

I N T E R O F F I C E M E M O R A N D U M

Printed by: Carl Gipson
Date: 07-Jul-1993 02:05pm CDT
From: Carl Gipson
GIPSON_C
Dept: Public Works
Tel No: 268-4505

TO: Douglas J. Moshier
TO: Marvin Krout

(MOSHIER_D)
(KROUT_M)

Subject: Maus Supply Site

I have learned that Ramsey has abandoned the proposed plat and let his sales contract expire. We are preparing to purchase the ground we need from the original owner: Brand. I hope to receive authorization to purchase from Council on July 20.

Looks like the "good guys" won one! Thanks for your help.

DESCRIPTION OF HIGHWAY RIGHT OF WAY: TRACT A

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 5.00 feet to a point 60 feet west of the centerline of Tyler Road;

Thence S 00-00'00"W parallel to the centerline of Tyler Road for 177.84 feet;

Thence S 33-02'06"W for 33.33 feet to a point 112.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence S 66-04'12"W along a line parallel to and 112.00 feet northwesterly of the centerline of U.S. 54 Highway for 175.00 feet;

Thence S 60-37'38"W for 105.43 feet to Point of Beginning;

Containing 16,865.89 square feet, more or less.

DESCRIPTION OF HIGHWAY RIGHT OF WAY: TRACT A

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 5.00 feet to a point 60 feet west of the centerline of Tyler Road;

Thence S 00-00'00"W parallel to the centerline of Tyler Road for 177.84 feet;

Thence S 33-02'06"W for 33.33 feet to a point 112.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence S 66-04'12"W along a line parallel to and 112.00 feet northwesterly of the centerline of U.S. 54 Highway for 175.00 feet;

Thence S 60-37'38"W for 105.43 feet to Point of Beginning;

Containing 16,865.89 square feet, more or less.

MAUS TRACT

Tract A

Tract B

Southeast Corner of Lot 3,
Schniepp Addition

Tyler Road

Kellogg Avenue



EXHIBIT D

DEDICATION

FROM ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

being the owner _____ of the following described real estate in Sedgwick County, Kansas, to-wit:

Beginning at the southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway; thence north 60°37'38" east for 105.43 feet; thence north 66°04'12" east for 175.00 feet along a line parallel to and 112.00 feet north of the centerline of U.S. 54 Highway, measured perpendicularly from said centerline; thence north 33°02'06" east for 33.33 feet to a point 60.00 feet west of the centerline Tyler Road; thence north 00°00'00" east parallel to the centerline of Tyler Road for 177.84 feet; thence north 90°00'00" east for 15.00 feet to the west line of Tyler Road; thence south 00°00'00" west along the west line of Tyler Road for 195.13 feet; thence south 33°02'06" west for 33.54 feet to a point on the north line of U.S. 54; thence south 66°04'12" west along the north line of U.S. 54 for 291.80 feet; thence north 00°00'00" east for 13.13 feet to point of beginning.

Containing 9,271.49 square feet, more or less.

do _____ hereby dedicate the above-described real estate to the public for _____ street _____ purposes.

Executed this _____ day of _____, 19__.

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this _____ day of _____, 19__, came

_____ to me personally known to be the same person _____ who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Submitted to the Wichita-Sedgwick
County Metropolitan Area Planning
Commission and the City Council
of the City of Wichita, Kansas,
and approved by said City Council
of the City of Wichita, Kansas,
this ____ day of _____,
19 ____.

Notary Public

My Commission Expires: _____

City Clerk

/dlp

EXHIBIT C

MAUS TRACT

Commencing at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to the Point of Beginning;

Thence N 00-00'00"E along the east line of said Lot 3 for 259.55 feet;

Thence N 90-00'00"E for 265.00 feet;

Thence S 00-00'00"W 121.95 feet;

Thence S 33-02'06"W for 33.53 feet;

Thence S 66-04'12"W for 269.92 feet to Point of Beginning.

Containing 53,015.14 square feet, more or less.

MAUS TRACT

Tract A

Tract B

Southeast Corner of Lot 3,
Schniepp Addition

Tyler Road

Kellogg Avenue



I N T E R O F F I C E M E M O R A N D U M

Printed by: Betty Morgan
Date: 10-Jun-1993 03:54pm CDT
From: Marvin Krout
KROUT_M
Dept: Planning
Tel No: 268-4425

TO: Carl Gipson

(GIPSON_C)

Subject: RE: Jim Ramsey Plat

That's funny. On his way out of the conference room, Fettis told me "well, I guess we'll see you in court!"

I N T E R O F F I C E M E M O R A N D U M

Printed by: Betty Morgan
Date: 10-Jun-1993 03:56pm CDT
From: Marvin Krout
KROUT_M
Dept: Planning
Tel No: 268-4425

TO: Douglas J. Moshier

(MOSHIER_D)

CC: Carl Gipson

(GIPSON_C)

Subject: fyi/Jim Ramsey plat

The Subdivision Committee voted to defer action for 4 weeks on this plat at Tyler and Kellogg that we talked about. Staff indicated that we have an adopted concept plan for Kellogg since this tract was first platted four years ago, that the subdivision regulations deal with making provision for street improvement needs along limited access roads like this, and that staff was recommending denial of this plat as it has been submitted, because it does not provide for the Kellogg needs.

Everett Fettis is representing the applicant Jim Ramsey, and told me on his way out of the meeting that he guessed we'd see him in court. But he also stopped by Carl's office, and maybe Carl feels that they are willing to negotiate. In any case, I think we said the right things for the record; hard to tell what the Subdivision Committee will do next month.

THE
MARTENS
COMPANIES

(316)262-0000 • P.O. Box 486 • Wichita, Kansas 67201

July 19, 1993

Steven L. Potucek
Real Property Manager
The City of Wichita
455 N. Main Street
Wichita, Kansas 67202

Re: Letter of Opinion
Two Tracts of Vacant Land Northeast of Kellogg and Maize

Dear Mr. Potucek:

The following opinion of value is for two tracts of land located east of Maize Road, on the north side of Kellogg (U.S. Highway 54). The parcels of land are briefly identified and described below:

The corner tract, referred to here as Tract A contains 2.54 acres and is approximately 1,130 feet long with Kellogg frontage, by approximately 100 feet in depth. Tract B is east of the Cowskin Creek, contains 1.61 acres and is basically a triangular shaped parcel. (See plat map attached).

The western approximate 80% length of Tract A is zoned "LC" - Light Commercial. The remainder is zoned "AA" Residential. All of Tract B is zoned "AA" Residential.

According to Chris Brittenstein of the City of Wichita's Engineering Department, approximately 60% of the total area of Tract A, beginning at the western edge, is in Flood Zone C - an area of minimal flooding which does not require flood insurance. The adjacent approximate 20% to the east is in Flood Zone B - an area which sometimes requires flood insurance, but is buildable. The remainder approximate 20% is in Flood Zone A, an area which does flood on occasion, does require flood insurance and is not buildable. (See attached flood map). Tract B, east of the Cowskin and Tract A, is entirely in Flood Zone A, and therefore, not buildable.

Nine comparable land sales were used to formulate an opinion of value for the two tracts of land described above. (Sales Comparables and Grid enclosed). Three of the sales have Kellogg frontage with a wide price variance of nearly \$7.00 per sq.ft. Eight of the comparable sales are in the vicinity of the subject property, four are purchases by the City of Wichita, one is a pending sale of a tract of land directly north of the subject site and one is the recent purchase of 10 acres of land by the City of Wichita for recreational use.

THE
MARTENS
COMPANIES

Steven L. Potucek
The City of Wichita
July 19, 1993
Page 2

Tract A has Kellogg frontage and access, yet 20% is not buildable, another 20% would probably require flood insurance and the dimensions of the lot (lack of depth) would require special configuration of the potential structure and parking. Therefore, the opinion of value for Tract A is based on the lower end of the range for the most recent land sales in the vicinity of the subject property with Kellogg frontage. This land value estimate of \$2.50 per sq.ft. is applied to the 88,514 sq.ft. of buildable area, or approximately 80% of the total area.

Tract B also has Kellogg frontage and is located just south of a residential area, though the flood zone status of this tract limits it to recreational use only. The opinion of value for Tract B is the same as for the 20% of Tract A which is also limited due to flood status. This value opinion is based on the recent purchase of 10 acres of land by the City of Wichita in the Chisholm Creek Park area for \$1,500 per acre.

The final opinion of value is based on the facts and circumstances pertinent to the analysis and all aspects of the property and market information. Based on this data, it is my opinion that the **Market Value** of the subject property in its highest and best use as, as of the date of inspection, July 13, 1993, is estimated as follows:

80% of Tract A, or 88,514 sq.ft. X \$2.50	= \$221,285
20% of Tract A, or .51 acres X \$1,500/acre	= \$ 765
Tract B, or 1.61 acres X \$1,500/acre	= <u>\$ 2,415</u>
	\$224,465

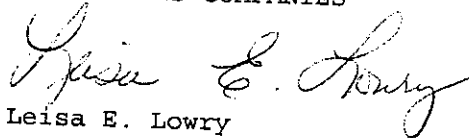
Rounded to:

TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS

\$225,000.00

Respectfully submitted,

THE MARTENS COMPANIES


Leisa E. Lowry
Real Estate Appraiser

Enclosures

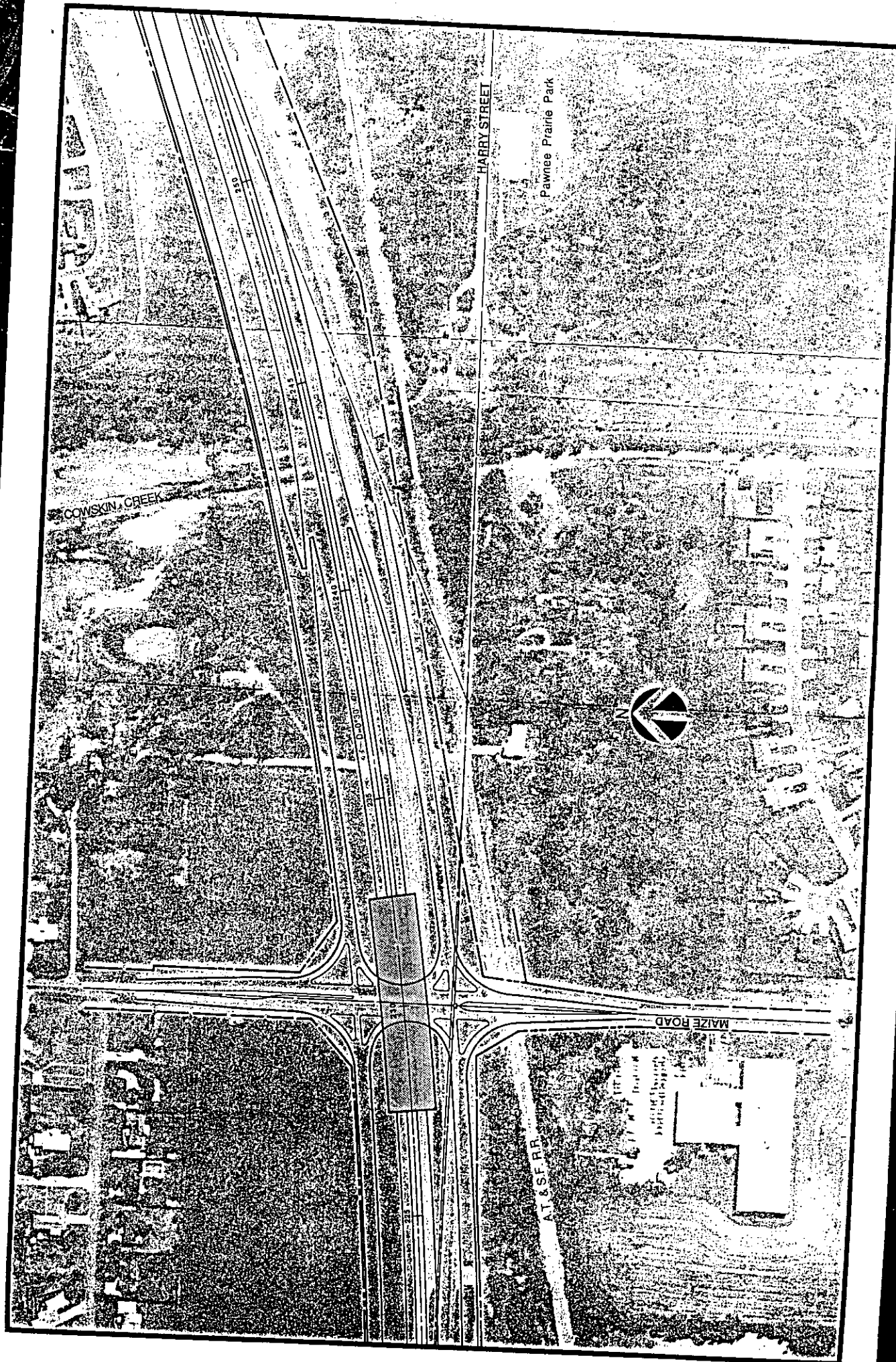


FIGURE XVIII C

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COWSKIN CREEK

HARRY STREET

Pawnee Prairie Park

MAIZE ROAD

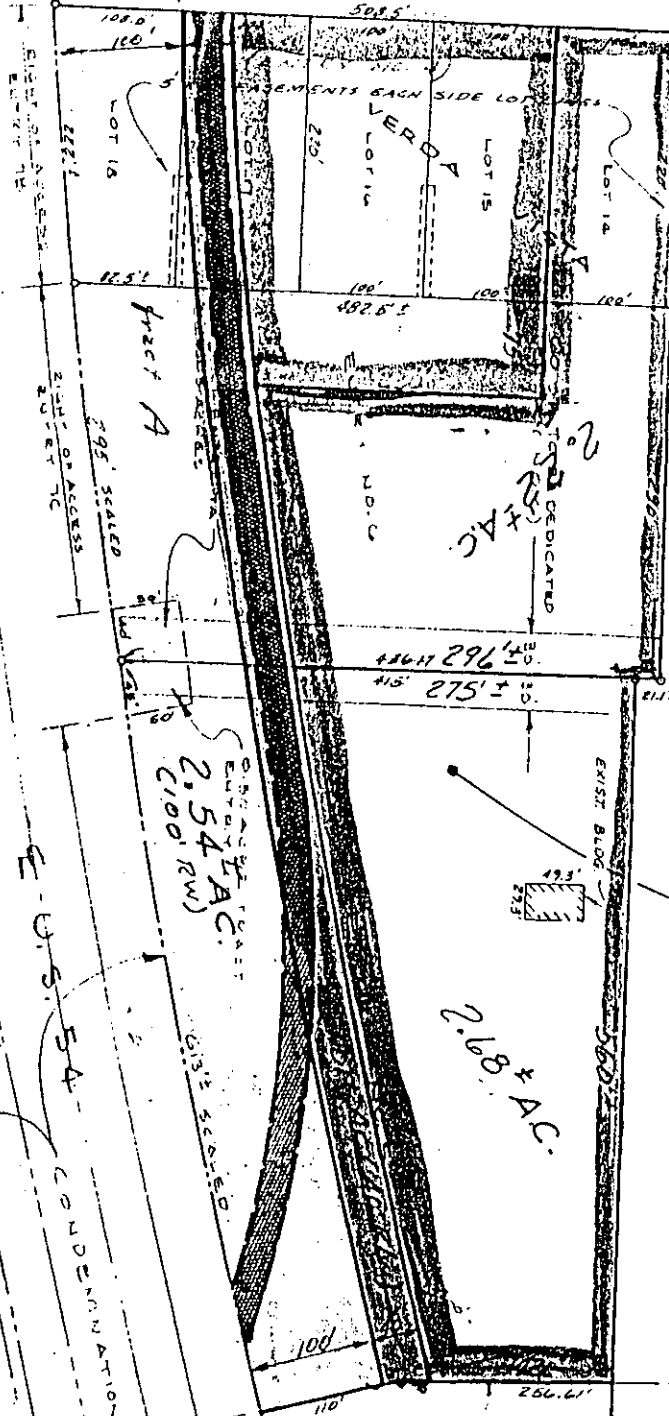
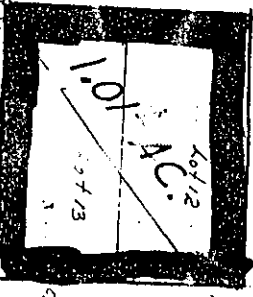
AT & SF RD

MAIZE

RD.

NOTE: AREA FROM EAST LINE OF MAIZE ROAD TO WEST LINE OF CREEK BANK & NORTH LINE OF U.S. HWY. 54 TO NORTH LINE OF TRACT 5/6/092 ACRES.

TOTAL ACREAGE FROM EAST ROAD TO MOST EASTERN

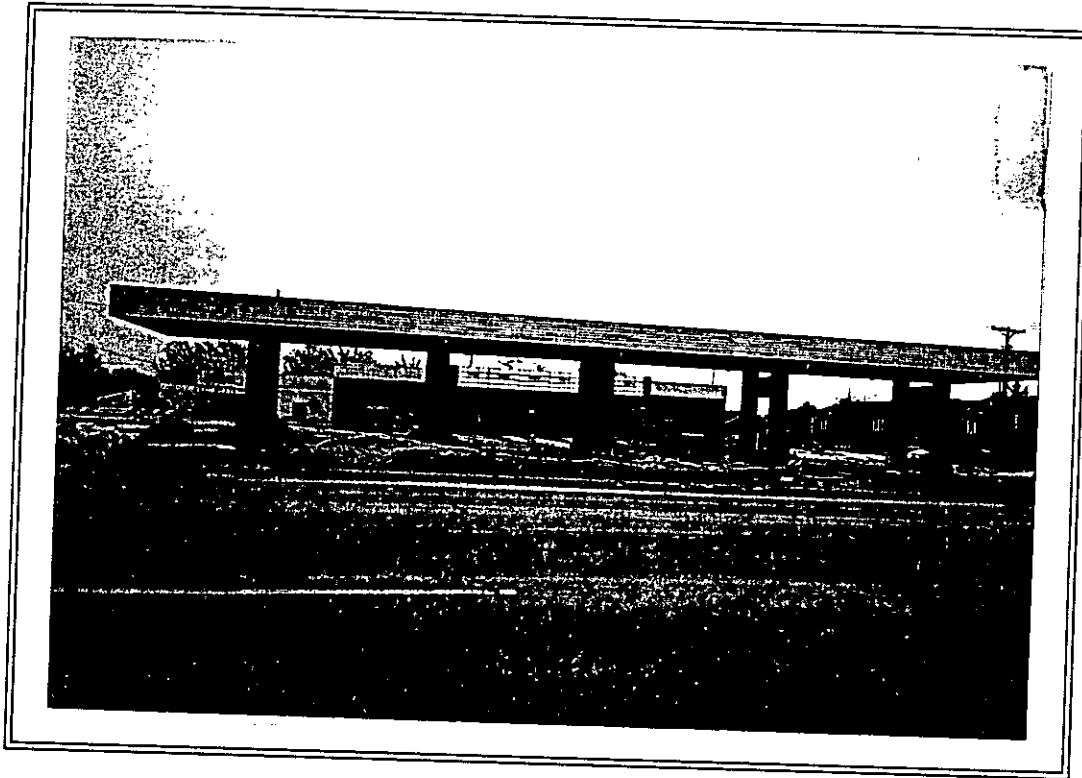


ACRES SHOWN CALCULATED FROM SCALED DIMENSIONS

J. L. Pennington

SW 1/4, SW 1/4, SEC. 29

COMPARABLE LAND SALE NO. 1



Location: East side of Tyler , 200' North of Maple, Wichita,
Kansas 67212

Legal Description: Lot 1, Block 1, QuikTrip 2nd Addition to the City of
Wichita, Sedgwick County, Kansas

Grantor: Ronald Groves
Grantee: QuikTrip Corporation

Recording Data: Deed: Stat WD
Date filed: 09-01-92
Film/Page: 1273/1902

Date of Sale: 09-01-92

Sale Price: \$ 51,400

Property Rights
Conveyed: Fee Simple

Financing: N/A

Conditions of Sale: Market

Verification: County Records

Comparable Land Sale No. 1 (continued)
Es of Tyler & 200 ' N of Maple
Wichita, Kansas

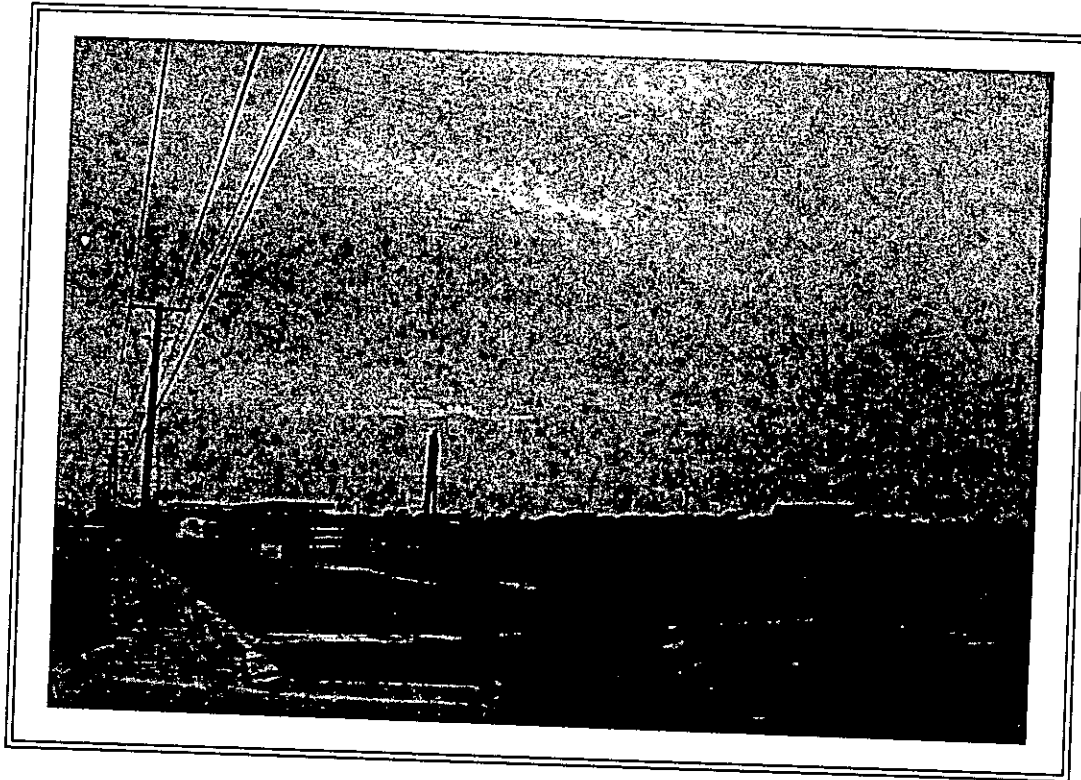
Site Data:

Area: 16,336 sq.ft.
Dimensions:
Zoning: "LC" - Light Commercial
Location: East side of Tyler, between Central and Maple
Access: Good
Visibility: Average
Utilities: All Available
Present Use: Vacant
Tax Key No.: D-44635
Specials: \$3628.66

Price / Sq.Ft.: \$3.15
Adj. Price/Sq. Ft.: \$3.37 with specials
Comments: To be improved improved with a QuikTrip Store.

0467L500

Comparable Land Sale No. 2



Location: Southwest corner of Texas & Maize Rd.
Wichita, Kansas

Legal Description: Lots 13 & 14, Block 2, Oak Cliff Estates 2nd Addition
to the City of Wichita, Sedgwick County, Kansas

Grantor: American National Bank of Wichita
Grantee: American National Bank of Westlink (Paul Dugan)

Recording Data: Deed: Quit Claim Deed
Date filed: 01-27-92
Film/Page: 1220/1103

Date of Sale: 01-24-92

Sale Price: \$ 60,000.00
Outstanding Specials: \$ 15,259.70
Adjusted Sales Price: \$ 75,259.70

Property Rights
Conveyed: Fee Simple Ownership

Financing: All Cash

Conditions of Sale: Normal

Comparable Land Sale No. 2 (continued)

Property Address: Southwest corner of Maize and Texas, Wichita, Kansas

Verification: Commercial Transaction Report, Confirmed with the
Sedgwick County Register of Deeds Office

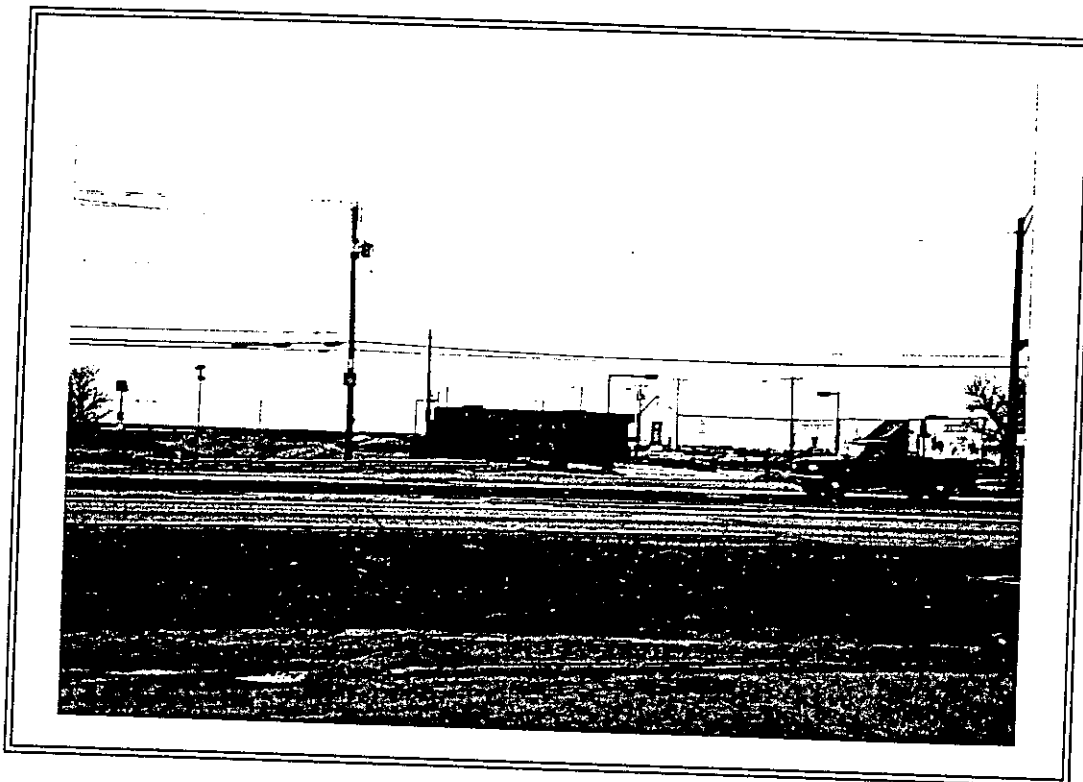
Site Data:

Area: 26,194 sq.ft. +/-
Zoning: "BB" - Office District
Location: west Wichita
Access: Good via Maize and Texas
Visibility: Good via Maize and Texas
Utilities: All are available to the site
Present Use: Vacant Land

Price / Sq.Ft.: \$ 2.87/ sq.ft.

(3606L500)

COMPARABLE LAND SALE NO. 3



Location: 6345 W. Kellogg, Wichita, Kansas
SE/c Kellogg & Dugan

Legal Description: Lot 1, Una Johnson Addition, City of Wichita, Sedgwick
County, Kansas

Grantor: Esther Forgey, Executor
Grantee: City of Wichita

Recording Data: Deed: Exec Deed
Date filed:
Film/Page: 1297-1054

Date of Sale: 12/01/92

Sale Price: \$100,000

Property Rights
Conveyