tracing Received: 3-29-79
S/D Comm. Action: 12-14-78 approve Released for Recording: _____
Advisory Letter: 12-15-78 Plat Recorded: 5/10/79

Comments:

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

ROCK ROAD ADDITION was

filed for record on May 10, 1979

Paul C. Yankey, Jr.
Register of Deeds

Return to: Wichita-Sedgwick County
Metropolitan Area Planning Department
(Inter-Office Mail)

T9-328

T9-302 (2)

*PAUL C. YANKEY, JR.
UNION CENTER BLDG.
WICHITA, KANSAS*

*S/D 78-122
Map 5945
(Case 12-1989, 1990 &
DP-84)
B
5-15-79*

IMPORTANT MESSAGE

FOR Forest
DATE 2/27 TIME 1:52 ^{AM}/_{PM}

WHILE YOU WERE AWAY

OF Jim Hauld
PHONE No. 682-5523

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE _____

SIGNED Gene

METROPOLITAN AREA PLANNING

October 5, 1984

Donald C. Gtsick

Barbara Bonanni

Release of revised performance bond
guaranteeing the construction of a
temporary accel-decel lane for Rock
Road adjacent to Lots 8, 9 and 10,
Rock Road Addition (S/D 78-122).
Bond No. 87-0720-T0491-84-1

We have been advised by City Engineering that plans for a permanent accel-decel lane for Rock Road to serve the above-referenced plat have been recently approved by the Board of City Commissioners. Therefore, the performance bond guaranteeing the temporary accel-decel lane construction may be released. The original document is to be returned to Susan C. Warren of Insurance Management Associates, Inc. with her copy of this memo.

Barbara Bonanni
Planning Analyst

BB:m1h

cc: Susan C. Warren, Insurance Management Associates, Inc., 600 IMA Plaza,
250 North Water, Wichita, KS 67202
Baughman Company, P.A., 330 Laura, Wichita, KS 67211
Mike Lindebak, City Engineer



INSURANCE
MANAGEMENT
ASSOCIATES, INC.
600 IMA PLAZA
250 NORTH WATER
WICHITA, KANSAS 67202

316-267-9221
TWX 910-741-6997

October 2, 1984

RECEIVED

OCT 3 1984

METROPOLITAN PLANNING

ROUTE

Ms. Barbara R. Bonanni
Planning Analyst
Metropolitan Area Planning Dept.
Wichita-Sedgwick County
455 N. Main St., 10th Floor
Wichita, KS 67202

RE: BOND NO. 87-0120-10491-84-1
TEMPORARY ACCEL-DECEL LANE, ROCK ROAD ADJACENT
TO LOTS 8, 9, AND 10, ROCK ROAD ADDITION (S/D78-122)

Dear Ms. Bonanni:

Thank you for providing me with a copy of your September 28 correspondence to David Burrus at Land Enterprises Company, regarding disposition of the above referenced improvement.

I wish to point out that the bond number you note in your referencing section was not provided for Land Enterprises Company; this bond was provided in the name of Kathryn B. Gould on April 25, 1984, and was sent to the Metropolitan Area Planning Department to replace the following:

Bond No. 963020 - Land Enterprises Company

Please review your file and correct this discrepancy. Our agency did provide both bonds, so if you have any questions about either one, please feel free to call me.

Thank you.

Sincerely,

Susan C. Warren
Bond Department

Encl.

SCW/slw2/A55

cc: Mr. C. David Burrus/Land Enterprises Co.

WICHITA, KANSAS



TOPEKA, KANSAS

September 28, 1984

Land Enterprises Company
P.O. Box 18358
Wichita, KS 67218

Kathryn B. Gould

Attn: C. David Burrus

Re: Performance bond guaranteeing the construction of a temporary
accel-decel lane for Rock Road adjacent to Lots 8, 9 and 10,
Rock Road Addition (S/D 78-122). Bond No. ~~87-0120-10491-84-1~~

Dear Sir:

~~87-0120-10491-84-1~~
87-0120-10491-84-1

This letter serves as a reminder of the upcoming due date on your Letter of
Credit for the case referenced above. According to the terms of the
guarantee, you must complete the work by December 21, 1984 in order to
avoid default. Action on your part is imperative.

Please notify this office when the work is completed, and call me at 268-4421
if you have any questions.

Sincerely,

Barbara R. Bonanni
Planning Analyst

BRB:mlh

cc: Insurance Management Association, Inc., 600 IMA Plaza, 250 N. Water,
Wichita, KS 67202, Attn: Susan Warren
Baughman Company, P.A., 330 Laura, Wichita, KS 67211
Mike Lindebak, City Engineer

Tim Cain called 1³⁰ on Oct 2, 1984 + said -

They are constructing permanent accel-decel next year. Tim
will ask Mike if it will be in this particular location.

Oct 3
it is 15' so bond
may be released.
BB

Planning Department

June 5, 1984

Donald C. Gisick, City Clerk
Forrest L. Nagley, Senior Planner

Forwarding of revised
performance bond associated
with Rock Road Addition

Attached please find a revised performance bond for the account of Kathryn B. Gould. This bond replaces the existing bond and amendments in your file for the account of Land Enterprises Company. The bond guarantees construction of a temporary accel-decel lane for Rock Road adjacent to Lots 8, 9 and 10 of Rock Road Addition.

The superceded bond and related amendments should be returned to the insurance company with their copy of this memorandum. The new bond should be held in the Rock Road Addition file until its release is authorized by Planning or the City Engineer's office.

Forrest L. Nagley
Senior Planner

FLN:bh

cc: Mike Lindebak, City Engineer

Insurance Management Association, Inc., Attention: Susan Warren,
600 INA Plaza, 250 N. Water, 67202

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we Kathryn B. Gould as Principal, and UNITED STATES FIDELITY AND GUARANTY COMPANY as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of FIVE THOUSAND THREE HUNDRED TEN --- (\$ 5,310.00-----) Dollars, lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the

City of Wichita for the development and improvement in Rock Road Addition
(name of subdivision)
Plat located in Section 31, Township 27S
Range 2E, Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Kathryn B. Gould shall perform the following obligations and conditions:

1. Temporary accel-decel lane along Rock Road adjacent to Lots 8, 9 & 10.
2. *
3. *
4. *
5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

which obligations and each of them shall be performed on or before December 21, 1984 ** and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 25th day of April, 1984

Kathryn B. Gould
Kathryn B. Gould Principal
UNITED STATES FIDELITY & GUARANTY COMPANY
Susan C. Warren Surety
Susan C. Warren, Attorney-In-Fact

* Insert N/A (Not Applicable) when blanks are not used.

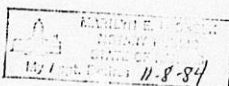
** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 25th day of April, 1984, before me, a Notary Public in and for said County and State, came Kathryn B. Gould and UNITED STATES FIDELITY & GUARANTY COMPANY (Principal) (Surety) to me personally known to be the same persons executing the foregoing 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.

Mailep E. Logel Notary Public

My Commission Expires: 11-8-84



CERTIFIED COPY

GENERAL POWER OF ATTORNEY

No. 94786

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint R. B. Matassarini, W. C. Cohen, Jr., Roberta I. Heorman, Paul C. Yankey, Jr., Joe E. Moddrell, Jr., Joseph C. Lukens, II, Scott T. Post, Richard H. King, Susan C. Warren, Richard K. Stone, Jay E. Chapple, John J. Ziegelmeier, Jr. and Judy K. Lynch of the City of Wichita, State of Kansas its true and lawful attorneys in and for the State of Kansas

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever anyone of the said R. B. Matassarini and the said W. C. Cohen, Jr. and the said Roberta I. Heorman and the said Paul C. Yankey, Jr. and the said Joe E. Moddrell, Jr. and the said Joseph C. Lukens, II and the said Scott T. Post and the said Richard H. King and the said Susan C. Warren and the said Richard K. Stone and the said Jay E. Chapple and the said John J. Ziegelmeier, Jr. and the said Judy K. Lynch may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this 12th day of August, A. D. 1983

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By Charles Siegel Vice-President.

(SEAL) (Signed) W. B. M. Hingeley Assistant Secretary.

STATE OF MARYLAND, }
BALTIMORE CITY, }

On this 12th day of August, A. D. 1983, before me personally came Charles Siegel, Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and W. B. M. Hingeley, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they, the said Charles Siegel and W. B. M. Hingeley were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company.

My commission expires the first day in July, A. D. 1986. (Signed) Margaret M. Hurst Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, }

I, Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that Margaret M. Hurst, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgment, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Circuit Court for Baltimore City, the same being a Court of Record, this 12th day of August, A. D. 1983. (Signed) Sandra E. Banks Clerk of the Circuit Court for Baltimore City.

FS 3 (1-83)

in and for said County and State, came Kathryn B. Gould and UNITED STATES FIDELITY & GUARANTY COMPANY (Principal) (Surety) COMPANY to me personally known to be the same persons executing the foregoing 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.

Marilyn E. Logbert Notary Public

My Commission Expires: 11-8-84

Notary Public Seal: MARYLYN E. LOGBERT, My Comm. Expires 11-8-84

COPY OF RESOLUTION

That *Whereas*, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces and territories of Canada;

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performances of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may be by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces or territories of Canada, or by the rules, regulations, orders, customs, practice or discretion of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

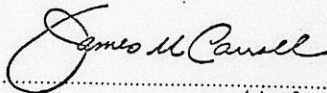
I, **James M. Carroll**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to **R. B. Matassarini, W. C. Cohen, Jr., Roberta I. Reorman, Paul C. Jenkey, Jr., Joe E. Moddrell, Jr., Joseph C. Lukens, II, Scott T. Post, Richard H. King, Susan C. Warren, Richard K. Stone, Jay E. Chapple, John J. Ziegelmeyer, Jr. and Judy K. Lynch**

of **Wichita, Kansas**, authorizing and empowering **them** to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 25th day of November, 1981, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on **April 25, 1984**

(Date)



Assistant Secretary.



INSURANCE
MANAGEMENT
ASSOCIATES, INC.
800 IMA PLAZA
250 NORTH WATER
WICHITA, KANSAS 67202

316-267-9221
TWX 910-741-6997

April 25, 1984

Mr. Forrest L. Nagley
Metropolitan Area Planning Department
City of Wichita
455 N. Main - 10th Floor
Wichita, KS 67202

RE: BOND #87-0120-10491-84-1
ROCK ROAD ADDITION, SECTION 31, TOWNSHIP 27S,
RANGE 2E, SEDGWICK COUNTY, KANSAS

Dear Mr. Nagley:

Enclosed please find bond as noted above.

Please accept and file this bond as a replacement for the following:

Bond #963020 - Land Enterprises Company
(Same legal description of property)

Upon acceptance of this new bond, would you please return the original of the replaced bond so that I may notify the surety. If the original is not available, would you please send your official letter of release to my attention.

Thank you for your help.

Sincerely,

Susan C. Warren
Bond Department

cc: Land Enterprises Company

Encl.

SCW:gh - 3/A15

RECEIVED

MAY 22 1984

METROPOLITAN PLANNING

ROUTE _____

WICHITA, KANSAS



TOPEKA, KANSAS



INSURANCE
MANAGEMENT
ASSOCIATES, INC.
600 IMA PLAZA
250 NORTH WATER
WICHITA, KANSAS 67202
January 23, 1984

RECEIVED

JAN 24 1984

METROPOLITAN PLANNING
ROUTE TWX 910-741-6997

Mr. James G. Gould
Brooktree Office Park
411 North Webb Road
Wichita, KS 67206

RE: LAND ENTERPRISES COMPANY
UNIVERSAL SURETY BOND #063020
CONSTRUCTION OF A TEMPORARY ACCEL-DECEL LANE
FOR ROCK ROAD ADJACENT TO LOTS 8, 9 & 10
ROCK ROAD ADDITION (S/D 78-122)

Dear Jim:

He executed the above captioned bond in behalf of Land Enterprises Company in the amount of \$5,310.00 on 11/6/81, in favor of the City of Wichita, KS, to cover temporary accel-decel lane, along Rock Road adjacent to lots 8, 9 & 10.

Carl A. Nelson of Land Enterprises Company, has now informed me that you have purchased this tract of land from Land Enterprises Company.

Would you please request your insurance agent to contact Forrest L. Nagley, Metropolitan Area Planning Department, City of Wichita, 455 North Main (tenth floor), Wichita, KS 67202 (268-4561), and ascertain what is necessary to replace this bond.

Your help is much appreciated. Thank you.

Very truly yours,

Paul C. Yankey, Jr.
Paul C. Yankey

PCY:ts1/K15

cc: Carl A. Nelson/Land Enterprises Company
Forrest L. Nagley/Metropolitan Area Planning Department

MICROFILMED
FROM THE BEST
AVAILABLE COPY

December 29, 1983

Donald C. Gisick, City Clerk
Forrest L. Nagley, Junior Planner

Forwarding of continuation certificate for
performance bond associated with the platting
of Rock Road Addition

Attached please find the above-referenced rider.
This instrument should be held in your files until
its release is authorized by either the City
Engineer's office of the Planning Department.

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Insurance Management Associates, Inc., Attention:
Susan C. Warren, 600 IMA Plaza, 250 N. Water,
67202

RIDER

To be attached to and form a part of Bond No. 963020

issued by the UNIVERSAL SURETY COMPANY

ON BEHALF OF Land Enterprises Company

effective as of (bond date) December 21, 1980

In consideration of the premium charged for the attached bond, it is hereby agreed that:

1. The bond is continued for the period from December 21, 1983 to December 21, 1984.

2. The attached bond shall be subject to all its agreements, limitations and conditions except as herein expressly modified.

3. This rider shall become effective as of the beginning of the 21 day of Dec. , 1983 .

Signed, sealed and dated December 21, 1983

Accepted:

Forrest L. Nagley
Planner, City of Wichita

UNIVERSAL SURETY COMPANY
By Susan C. Warren
Susan C. Warren Attorney-In-Fact

UNIVERSAL SURETY COMPANY

LINCOLN, NEBRASKA

POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal office in the City of Lincoln, Nebraska, pursuant to the following By-Law, which was adopted by the Board of Directors of the said Company on July 23, 1981, to-wit:

"Article V-Section 6. RESIDENT OFFICERS AND ATTORNEYS-IN-FACT. The President or any Vice-President, acting with any Secretary or Assistant Secretary, shall have the authority to appoint Resident Vice-Presidents and Attorneys-In-Fact, with the power and authority to sign, execute, acknowledge and deliver on its behalf, as Surety; Any and all undertakings of suretyship and to affix thereto the corporate seal of the corporation. The President or any Vice-President, acting with any Secretary or Assistant Secretary, shall also have the authority to remove and revoke the authority of any such appointee at any time."

does hereby make, constitute and appoint

Susan C. Warren, Wichita, Kansas

its true and lawful Attorney(s)-In-Fact, to make, execute, seal and deliver for and on its behalf, as Surety;

Any and all undertakings of suretyship

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its offices in Lincoln, Nebraska, in their own persons.

The following Resolution was adopted at the Regular Meeting of the Board of Directors of the Universal Surety Company, held on July 23, 1981:

"RESOLVED, That the signatures of officers of the Company and the seal of the Company may be affixed by facsimile to any Power of Attorney executed in accordance with Article V-Section 6 of the Company By-Laws; and that any such Power of Attorney bearing such facsimile signatures, including the facsimile signature of a certifying Assistant Secretary and facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking or contract of suretyship to which it is attached."

All authority hereby conferred shall remain in full force and effect until terminated by the Company.

IN WITNESS WHEREOF UNIVERSAL SURETY COMPANY has caused these presents to be signed by its Vice-President and its corporate seal to be hereunto affixed this 27th day of April, 19 82.

UNIVERSAL SURETY COMPANY

By

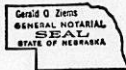
W. H. Bennett
Vice-President



State of Nebraska }
County of Lancaster) ss.

On this 27th day of April, 19 82, before me personally came W. H. Bennett to me known, who being by me duly sworn, did depose and say that (s)he resides in the County of Lancaster, State of Nebraska; that (s)he is the Vice-President of the UNIVERSAL SURETY COMPANY, the corporation described in and which executed the above instrument; that (s)he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed (his) (her) name by like order; and that By-Law, Article V-Section 6, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

Merald O. Ziems



My Commission Expires 8/22/85.

Notary Public

I, Celia Tomaszewski, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said UNIVERSAL SURETY COMPANY, which is still in full force and effect. Signed and sealed at the City of Lincoln, Nebraska this 21st day of December, 19 83.

Celia Tomaszewski
Assistant Secretary





INSURANCE
MANAGEMENT
ASSOCIATES, INC.

600 IMA PLAZA
250 NORTH WATER
WICHITA, KANSAS 67202

316-267-9221
TWX 910-741-6997

December 27, 1983

Mr. Forrest L. Nagley
METROPOLITAN AREA PLANNING DEPARTMENT
City of Wichita
455 North Main-Tenth Floor
Wichita, KS 67202

RE: BOND #963020
LAND ENTERPRISES COMPANY, ROCK ROAD ADDITION
SECTION 31, TOWNSHIP 27S, RANGE 2E, SEDGWICK COUNTY, KS

Dear Mr. Nagley:

Per our conversation last week, enclosed please find continuation rider for the above referenced bond, for the period 12/21/83-84.

Please refer to the bond form; you will note that the bond has no stipulated expiration date, but simply provides that the bond will remain in full force and effect until released by the City, or unless claims should be made against the bond. For your convenience I did prepare the continuation rider, although the bond language does not require it.

Please return a photocopy of the signed acceptance form to me in the envelope provided. Should you have any questions, please feel free to contact me.

Sincerely,

Susan C. Warren
BOND DEPARTMENT

Enclosure

SCW:ts2/C12

RECEIVED

DEC 28 1983

METROPOLITAN PLANNING
ROUTE _____

December 15, 1982

Donald C. Gisick, City Clerk
Forrest L. Nagley, Junior Planner

Forwarding of revised performance bond guaranteeing accel-decel improvements on Rock Road adjacent to Rock Road Addition.

Attached please find a revised performance bond. This bond should be held in your files until its release is authorized by either City Engineering or Planning.

With a copy of this memorandum, the superceded bond is being returned to David Burris of Land Enterprises Company.

Forrest L. Nagley
Junior Planner

FLN:bh

cc: David C. Burris, Land Enterprises Co., Suite 135, 3900 E. Harry, 67218
Paul C. Yankey, Jr., Attorney-in-fact for Universal Surety Company, Union Center Building, 67202

*Insurance Manager -
invests. Assoc.
250 N. Water
Suite 600 67202*

3900 E. Harry

IMPORTANT MESSAGE

FOR Forrest

DATE 12-20 TIME 9:35 A.M.
P.M.

WHILE YOU WERE AWAY
Susan Warren

OF _____

PHONE No. 266-6259

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE _____

SIGNED E

FORM 000-017

November 24, 1982

Land Enterprises Company
Attention: C. David Burrus
P.O. Box 18358
Wichita, Kansas 67218

Re: Performance bond guaranteeing the construction of a temporary accel-decel lane for Rock Road adjacent to Lots 8, 9 and 10, Rock Road Addition (S/D 78-122).

Dear Mr. Burrus:

Your performance bond from Universal Surety Company in the amount of \$5,310.00 guaranteeing the above-referenced improvement is once again nearing maturity. The terms of the bond indicate that this improvement is to be made on or before December 21, 1982. A recent field check of the subject lots indicates that development has not occurred and, consequently, the required accel-decel lane has not been constructed.

Since no development has occurred on the subject lots, we can authorize another one year extension of time to complete the improvement. The existing dollar amount of the bond is adequate, however, the bonding company will need to provide a "renewal or continuation certificate." Please have this certificate submitted to me on or before the bond's maturity date.

Should you have any questions, please call me at 268-4221.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Paul C. Yankey, Jr., Attorney-in-fact for Universal Surety Company, Union Center Building, 150 N. Main, 67202

December 11, 1981

Donald C. Gisick, City Clerk
Forrest L. Nagley, Junior Planner

Forwarding of revised performance bond guaranteeing
accel-decel improvements on Rock Road adjacent to
Rock Road Addition

Attached please find a revised performance bond in the amount of
\$5,310.00. This bond guarantees the above-referenced improvement
and replaces a \$7,500.00 bond which was "received and filed" by the
Board of City Commissioners on April 17, 1979.

With a copy of this memorandum, the superceded bond is being returned
to David Burris of Land Enterprises Company.

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Mike Lindebak, City Engineering
David C. Burris, Land Enterprises Co., Suite 135, 3900 E. Harry,
67218
Paul C. Yankey, Jr., Attorney-in-fact for Universal Surety Co.,
Union Center Bldg., 67202

UNIVERSAL SURETY COMPANY

LINCOLN, NEBRASKA

POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Lincoln, Nebraska, does hereby make, constitute and appoint W. C. Cohen or W. C. Cohen, Jr. or Paul G. Starr or Roberta I. Heorman or R. B. Matassarin or Joe E. Moddrell, Jr. or Paul C. Yankey, Jr. or Joseph C. Lukens II, or Scott T. Post or Fred A. Colbert or Sandra K. Broadstreet or Kay J. White or Wallace C. Raabe or Richard H. King, its true and lawful Attorney-in-Fact, with power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf, as surety: any and all undertakings of suretyship. / / Kansas

And the execution of such bonds or undertakings, in pursuance of these presents, without the seal of the corporation being attached to said bonds or undertakings, shall be as binding upon the said corporation, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said corporation at its office in Lincoln, Nebraska, in their own proper persons.

The UNIVERSAL SURETY COMPANY represents that the execution of this Power-of-Attorney and the granting of the powers herein to said Attorney-in-Fact are authorized by its by-laws.

All authority hereby conferred shall expire and terminate without notice at midnight of March 19, 1983

In witness whereof, UNIVERSAL SURETY COMPANY has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its proper officers this 19th day of March, 1980.

Attest: UNIVERSAL SURETY COMPANY

(Seal) Celia Tomaszewski, (Signed) By W. H. Bennett, (Signed)
Celia Tomaszewski, Vice President W. H. Bennett, Vice President
STATE OF NEBRASKA
Lancaster County ss

On this day, before the undersigned a Notary Public in and for said County and State, personally came the above-named officer of the UNIVERSAL SURETY COMPANY, to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged the execution of said instrument to be the voluntary act and deed of the UNIVERSAL SURETY COMPANY and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of said corporation.

Witness my hand and my Notarial Seal at Lincoln, Lancaster County, Nebraska, this 19th day of March, 1980.

(Seal) Carolyn A. Jones, (Signed)
Carolyn A. Jones, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the original Power-of-Attorney, of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the corporation, this 6th day of November, 1981.

(Seal)

Celia Tomaszewski
Assistant Secretary

PERFORMANCE BOND

BOND # 963 020

KNOW ALL MEN BY THESE PRESENTS:

That, we Land Enterprises Company as Principal, and Universal Surety Company as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Five thousand, three hundred ten (\$ 5,310.00) Dollars, lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following Improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development and improvement in Rock Road Addition Plot located in Section 31 (name of subdivision) Township 27S Range 2E Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Land Enterprises Company shall perform the following obligations and conditions:

- 1. Temporary accel-decel lane along Rock Road-adjacent to Lots 8, 9 & 10.
2.
3.
4.
5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

which obligations and each of them shall be performed on or before December 21, 1982 and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.



IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 6th day of November 19 81

LAND ENTERPRISES COMPANY Principal
Universal Surety Co. Surety
BY: Sandra K. Broadstreet Attorney-in-Fact

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 9th day of December, 1981, before me, a Notary Public C. David Burrus Sandra K. Broadstreet and for said County and State, came Land Enterprises Company and Universal Surety Co. (Principal) (Surety)

to me personally known to be the same persons executing the foregoing 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.



Aug 26, 1984

Sandra Branscum Notary Public

MICROFILMED FROM THE BEST AVAILABLE COPY

LAND
ENTERPRISES
COMPANY



P. O. BOX 18358 • WICHITA, KANSAS 67218 • (316) 685-2328

December 9, 1981

Mr. Forrest L. Nagley
Junior Planner
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

Dear Mr. Nagley:

We are enclosing the performance bond #963020 for the accel-decel improvements along Rock Road, in the amount of \$5,310.00.

Sincerely,

LAND ENTERPRISES COMPANY

C. David Burrus
(sb)

C. David Burrus
General Partner

CDB:skb
cc: Jim Gould
Corb S. Bedell

RECEIVED

DEC 10 1981

METROPOLITAN PLANNING
ROUTE 100

November 30, 1981

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Release of performance bond guaranteeing drainage ditch improvements on Rock Road adjacent to Rock Road Addition.

On April 17, 1979, the Board of City Commissioners "received and filed" a performance bond from Universal Surety Company in the amount of \$25,960.00 for the account of Land Enterprises Company. The bond guaranteed the above-captioned improvements. The improvement has been completed and the bond may now be released.

With a copy of this memorandum, the original bond is being returned to Mr. Paul Yankey of the bonding company.

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Mike Lindebak, City Engineering
Paul C. Yankey, Jr., Attorney-in-fact for Universal Surety Company,
Union Center Bldg., 67202
Land Enterprises Company, Suite 135, 3900 E. Harry, 67218

RECEIVED

NOV 20 1981

METROPOLITAN PLANNING
ROUTE Forrest

LAND
ENTERPRISES
COMPANY



P. O. BOX 18358 • WICHITA, KANSAS 67218 • (316) 685-2328

November 19, 1981

Mr. Forrest L. Nagley
Junior Planner
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

Dear Mr. Nagley:

Please refer to my letter to you dated November 17, 1981. I have been advised that the drainage ditch improvements covered by this bond have now been completed. These improvements were guaranteed in our performance bond in the amount of \$25,960.00. You requested that this bond be increased to \$30,633.00.

Our insurance agent, Paul Yankey, should receive the old bond from you for cancellation. Will you please forward this bond direct to Mr. Yankey?

We will need to furnish you a bond for the accel-decel improvements in the amount of \$5,310.00.

Sincerely yours,

LAND ENTERPRISES COMPANY

C. David Burrus
General Partner

cc: Paul Yankey
Jim Gould
Corb S. Bedell

LAND
ENTERPRISES
COMPANY



P. O. BOX 18358 • WICHITA, KANSAS 67218 • (316) 685-2328

November 17, 1981

Mr. Forrest L. Nagley
Junior Planner
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

Dear Mr. Nagley:

Please refer to your letter addressed to us dated September 14, 1981, concerning the performance bond guaranteeing construction of a drainage ditch and temporary accel-decel lane for Rock Road adjacent to Lots 8, 9 and 10, Rock Road Addition.


We have ordered the new performance bonds from Paul Yankey in the amounts you requested.

We request a one year extension to get these improvements completed. The development schedule for improving these lots has been delayed because of the high cost of money. We expect these improvements will be completed prior to December 21, 1982.

Thanks for your cooperation.

Sincerely yours,

LAND ENTERPRISES COMPANY


C. David Burrus
General Partner

cc: Paul Yankey
Jim Gould
Corb Bedell

RECEIVED

NOV 18 1981

METROPOLITAN PLANNING
ROUTE Nagley

September 14, 1981

Land Enterprises Company
Suite 135, 3900 E. Harry
Wichita, Kansas 67218

Re: Performance bond guaranteeing the construction of a
drainage ditch and a temporary accel-decel lane for
Rock Road adjacent to Lots 8, 9 and 10, Rock Road
Addition

Gentlemen:

Your performance bonds from Universal Surety Company in the amounts of \$25,960.00 and \$4,500.00 guaranteeing the above-referenced improvements are nearing maturity. The terms of the bonds indicate that you are to make these improvements on or before December 21, 1981. A recent field check of the subject lots indicates no development has occurred and, consequently, neither of the required improvements have been completed.

This letter acts to remind you of your agreement to make these improvements by December 21, 1981. Since no development has occurred on the adjacent lots, we can authorize a one year extension of time to complete the improvements provided a new performance bond is submitted to this office in the amount of \$5,310.00 as guarantee for the accel-decel lane and a second bond is submitted as guarantee for the drainage improvement in the amount of \$30,633.00. Should you desire an extension of time, please so advise me in writing. Please include in the request the reason why the extension of time is requested and when we can anticipate the completion of these improvements. New performance bond forms may be obtained from this office.

Should you have any questions about this matter, please call me at 268-4421. I have attached copies of your existing guarantees for your reference and information. Action on your part is imperative in order to avoid default on your existing bonds.

Sincerely,

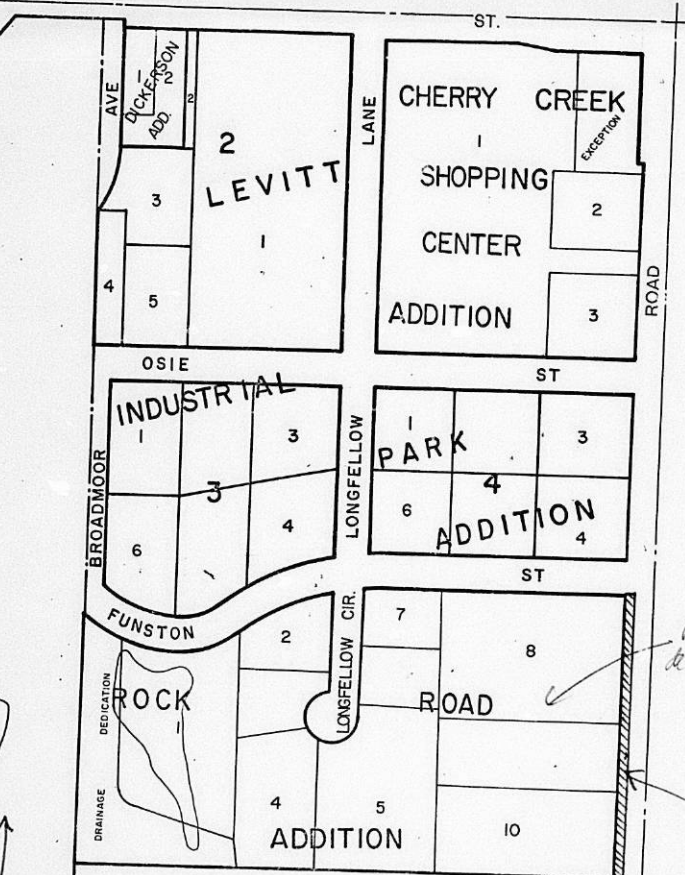
Forrest L. Nagley
Junior Planner

FLN:bb

Enclosures (2)

Land Enterprises Company
9-14-81
Page 2

cc: Mike Lindebak, City Engineering
Paul C. Yankey, Jr., Union Center Bldg., Attorney-in-fact
for Universal Surety Company, Union Center Bldg., 67202



No development
9/11/81
FCN

ROCK Applicant GUARANTEED
A TEMPORARY DECEL LANE
ON ROCK Rd. ADJACENT TO
LOT 8-9 + 10. HAS THIS
BEEN CONSTRUCTED? NO
A 1' ~~Foot~~
ADD.
#4421

December 26, 1980

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of revised performance bonds guaranteeing
drainage ditch and roadway improvements associated
with the platting of Rock Road Addition

Attached please find revised guarantees for the above referenced
addition. These \$25,960.00 and \$4,500 bonds replace the existing
\$22,000.00 and \$3,600.00 bonds that are now held in your files. The
superceded bonds may now be released at the request of either the
applicant or an authorized agent of Universal Surety Company.

Should you have any questions regarding this matter, please call
me at 4421.

Forrest L. Nagley
Junior Planner

FLW:hh

Attachments (2)

cc: Mike Lindebak, City Engineering
Paul C. Yankey, Jr., Union Center Bldg., Attorney-in-fact
for Universal Surety Company, Union Center Bldg., 67202
Land Enterprises Company, Suite 135, 3900 E. Harry, 67118

C. DAVID BURRUS
3900 EAST HARRY SUITE 135 - P.O. BOX 18358
WICHITA, KANSAS 67218
(316) 685-2328

RECEIVED

DEC 23 1980

METROPOLITAN PLANNING

ROUTE 110004

December 22, 1980

Mr. Forrest L. Nagley, Junior Planner
Metropolitan Area Planning Department
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Nagley:

Please refer to your letter to us dated December 1, 1980.

Attached are the following performance bonds which you requested:

Universal Surety Company bond dated Dec. 18, 1980 for \$25,960.00

Universal Surety Company bond dated Dec. 18, 1980 for \$ 4,500.00

These bonds are effective until December 21, 1981.

The first bond is to construct a drainage ditch and the second bond is for a temporary accel-decel land along Rock Road. Both refer to the Rock Road Addition.

We do request a one year extension for these requirements.

Sincerely yours,

LAND ENTERPRISES COMPANY



C. David Burrus
General Partner

cc: Corb Bedell
Paul Yankey
Mike Lindebak, City Engineering

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we Land Enterprises Company as Principal, and Universal Surety Company as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Four Thousand Five Hundred (\$ 4,500.00) Dollars, lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development and improvement in Rock Road Addition (name of subdivision)

Plat located in Section 31 Township 27S
Range 2E Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Land Enterprises Company shall perform the following obligations and conditions:

1. Temporary accel-decel lane along Rock Road adjacent to Lots 8, 9 & 10
2. *
3. *
4. *
5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

which obligations and each of them shall be performed on or before December 21, 1980 and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals of this 18th day of December, 1980

Paul C. Yankey Jr.
UNIVERSAL SURETY COMPANY Surety
BY: Paul C. Yankey Jr. Attorney-in-Fact

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 18th day of December, 1980, before me, a Notary Public in and for said County and State, came C. D. Burrus, General Partner and Universal Surety Company of Land Enterprises Co. (Principal) and Universal Surety Company (Surety)

to me personally known to be the same persons executing the foregoing 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.



Sandra Branscum Notary Public
Sandra Branscum

Aug 26, 1984

UNIVERSAL SURETY COMPANY
LINCOLN, NEBRASKA
POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Lincoln, Nebraska, does hereby make, constitute and appoint
W. C. Cohen or W. C. Cohen, Jr. or Paul G. Starr or Roberta I. Heorman or R. B. Matassarini or
Joe E. Moddrell, Jr. or Paul C. Yankey, Jr. or Joseph C. Lukens, II or Scott T. Post or
Fred A. Colbert or Sandra K. Broadstreet or Kay J. White or Wallace C. Raabe or Richard H. King,
its true and lawful Attorney-in-Fact, with power and authority hereby conferred, to sign, execute, acknowl-
edge and deliver for and on its behalf, as surety: any and all undertakings of suretyship. / . Kansas

And the execution of such bonds or undertakings, in pursuance of these presents, without the seal of the corporation being attached to said bonds or undertakings, shall be as binding upon the said corporation, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said corporation at its office in Lincoln, Nebraska, in their own proper persons.

The UNIVERSAL SURETY COMPANY represents that the execution of this Power-of-Attorney and the granting of the powers herein to said Attorney-in-Fact are authorized by its by-laws.

All authority hereby conferred shall expire and terminate without notice at midnight of March 19, 1983

In witness whereof, UNIVERSAL SURETY COMPANY has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its proper officers this.....19th day of.....March....., 19.80.

Attest: UNIVERSAL SURETY COMPANY

(Seal) Celia Tomaszewski, (Signed) By.....W. H. Bennett, (Signed).....
Celia Tomaszewski, Vice President W. H. Bennett, Vice President
STATE OF NEBRASKA } ss:
Lancaster County

On this day, before the undersigned a Notary Public in and for said County and State, personally came the above-named officer of the UNIVERSAL SURETY COMPANY, to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged the execution of said instrument to be the voluntary act and deed of the UNIVERSAL SURETY COMPANY and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of said corporation.

Witness my hand and my Notarial Seal at Lincoln, Lancaster County, Nebraska, this.....19th.....day of
.....March....., 19.80

.....Carolyn A. Jones, (Signed)
Carolyn A. Jones, Notary Public

(Seal)

CERTIFICATE

I, the undersigned, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the original Power-of-Attorney, of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the corporation, this.....18th.....day of.....December....., 19.80..

(Seal)

Celia Tomaszewski
Assistant Secretary

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we Land Enterprises Company as Principal, and Universal Surety Company as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Twenty Five Thousand Nine Hundred Sixty 25,960.00 Dollars, lawful money of the United States, for payment of which will and truly to be made, we and ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development and improvement in Rock Road Addition Plal located in Section 31 (name of subdivision) Township 27S Range 2E Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Land Enterprises Company shall perform the following obligations and conditions:

1. Construct drainage ditch

2. *

3. *

4. *

5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects, which obligations and each of them shall be performed on or before December 21 1981 ** and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bonds forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 18th day of December 1980

Land Enterprises Company (Signature)

UNIVERSAL SURETY COMPANY Surety BY: Paul C. Yankey, Jr. Attorney-in-Fact

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 18th day of December 1980, before me, a Notary Public C. D. Burrus, General Partner and in and for said County and State, came of Land Enterprises Co. (Principal) and (Surety)

to me personally known to be the same persons executing the foregoing 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



Aug 26, 1984

Sandra Braricum Notary Public

UNIVERSAL SURETY COMPANY
LINCOLN, NEBRASKA
POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Lincoln, Nebraska, does hereby make, constitute and appoint
W. C. Cohen or W. C. Cohen, Jr. or Paul G. Starr or Roberta I. Heorman or R. B. Matassarini or
Joe E. Moddrell, Jr. or Paul C. Yankey, Jr. or Joseph C. Lukens, II or Scott T. Post or
Fred A. Colbert or Sandra K. Broadstreet or Kay J. White or Wallace C. Raabe or Richard H. King,
its true and lawful Attorney-in-Fact, with power and authority hereby conferred, to sign, execute, acknowl-
edge and deliver for and on its behalf, as surety: any and all undertakings of suretyship. / Kansas

And the execution of such bonds or undertakings, in pursuance of these presents, without the seal of the corporation being attached to said bonds or undertakings, shall be as binding upon the said corporation, as if they had been duly executed and acknowledged by the fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said corporation at its office in Lincoln, Nebraska, in their own proper persons.

The UNIVERSAL SURETY COMPANY represents that the execution of this Power-of-Authority and the granting of the powers herein to said Attorney-in-Fact are authorized by its by-laws.
All authority hereby conferred shall expire and terminate without notice at midnight of March 19, 1983

In witness whereof, UNIVERSAL SURETY COMPANY has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its proper officers this 19th day of March, 1980.
UNIVERSAL SURETY COMPANY

Attest:

(Seal) Celia Tomaszewski, (Signed) By W. H. Bennett, (Signed)
Celia Tomaszewski, Vice President W. H. Bennett, Vice President
STATE OF NEBRASKA ss:
Lancaster County

On this day, before the undersigned, a Notary Public in and for said County and State, personally came the above-named officer of the UNIVERSAL SURETY COMPANY, to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged the execution of said instrument to be the voluntary act and deed of the UNIVERSAL SURETY COMPANY and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of said corporation.

Witness my hand and my Notarial Seal at Lincoln, Lancaster County, Nebraska, this 19th day of
March, 1980

Carolyn A. Jones, (Signed)
Carolyn A. Jones, Notary Public

(Seal)

CERTIFICATE

I, the undersigned, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the original Power-of-Authority, of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the corporation, this 18th day of December, 1980

(Seal)

Celia Tomaszewski
Assistant Secretary

December 1, 1980

Land Enterprises Company
Suite 135
3900 E. Harry
Wichita, Ks. 67218

Re: Performance bond guaranteeing the construction of a drainage ditch and a temporary accel-decel lane for Rock Road adjacent to Lots 8, 9, and 10, Rock Road Addition

Gentlemen:

Your performance bonds from Universal Surety Company in the amounts of \$22,000.00 and \$3,600.00 guaranteeing the above referenced improvements are nearing maturity. The terms of the bonds indicate that you are to make these improvements on or before December 21, 1980. City Engineering has advised that neither of the required improvements have been completed.

This letter acts to remind you of your agreement to make these improvements. We can grant a one-year time extension for the completion of these required improvements provided that a new performance bond is submitted to this office in the amount of \$4,500.00 as guarantee for the accel-decel lane and a second performance bond is submitted for the drainage guarantee in the amount of \$25,960.00. I have enclosed two new performance bond forms for your use when renewing these guarantees. Once I have received the new performance bonds in the amounts of \$4,500.00 and \$25,960.00, I will proceed to initiate the process necessary for release of your \$3,600.00 and \$22,000.00 guarantees.

Should you have any questions about this matter, please call me at 268-4421. I have attached copies of your existing guarantees for your reference and information. Action on your part is imperative in order to avoid default on your existing bonds.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:bh
enclosures (4)

cc: Mike Lindebek, City Engineering
Paul C. Yankey, Jr., Union Center Bldg., Attorney-in-Fact
for Universal Surety Company, Union Center Bldg., 67202

IMPORTANT MESSAGE

FOR Forrest
DATE 12-17 TIME 11:28 ^{AM} ~~PM~~

WHILE YOU WERE AWAY

Lonny Arndt
OF Ins. Dept.
PHONE No. 268-9221

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE

Will provide new performance bond. Advised term of procedure for release of existing bonds
FCM

SIGNED D 12/17/80

November 19, 1980

Mike Lindebak, Project Development Engineer,
City Engineering

Forrest L. Nagley, Junior Planner

Status of improvements guaranteed by letter of
credit or performance bond for Rock Road
Addition and South Seneca Gardens Fourth Addition

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

1. Rock Road Addition - temporary accel-decel lane on Rock
Road and ditch improvements. *Nothing done*
2. South Seneca Gardens 4th - drainage pond and pump.

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

Forrest L. Nagley
Junior Planner

FLN:bh

cc: ~~Rock Road Addition plat file~~
South Seneca Gardens 4th Addition plat file

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE
May 16, 1979

TO Donald C. Gisick, City Clerk

FROM Jack H. Galbraith, Chief Planner

SUBJECT Z-1989 - Zone change from "AA" to "C";
Z-1990 - Zone change from "AA" to "E"; and
✓S/D 78-122 - Rock Road Addition

At the regular meeting of the Board of City Commissioners on January 3, 1978, the above captioned requests for zone change were considered and approved, and the City Clerk was instructed to withhold publication of the ordinances effectuating the zone changes until such time as the plat had been recorded. The associated plat was approved by the Board of City Commissioners on April 17, 1979.

This is to advise you that the final plat of Rock Road Addition was recorded with the Register of Deeds on May 10, 1979 and, therefore, the ordinances effectuating the zone changes may now be published.

Jack H. Galbraith
Chief Planner

JHG:c1

THE CITY OF WICHITA

OFFICE OF Public Works Engineering

DATE April 11, 1979

TO E. H. Danton, City Manager

FROM R. W. Linn, City Engineer

SUBJECT Storm Water Sewer Petition
Rock Road Addition

The plat of Rock Road Addition will be considered by the City Commission on April 17, 1979. One of the platting requirements is the guarantee of a storm drainage system which will permit the paving of Funston Street to serve the subdivision.

The developer has submitted a petition for the storm sewer signed by owners of 46 percent of the area within the benefit district. The City of Wichita is the owner of 30 percent of the area due to Industrial Revenue Bonds for Great Plains Industries. Great Plains Industries has declined signing of the petition.

The questions arising are:

1. Can the City sign the petition?
2. Should the City "owned" property not be counted in evaluation of the petition? This will result in a 66 percent petition.

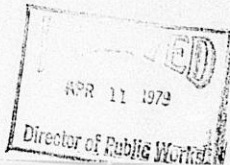
Response to these questions will be requested from the Department of Law by copy of this memo.

An alternate to the problems raised by the petition is to receive and file the petition and initiate the project by resolution under the provisions of K.S.A. 12-6a01 et seq.

R. W. Linn
City Engineer

RWL:ck

cc: John Dekker
R. W. Bruggeman ✓
Robert Lakin



RMTB

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSSUBDIVISION APPROVAL

S/D Number 78-122 Name Rock Road Addition
 Application & Sketch Filed: 11-6-78
 Preliminary Plat Filed: 11-6-78 Approved by S/D: 11-16-78
 Final Plat Filed: 12-4-78 Approved by S/D: 12-14-78
 Approved by Metropolitan Area Planning Commission: 12-21-78

DESCRIPTION

General Location: Southwest corner of Rock Road and Funston.

Surveyor or Engineer: Baughman Company
 Owner: Land Enterprises Company, Inc.
 Address: 3900 E. Harry, Suite 135

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>17.3</u> | 6. Access Control |
| 2. Number of Lots: | St. <u>Rock Road</u> No. Openings <u>3</u> |
| Residential _____ | St. _____ No. Openings _____ |
| Commercial <u>3</u> | St. _____ No. Openings _____ |
| Industrial <u>7</u> | 7. Req'd Improvements |
| Other _____ | St. Paving <u>req'd</u> Water <u>req'd</u> |
| Total Number of Lots: <u>10</u> | Sidewalk <u>not req'd</u> Drainage <u>req'd</u> |
| 3. Minimum Lot Area: <u>0.5</u> Acres | Sewer <u>req'd</u> Other <u>None</u> |
| 4. Existing Zoning <u>AA</u> | |
| 5. Special Problems Discussed <u>Applicant unable to obtain a valid</u> | |
| <u>petition for storm sewer in Funston</u> | |

Valid petitions have been submitted guaranteeing the paving of Longfellow Circle, a decel lane on Rock Road and installation of sanitary sewer to serve each lot. Valid water petitions have been received by the Water Department and appear on the Clerk's agenda. A certificate has been submitted certifying the petitions.

Planning Commission Recommendation:

That this plat be approved subject to:

- A. The applicant shall guarantee a temporary accel-decel lane along Rock Road.
 - B. The applicant shall guarantee the improvement of the drainage ditch within the drainage dedication.
 - C. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on subject property.
 - D. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- Bayouth moved May seconded and it carried unanimously. Barrier, Hennessy and Taylor were absent.

Note: Associated zone cases Z-1990, AA to E and Z-1989, AA to C and Community Unit plan DP-84 have been approved by the Board of City Commissioners subject to platting.

ACTION: Receive and file the performance bonds guaranteeing the temporary accel-decel hwy and the drainage ditch improvement, approve the petitions and instruct the Director of Law to prepare the necessary resolutions, accept the avigational easement and construction covenant, and instruct the City Clerk to file the certificate avigational easement and construction covenant 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; and instructed the Director of Law to prepare the necessary resolutions to initiate the drainage project. 4-0

CERTIFICATE

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

I, The Estate of William Levitt, owner of Rock Road 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. Street Petition
2. Water Petition
3. Sewer Petition
4. Storm Sewer Petition

As a result of the above-mentioned petitions for improvements, lots or portions thereof within Rock Road Addition may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 28th day of MARCH, 1979.

The Estate of William Levitt

By: Rosalie Kreitzer
Rosalie Kreitzer Co-Executor

By: David W. Goldschmidt
David W. Goldschmidt Co-Executor

Land Enterprises Company, a Partnership

By: Corb S. Bedell
Corb S. Bedell Partner

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

Be it remembered that on this 28th day of MARCH, 1979, before me, a notary public in and for said County and State, came Rosalie Kreitzer, and David W. Goldschmidt, Co-Executors of The Estate of William Levitt, and Corb S. Bedell, Partner, of Land Enterprises Company, a Partnership, to me personally known to be the same persons who executed the foregoing 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.

Elyse J. Flynn
Notary Public

My Commission Expires:

MARCH 24, 1983



AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, that the undersigned owners does hereby grant a permanent Avigational Easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, for the use for "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of the following described real estate, to-wit: Rock Road Addition

By virtue of this easement, the grantor, for and on behalf of himself and all successors in interest to any and all of the real property above described, waives as to the public authority only any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U.S. Code 1301, and shall include air space needed to insure safty in take-off and landing of aircraft.

To have and to hold said easement forever.

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

The Estate of William Levitt

By: Rosalie Kreitzer
Rosalie Kreitzer Co-Executor

By: David W. Goldschmidt
David W. Goldschmidt Co-Executor

Land Enterprises Company, a
Partnership

By: Corb S. Bedell
Corb S. Bedell Partner

STATE OF KANSAS) SS
SEDGWICK COUNTY)

Personally appeared before me a notary public in and for the County and State aforesaid Rosalie Kreitzer and David W. Goldschmidt, Co-Executors of The Estate of William Levitt and Corb S. Bedell, Partner of Land Enterprises Company, a Partnership to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 28th day of MARCH, 1979

Katherine D. Hyman
Notary Public

(My Commission expires MARCH 24 1983)



RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING Rock Road ADDITION

THIS DECLARATION made this 22nd day of MARCH, 1979 by the undersigned owners, hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of Rock Road Addition to Wichita, which property is located near McConnell Air Force Base and is accordingly subject to considerable noise from the operation of aircraft, and

WHEREAS, the City of Wichita in connection with approval of the plat of said addition considers it to be in the public interest to require any buildings constructed on said addition to be designed and constructed giving proper consideration to noise pollution in the area.

NOW THEREFORE, Grantor, hereby declares that Rock Road Addition, shall be and the same is subjected to the following restrictive covenant, to-wit:

Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and shall inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof.

EXECUTED the day and year first above witten.

The Estate of William Levitt

By: Rosalie Kreitzer
Rosalie Kreitzer Co-Executor

By: David W. Goldschmidt
David W. Goldschmidt Co-Executor

Land Enterprises Company, a Partnership

By: Corb S. Bedell
Corb S. Bedell Partner

STATE OF KANSAS) SS
SEDGWICK COUNTY)

Personally appeared before me a notary public in and for the County and State aforesaid Rosalie Kreitzer and David W. Goldschmidt, Co-Executors of The Estate of William Levitt, and Corb S. Bedell, Partner of Land Enterprises Company, a Partnership, to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 22nd day of MARCH, 1979.

Lyette S. Flynn
Notary Public

(My Commission expires MARCH 24, 1983)



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we Land Enterprises Company as Principal, and Universal Surety Company as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and

State of Kansas, in the sum of Three Thousand Six Hundred (\$ 3,600.00) Dollars, lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the

City of Wichita for the development and improvement in Rock Road Addition
(name of subdivision)
Plat located in Section 31 Township 27-S
Range 2-E Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Land Enterprises Company shall perform the following obligations and conditions:

1. Temporary accel-decel lane along Rock Road adjacent to Lots 8, 9 and 10
2. * N/A
3. * N/A
4. * N/A
5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

which obligations and each of them shall be performed on or before December 21, 19 80** and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications thereof, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 29th day of March, 19 79.

Land Enterprises Company
C. David Burrus, Gen. Partner Principal

Universal Surety Company Surety
BY: Paul C. Yankey, Jr. Attorney-in-Fact

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 29th day of March, 19 79, before me, a Notary Public in and for said County and State, came C. David Burrus, Gen. Partner and Universal Surety Company,
(Principal) (Surety)

to me personally known to be the same persons executing the foregoing 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.

Sandra Brundage Notary Public

My Commission Expires: 8/1/79



UNIVERSAL SURETY COMPANY
LINCOLN, NEBRASKA
POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Lincoln, Nebraska, does hereby make, constitute and appoint W. C. Cohen or Paul G. Starr or W. C. Cohen, Jr. or R. B. Matassarin or Fred A. Colbert or Roberta I. Heorman or Joe E. Moddrell, Jr. or Joe E. Moddrell, Sr. or Scott T. Post or Paul C. Yankey, Jr. or Joseph C. Lukens, II or Linda A. Farrier, Wichita, Kansas its true and lawful Attorney-in-Fact, with power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf, as surety: Any and all undertakings of suretyship. / /

And the execution of such bonds or undertakings, in pursuance of these presents, without the seal of the corporation being attached to said bonds or undertakings, shall be as binding upon the said corporation, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said corporation at its office in Lincoln, Nebraska, in their own proper persons.

The UNIVERSAL SURETY COMPANY represents that the execution of this Power-of-Attorney and the granting of the powers herein to said Attorney-in-Fact are authorized by its by-laws.

All authority hereby conferred shall expire and terminate without notice at midnight of January 9, 1982

In witness whereof, UNIVERSAL SURETY COMPANY has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its proper officers this 11th day of December, 1978
Attest: UNIVERSAL SURETY COMPANY

(Seal) Celia Tomaszewski, Signed
Celia Tomaszewski, Vice President
STATE OF NEBRASKA }
Lancaster County } ss:

By W. H. Bennett, Signed
W. H. Bennett, Vice President

On this day, before the undersigned, a Notary Public in and for said County and State, personally came the above-named officer of the UNIVERSAL SURETY COMPANY, to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged the execution of said instrument to be the voluntary act and deed of the UNIVERSAL SURETY COMPANY and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of said corporation.

Witness my hand and my Notarial Seal in Lincoln, Lancaster County, Nebraska, this 11th day of December, 1978

(Seal)

Gerald O. Ziems, Signed
Gerald O. Ziems, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the original Power-of-Attorney, of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the corporation, this 29th day of March, 1979.

(Seal)

Celia Tomaszewski
Assistant Secretary

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we Land Enterprises Company as Principal, and Universal Surety Company as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Twenty two thousand (\$ 22,000.00) Dollars, lawful money of the United States, for payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development and improvement in Rock Road Addition (name of subdivision) Plat located in Section 31 Township 27-S Range 2-E, Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Land Enterprises Company shall perform the following obligations and conditions:

1. Construct drainage ditch
2. * N/A
3. * N/A
4. * N/A
5. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

which obligations and each of them shall be performed on or before December 21, 19 80 ** and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans, specifications and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 29th day of March, 19 79.
Land Enterprises Company
C. David Burrus Principal

Universal Surety Company Surety
BY: *Paul C. Hankey Jr.* Attorney-in-Fact
Paul C. Hankey Jr.

* Insert N/A (Not Applicables) when blanks are not used.

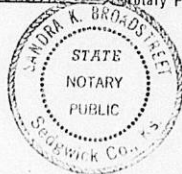
** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 29th day of March, 19 79, before me, a Notary Public in and for said County and State, came C. David Burrus, Gen. Partner and Universal Surety Company, (Principal) (Surety) to me personally known to be the same persons executing the foregoing 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.

Sandra K. Broads Notary Public

My Commission Expires: 8/8/79



UNIVERSAL SURETY COMPANY
LINCOLN, NEBRASKA
POWER OF ATTORNEY

Know All Men By These Presents:

That the UNIVERSAL SURETY COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Lincoln, Nebraska, does hereby make, constitute and appoint W. C. Cohen or Paul G. Starr or W. C. Cohen, Jr. or R. B. Matassarini or Fred A. Colbert or Roberta I. Heorman or Joe E. Moddrell, Jr. or Joe E. Moddrell, Sr. or Scott T. Post or Paul C. Yankey, Jr. or Joseph C. Lukens, II or Linda A. Farrier, Wichita, Kansas its true and lawful Attorney-in-Fact, with power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf, as surety: Any and all undertakings of suretyship. /

And the execution of such bonds or undertakings, in pursuance of these presents, without the seal of the corporation being attached to said bonds or undertakings, shall be as binding upon the said corporation, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said corporation at its office in Lincoln, Nebraska, in their own proper persons.

The UNIVERSAL SURETY COMPANY represents that the execution of this Power-of-Attorney and the granting of the powers herein to said Attorney-in-Fact are authorized by its by-laws.

All authority hereby conferred shall expire and terminate without notice at midnight of January 9, 1982

In witness whereof, UNIVERSAL SURETY COMPANY has caused its corporate seal to be hereunto affixed and these presents to be duly executed by its proper officers this 11th day of December, 1978

Attest: UNIVERSAL SURETY COMPANY

(Seal) Celia Tomaszewski, Signed By W. H. Bennett, Signed
Celia Tomaszewski, Vice President W. H. Bennett, Vice President
STATE OF NEBRASKA }
Lancaster County } ss:

On this day, before the undersigned, a Notary Public in and for said County and State, personally came the above-named officer of the UNIVERSAL SURETY COMPANY, to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged the execution of said instrument to be the voluntary act and deed of the UNIVERSAL SURETY COMPANY and his voluntary act and deed as an officer of said corporation, and that the seal of said corporation was affixed to said instrument by the authority and direction of said corporation.

Witness my hand and my Notarial Seal at Lincoln, Lancaster County, Nebraska, this 11th day of December, 1978

(Seal) Gerald O. Ziems, Signed
Gerald O. Ziems, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of UNIVERSAL SURETY COMPANY, do hereby certify that the original Power-of-Attorney, of which the foregoing is a full, true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the corporation, this 29th day of March, 1979

(Seal)

Celia Tomaszewski
Assistant Secretary

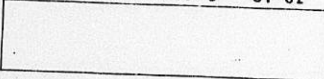
SEDGWICK COUNTY TREASURER
625 N. MAIN STREET
WICHITA KANSAS 67203

RECEIPT
TAXED ITEMS

FIRST CLASS
PERMIT NO.
268

1978 REAL ESTATE	
VALUATION	2,780
MILL LEVY	112.888
GEN TAX	313.03
OTHER TAX	2,507.20
TOTAL DUE	2,820.03
HALF TAX	1,410.01
6A APR 04 79	
2,881.03	42.07
2,923.10	6104
662167	

78-RE-05-0023-03-1 67-01



INTEREST
1/24
CA
CK 47210

-C-00154-0007-
ESTATE OF WILLIAM LEVITT, DECE
X RUSALIE KREITZER ETAL CO-EXE
BOX 16185
WICHITA KS 67218

Lawyers Title Insurance Corporation

A STOCK COMPANY
Home Office—Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Report only
PLATTING BINDER
Case No. RT-79070

1. Effective date January 3, 1979, at 7:00 o'clock A.M.

2. Policy or policies to be issued:

(a) ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70)

Proposed insured:
None

Amount \$ _____

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70)

Proposed insured:

None

Amount \$ _____

(c)
Proposed insured:
None

Amount \$ _____

3. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

Record Title: Estate of William Levitt, deceased with the exception of the southerly 5 feet of Funston Street as platted in Levitt Industrial Park, Wichita, Sedgwick County, Kansas, record title to which is in the name of the City of Wichita.

Equitable Title: Land Enterprises, with the exception of the southerly 5 feet of Funston Street as platted in Levitt Industrial Park, Wichita, Sedgwick County, Kansas, record title to which is in the name of the City of Wichita.

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

The southerly 5 feet of Funston Street as platted in Levitt Industrial Park Wichita, Sedgwick County, Kansas, together with that part of the East Half of the Northeast Quarter (NE $\frac{1}{4}$) of Section 31, Township 27 South, Range 2 East, beginning at a point 65 feet west and 690.6 feet north of the southeast corner of said NE $\frac{1}{4}$; thence north parallel with the east line of said NE $\frac{1}{4}$, 641.70 feet to a point 1321 feet south of the north line of said NE $\frac{1}{4}$, said point being on the southerly line of said Funston Street; thence west along the southerly line of said Funston Street to a point on the west line of the East Half of said NE $\frac{1}{4}$; thence south along the west line of the East Half of said NE $\frac{1}{4}$, 564.9 feet to a point 690.6 feet north of the southwest corner of the East Half of said NE $\frac{1}{4}$; thence east 1260.36 feet to the point of beginning, the southerly 5 feet of Funston Street being vacated by virtue of K.S.A. 1970 supp. 12-512(b).

Countersigned at Wichita, Kansas

REALTY TITLE CO., INC.

Authorized Officer or Agent

Eva Jean Burnight, S.A.
Form 0351-1-088-0001

(over)
ORIGINAL

Schedule A—Page 1—No. **BB 262774**

Lawyers Title Insurance Corporation
A Stock Company
Home Office - Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for 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 (6) 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. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."



Lawyers Title Insurance Corporation

Robert C. Dawson

President

Attest:

Ray B. Smith

Secretary

Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office—Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

None

NOTE: Taxes for the year 1977 (original amount \$2,623.33) and prior years are paid.
Key No. C-154-UP.



RT-79070
BB 262774

Schedule B—Section 1—Page 1

Form No. 91 88 (B 1)
035 1 088 0003

ORIGINAL

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 and the Conditions and Stipulations and the Exclusions from Coverage 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.

Lawyers Title Insurance Corporation
A Stock Company
Home Office - Richmond, Virginia

3-29-79

Lawyers Title Insurance Corporation

A STOCK COMPANY
Home Office - Richmond, Virginia

SCHEDULE B-Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. 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.
2. Taxes for the year 1978 which are now due and payable and subsequent years not yet due and payable together with special assessments due and payable therewith.
3. Possible special assessments by reason of Resolutions filed by the City of Wichita, if any.
4. Easement in favor of Continental Pipeline Co. over the east 90 feet of the east half of the northeast quarter, (E $\frac{1}{2}$ NE $\frac{1}{4}$) appearing of record in Miscellaneous Book 579, page 63.
5. Terms and conditions of the escrow contract dated February 17, 1978, wherein Estate of William Levitt, deceased, is Seller and Land Enterprises Company, a Kansas Partnership is Buyer, held in escrow at Fourth National Bank and Trust Company.

RT-79070
BB 262774

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

Schedule B-Section 2-Page 1

ORIGINAL

AMERICAN LAND
TITLE ASSOCIATION
STANDARD FORM
COMMITMENT



Lawyers Title
Insurance Corporation
A Stock Company
Home Office
Richmond, Virginia

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE April 2, 1979

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

SUBJECT Rock Road Addition

The plattors of Rock Road 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 April 17, 1979.


Bill H. Otten, Chief Engineer
Water Engineering Division

BHO:sd

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
MAR 3 1979 3:00 P.M.

FILM 356 PAGE 1512

MAR 3 1979

4 31989

NO.
BETTE F. McCART
REGISTER OF DEEDS

EASEMENT FOR DRAINAGE OF SURFACE WATER

Pat Kettler
signing

THIS INDENTURE, Made this 20th day of February, 1979, by the undersigned owners of the real property hereinafter described;

W I T N E S S E T H:

WHEREAS, the undersigned are the legal and equitable owners of proposed Rock Road Addition to Wichita, Sedgwick County, Kansas, located in a portion of the East Half of the Northeast Quarter (E/2 NE/4) of Section Thirty-one (31), Township Twenty-seven (27) South, Range Two (2) East, Sedgwick County, Kansas; and

WHEREAS, it is necessary in connection with the development of the above addition to provide for the drainage of surface water from Lots Three (3) and Five (5) of said addition, as proposed;

NOW, THEREFORE, the parties hereby agree as follows:

1. The undersigned owners of the legal and equitable title in and to the proposed rock Road Addition do hereby grant and dedicate an easement for drainage purposes for the benefit of Lots Three (3) and Five (5) of the aforesaid proposed Rock Road Addition the West Twenty feet (W 20') and the South Twenty feet (S 20') of Lot Four (4) of said proposed Rock Road Addition;
2. The easement herein dedicated and granted may be utilized for drainage purposes only by a drainage system such as pipe, channel, flume or other drainage structure approved by the City of Wichita. Sheet drainage across property lines shall not be permitted.

100

Baughman Co.
330 Laura

47211

3. Nothing herein contained shall prevent the grantors of said easement or their successors or assigns from constructing or making improvements and repairs on Lot Four (4) at their sole cost and expense, even though such construction and/or repair may temporarily interfere with the drainage of surface water from Lots Three (3) and Five (5), and the undersigned, their successors or assigns, shall not be liable in damages for such temporary interference with the drainage of said surface water.

4. The easement herein dedicated and granted is otherwise superior and paramount to the rights of the undersigned in the respective servient estate so created and the undersigned further agree that said easement shall be a covenant that shall run with the land and shall inure to the benefit of and be binding upon the undersigned, their respective heirs, devisees, legatees, executors, administrators, trustees, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

THE ESTATE OF WILLIAM LEVITT, Deceased

By Rosalie Kreitzer
ROSALIE KREITZER, ²⁶-Executor

By David W. Goldschmidt
DAVID W. GOLDSCHMIDT, Co-Executor

LAND ENTERPRISES COMPANY, a partnership

By C. David Burrus
Partner
C. DAVID BURRUS

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
 COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 20th day of ^{MARCH} ~~February~~, 1979, before me, the undersigned notary public in and for said county and state, came ROSALIE KREITZER and DAVID W. GOLDSCHMIDT, Co-Executors of the Estate of William Levitt, deceased, who are personally known to me to be the same persons who executed the foregoing instrument, and such persons duly acknowledged to me their execution of the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

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

Edythe S. Flynn
 Notary Public
 Edythe S. Flynn



My appointment expires:
MARCH 24, 1983

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
 COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 21st day of February, 1979, before me, the undersigned notary public in and for said county and state, came C. David Burns, a partner in LAND ENTERPRISES COMPANY, a Kansas partnership, who is personally known to me to be the same person who executed the foregoing instrument, and such person duly acknowledged to me his execution of the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

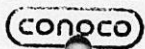
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Gloria J. McConile
 Notary Public

My appointment expires:
12-1-82



*John
Kist*



2-8-79

Larry F. Clynch, P.E.
District Manager
Oklahoma Kansas District

Continental Pipe Line Company
P O Drawer 1267
Ponca City, Oklahoma 74601
(405) 762-3456

RECEIVED
FEB 8 1979
OBLINGER - SMITH

February 5, 1979

Land Enterprises Company
3900 East Harry, Suite 135
P. O. Box 18358
Wichita, Kansas 67218

Attention C. David Burrus

Gentlemen:

By your request of January 12, 1979, this letter shall serve as our acceptance for you to plant a 10-foot landscape area along the west side of your east boundary to the Rock Road Addition in the E/2 of the NE/4 of Section 31, T27S, R2E, Sedgwick County, Kansas. We have determined that our 8" crude oil pipeline parallels this east boundary some 16 feet to the east and that your landscape area will not interfere with the operation of our line.

We would also like to point out that the construction of any access roads into Lots 8, 9, and 10 will also require our permission at the time of their construction so that we may insure the proper depth of our line below these roads. Please notify Jim Higginbotham at (405) 762-3456, extension 2207, when you have made your plans for these access roads.

Should you require any further information, please do not hesitate to call.

Yours very truly,

Larry F. Clynch
Larry F. Clynch
District Manager

MAG-br

cc: Jim Higginbotham

January 29, 1979

E. H. Denton, City Manager

Jack H. Galbraith, Chief Planner

Z-1989, "AA" to "C", Z-1990, "AA" to "E", DP-84,
Rock Road Commercial Community Unit Plan, and S/D
78-122 - Rock Road Addition. Request for platting
time extension

We are in receipt of a copy of a letter to you from C. David Burrus, Land Enterprises Company, requesting a 6 month extension of the one year platting time limit requirement of the above referred to zone cases.

Our files indicate that this is a first request for platting time extension and that the associated final plat of Rock Road Addition has been approved by the Planning Commission subject to several conditions. We would, therefore, concur in the requested 6 month extension with the new platting completion date to be July 3, 1979. In accordance with MAFPC Policy Statement #5, first requests for platting time extensions of up to 1 year may be granted by the City Manager, and therefore, no formal action is required by the governing body on this matter.

If you have any questions, please call.

Robert A. Lakin
Director of Planning

Jack H. Galbraith
Chief Planner

RAL:JHG:cln:bh

cc: C. David Burrus, Land Enterprises Company, 3900 East Harry,
Suite 135, P.O. Box 18358, Wichita, Kansas 67218

cc: Mr Jack H. Galbraith

LAND

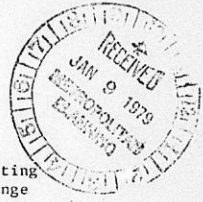
ENTERPRISES
COMPANY



3900 EAST HARRY, SUITE 135 • P. O. BOX 18358 • WICHITA, KANSAS 67218 • (316) 685-2328

January 5, 1979

Mr. E. H. Denton, City Manager
13th Floor - City Hall
455 North Main Street
Wichita, Kansas 67202



Re: Extension of Time For Platting
as a Condition of Zone Change
Approval

Dear Mr. Denton:

We are applicants on the following companion and associated zone cases:

- Z-1989 "AA" to "C"
- DP-84 Rock Road C.U.P. - Commercial Community Unit Plan
- Z-1990 "AA" to "E"

These cases involve properties consisting of approximately 17.3 acres, generally located at the southwest corner of Funston and Rock Road. In accordance with the Metropolitan Area Planning Commission "Policy Statement No. 5", it is hereby requested that you approve and authorize a six (6) month time extension, as the platting has commenced and is nearing completion but the additional time is needed to administratively complete the proceedings.

These cases were unanimously recommended for approval by the Planning Commission on 12-8-77, and were subsequently approved by the City Commission on 1-3-78. By phone, this morning, we were advised by the Planning Department that we should direct this letter to you requesting said extension.

Much of the last year was consumed, and yet well spent, working with a particular contract purchaser on alternative lotting arrangements. This now resolved, our preliminary and final plats have since been approved by the Planning Commission. We and our representatives are currently in the process of completing the conditions of plat approval and submitting required materials to the Planning Department, so that the final plat can be forwarded to the City Commission for final approval and consumation of our zoning and platting process.

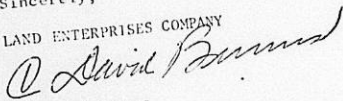
We respectfully request your favorable approval of the time extension, and that you notify Mr. Jack H. Galbraith on the Planning staff of such

January 5, 1979
Mr. E. H. Denton, City Manager
Page - 2 -

approval. Should you have any questions concerning this matter, please
do not hesitate to call.

Sincerely,

LAND ENTERPRISES COMPANY



C. David Burrus
General Partner

CDB:skh

cc: Mr. Jack H. Galbraith, Chief Planner ✓
City Hall - Tenth Floor
455 North Main Street
Wichita, KS 67202

Mr. John D. Gist
Oblinger-Smith Corp.
625 1st National Bank Bldg.
Wichita, KS 67202

Mr. Bill Korber
Baughman Company
330 Laura
Wichita, KS 67211

December 21, 1978

Oblinger-Smith Corporation
625 First National Bank Bldg.
Wichita, Ks. 67202

Re: S/D 78-122 - Final plat of Rock Road Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, December 21, 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 Sub-division Committee subject to the conditions stated in our letter of December 15, 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.
- 3-29-79 2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 3-29-79 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 plattee.
- 3-29-79 4. Certification that all taxes due and payable for 1977 and prior years have been paid.

Please call if you have any questions.

Very truly yours,

Jack H. Galbraith
Chief Planner
JHG:bb

cc: Land Enterprises Co., 3900 E. Harry, Suite 135, 67218
Baughman Company, 330 Laura, 67211

December 15, 1978

Oblinger-Smith Corporation
625 1st National Bank Bldg
Wichita, Kansas 67202

Re: S/D 78-122 - Final plat of Rock Road Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, December 14, 1978, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The applicants' drainage plan has been given tentative approval and the applicants' engineer has agreed to submit the additional information requested by the City Engineer prior to the Planning Commission meeting on December 21, 1978. If this is not accomplished by said meeting date the plat shall be deferred until the drainage plans have been completed.
- B. A dimension shall be indicated for the south line of Lot 1.

C. It is noted that the associated C.U.P. requires that a 10 foot landscape area be planted adjacent to Rock Road in the area shown as a 25 foot Continental Pipeline easement and that a screening wall be constructed along the south line of Lot 10 on the plat. The applicant shall obtain a letter from the Continental Company stating that the planting will not interfere with the pipeline, or the planting strip shall be moved to the west side of the pipeline easement. *see*

*need plat from
returned from
Eng*

D. *letter of 2-5-79*
The applicant shall guarantee the paving of Funston and Longfellow Circle. *OK*

The applicant shall guarantee the installation of sanitary sewer to serve each lot. *and storm sewer*

need ok for water plat from submitted 3-24-79
The applicant shall guarantee the installation of City water to serve each lot.

4-3-79
Bond for \$22,000 submitted on 3-30-79 for improving drainage ditch

Oblinger-Smith Corporation
12-15-78

Page 2

Final record petition returned from City

G. The applicant shall guarantee the construction of both a temporary and permanent accel-decel lane along Rock Road adjacent to Lots 8, 9 and 10.

Bond for temporary lane submitted 3-30-79
H. The "drainage easement" on Lot 1, shall be changed to a drainage dedication on the final plat tracing.

3-30-79
I. The applicant shall submit recorded copies of the private drainage easements on Lots 3 & 4 prior to forwarding the final plat to the City Commission.

J. Any raising, lowering, relocation or incasement of the Continental pipeline as a result of improvements required on this plat, shall be at the sole expense of the applicant.

3-29-79
K. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on subject property.

L. 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.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, December 21, 1978, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely yours,

Curtis L. Newby
Junior Planner

CLN:bh

cc: Land Enterprises Co., 3900 E. Harry, Suite 135, 67218
Baughman Company, 330 Laura
Dean Sellers, Assistant City Engineer

Final plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 78-122 Name Rock Road Addition
Date Application Rec'd. 11-6-78 Preliminary Approval 11-16-78
Scheduled S/D Meeting 12-14-78

DESCRIPTION

General Location Southwest corner of Rock Road and Funston

Owner Land Enterprises Company
Surveyor/Engineer Oblinger-Smith Corporation
Address 625 1st National Bank Bldg., Wichita, Ks. 67204 Phone 262-0451

- | | |
|---|---------------------------------|
| 1. Gross Acreage of Plat <u>17.3</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. 70' R/W <u>340±</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>3</u> | c. _____ R/W _____ ft. |
| Industrial <u>7</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>10</u> | TOTAL <u>340±</u> ft. |
| 3. Minimum Lot Frontage <u>55+</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>21,500 square</u> ft. | streets? <u>yes</u> x <u>no</u> |
| 5. Existing Zoning <u>"AA"</u> | |
| 6. Proposed Zoning <u>"C" and "E" associated</u> zone Case Z-1989, Z-1990 and DP-84 | |
| 9. Public Water: Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>NA</u> (Yes-No) | |
| 12. City of Wichita _____ : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. One of the conditions of approval of the preliminary plat was that no final plat was to be submitted until the drainage plans for the property had been approved by the City Engineer. Said plans have not yet been approved. However, the applicant's engineer has indicated approval of the plans is expected before the Subdivision Committee meeting of December 14, 1978, and if the plans are not approved by that time, that the applicant will agree to a deferral of this final plat until the drainage plans are approved.
- B. A dimension shall be indicated for the south line of Lot 1.
- C. It is noted that the associated C.U.P. requires that a 10 foot landscape area be planted adjacent to Rock Road in the area shown as a 25 foot Continental Pipeline easement and that a screening wall be constructed along the south line of Lot 10 on the plat. The applicant shall obtain a letter from the Continental Company stating that the planting will not interfere with the pipeline, or the planting strip shall be moved to the west side of the pipeline easement. Either the screen wall shall be constructed north of the 10 foot easement shown on lot 10, or the easement shall be moved north to allow the construction of the wall at the property line.
- D. The applicant shall guarantee the paving of Funston and Longfellow Circle.
- E. The applicant shall guarantee the installation of sanitary sewer to serve each lot.
- F. The applicant shall guarantee the installation of City water to serve each lot.
- G. The applicant shall guarantee the construction of an accel-decel lane along Rock Road adjacent to Lots 8, 9 and 10.

T9-303

(Over)

- H. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on subject property.
- I. Recording of the plat within 30 days after approval by the Board of City Commissioners.

SCCD-COBS-5 (Rev 11/77)

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

DATE: November 16, 1978

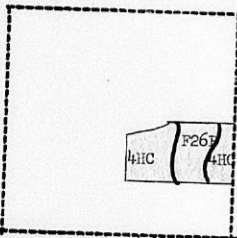
PROPERTY NAME: ROCK ROAD ADDITION

LOCATION: Southwest corner of Rock Road and Funston

MAILED TO: Oblinger-Smith Corporation
625 1st National Bank Building
Wichita, Kansas 67202

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



31
Scale: 4" equals 1 mile
31-27-2E

Situation and/or Problems:

This area has very clayey soils so water erosion can be a severe problem. Cover must be maintained at all times or a severe pollution problem will occur to the surrounding area.

<u>Symbols</u>	<u>Class</u>	<u>Soil</u>	<u>SOILS LEGEND</u>	<u>Brief Description</u>	<u>Hydro Group</u>
4HC	IVe-1	Clime silty clay 3 to 6 percent slopes		Moderately deep, sloping, well drained soils, on uplands, developed over shales. These soils have rapid runoff and low available water capacity. Permeability is very slow. <u>Prime agricultural land.</u>	C
F26B	IIIe-1	Irwin silty clay 1 to 3% slopes		Deep, gently sloping, moderately well and well drained soils on uplands and terraces. These soils have medium runoff and high available water capacity. Permeability is very slow and moderate. <u>Prime agricultural land.</u>	D

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>Class</u>	<u>Soil</u>	<u>Item</u>	<u>Limitation</u>	<u>Reason</u>
4EC	Ive-1	Clime silty clay	Shallow Excavation	Severe	Too Clayey
			Dwellings	Moderate	Shrink-Swell Low Strength
			Small Commercial Buildings	Moderate	Shrink-Swell Low Strength
			Local Roads & Streets	Severe	Low Strength
F26B	IIIe-1	Irwin silty clay	Parks	Severe	Too Clayey
			Shallow Excavation	Severe	Too Clayey
			Dwellings	Severe	Shrink-Swell Low Strength

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. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.
4. 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.
5. 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.
6. 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.
7. Stabilize each lot within 60 days after work starts on home or other building construction.
8. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
9. 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.

<u>Symbol</u>	<u>Class</u>	<u>Soil</u>	<u>Item</u>	<u>Limitation</u>	<u>Reason</u>
F26B	IIIe-1	Irwin silty clay	Small Commerc. Buildings	Severe	Shrink-Swell Low Strength
			Local Roads & Streets	Severe	Shrink-Swell Low Strength
			Parks	Severe	Percolation Too Slow

November 17, 1978

Oblinger-Smith Corporation
625 First National Bank Bldg.
Wichita, Ks. 67202

Re: S/D No. 78-122 - Preliminary plat of
Rock Road Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, November 16, 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. It is noted that the associated C.U.P. requires that a 10 foot landscape area be planted adjacent to Rock Road in the area shown as a 25 foot Continental Pipeline easement and that a screening wall be constructed along the south line of Lot 10 on the plat. The applicant shall obtain a letter from the Continental Company stating that the planting will not interfere with the pipeline, or the planting strip shall be moved to the west side of the pipeline easement. Either the screen wall shall be constructed north of the 10 foot easement shown on lot 10, or the easement shall be moved north to allow the construction of the wall at the property line.
- B. The applicant shall guarantee the paving of Funston and Longfellow Circle.
- C. The applicant shall guarantee the installation of sanitary sewer to serve each lot.
- D. The applicant shall guarantee the installation of City water to serve each lot.
- E.** Prior to submission of the final plat, the applicant shall submit a drainage plan to the City Engineer's office for review and approval. The applicant shall guarantee all drainage improvements required by this plan.

Oblinger-Smith Corporation
11-17-78
Page 2

- F. The applicant shall guarantee the construction of an accel-decel lane along Rock Road adjacent to Lots 8, 9, and 10.
- G. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on subject property.
- Ex* H. The cul-de-sac radius shall be increased to 75 feet. (City Engineer's office stated on 11-17-78 that a 65 foot radius would be sufficient).
- I* I. 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.
- J* J. 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 Olivares
Junior Planner

LO:bh

cc: Land Enterprises Co., 3900 E. Harry, Suite 135, 67218
Dean Sellers, Assistant City Engineer

Baughman Company 330 Laura

Preliminary Plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. S/D 78-122 Name Rock Road Addition
Date Application Rec'd. 11-6-78 Preliminary Approval _____
Scheduled S/D Meeting 11-16-78

DESCRIPTION

General Location Southwest corner of Rock Road and Funston

Owner Land Enterprises Company
Surveyor/Engineer Oblinger-Smith Corporation
Address 625 1st Nat'l Bank Bldg., Wichita, Ks. 67202 Phone 262-0451

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>17.3</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>70'</u> R/W <u>340+</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>3</u> | c. _____ R/W _____ ft. |
| Industrial <u>7</u> | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>10</u> | TOTAL <u>340+</u> ft. |
| 3. Minimum Lot Frontage <u>55+</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <input type="checkbox"/> no <input type="checkbox"/> |
| 4. Minimum Lot Area <u>23,500 sq.</u> ft. | |
| 5. Existing Zoning <u>AA</u> | |
| 6. Proposed Zoning <u>C and E Assoc. zone</u> Case Z-1989, Z-1990, and DP-84 | |
| 9. Public Water Supply <u>yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u>N/A</u> (Yes-No) | |
| 12. City of Wichita _____ : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. Associated cases DP-84, Commercial C.U.P. and Z-1989, "AA" to "C" involving Lots 8, 9 and 10; and Z-1990, "AA" to "E" involving Lots 1 thru 7 have all been approved by the Board of City Commissioners subject to platting.
- B. It is noted that the associated C.U.P requires that a 10 foot landscape area be planted adjacent to Rock Road in the area shown as a 25 foot Continental Pipeline easement and that a screening wall be constructed along the south line of Lot 10 on the plat. The applicant shall obtain a letter from the Continental Company stating that the planting will not interfere with the pipeline. Either the screen wall shall be constructed north of the 10 foot easement shown on Lot 10, or the easement shall be moved north to allow the construction of the wall at the property line.
- C. The applicant shall guarantee the paving of Funston and Longfellow Circle.
- D. The applicant shall guarantee the installation of sanitary sewer to serve each lot.
- E. The applicant shall guarantee the installation of City water to serve each lot.
- F. The applicant shall guarantee all drainage improvements required by the plat.
- G. The applicant shall guarantee the construction of an accel-decel lane along Rock Road adjacent to Lots 8, 9 and 10.
- H. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the

effects of noise pollution in any habitable structure constructed on subject property.

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

Map No.: 5945
Section No.: 31
Twp. No.: 27S
Range: 2E

S/D No. 78-122

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: ROCK ROAD ADDITION

General Location: SW COR. OF ROCK RD. & FUNSTON

Name of Property Owner: LAND ENTERPRISES COMPANY
Address: 3900 E. HARRY - SUITE 135; 67218 Phone: 685-2328

Name of Subdivider: LAND ENTERPRISES COMPANY
Address: 3900 E. HARRY - SUITE 135; 67218 Phone: 685-2328

* Name of Agent/Surveyor: OBLINGER-SMITH CORPORATION
Address: 625 FIRST NATL BANK BLDG.: 67202 Phone: 262-0451

Date of Application: OCTOBER 27, 1978
* BAUGHMAN CO.; 330 LAURA; 67211

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 17.3

2. Number of Lots:

Residential _____

Commercial 3

Industrial 7

Other _____

Total Number of Lots 10

3. Minimum Lot Frontage 55 ± ft.

4. Minimum Lot Area 23,500 sq. ft.

5. Existing Zoning "AA" Assoc. Zone

6. Proposed Zoning "C" & "E", Case Z-1989 & Z-1990 & DP-84

7. Lineal Feet of New Streets:

a. 70' R/W 340± ft.

b. _____ R/W _____ ft.

c. _____ R/W _____ ft.

d. _____ R/W _____ ft.

e. _____ R/W _____ ft.

TOTAL 340± ft.

8. Sidewalk adjacent to all streets? _____ yes _____ x no

9. Public Water Supply YES (Yes-No), Name CITY OF WICHITA

10. Public Sanitary Sewers YES (Yes-No), Name CITY OF WICHITA

11. Health Department Approval (where applicable) N.A. (Yes-No)

12. City of Wichita ~~XXXXXXXXXXXX~~

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: *Carl Beaulieu*

Wichita-Sedgwick County Metropolitan Area
Planning Commission, 10th Floor, City Hall,
455 North Main, Wichita, Kansas 67202.

Received by *Carl Beaulieu*
Date 11/6/78
Fee Submitted \$77.00

FORM 29

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
<i>Subcontract application</i>	
<i>...</i>	
<i>...</i>	
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY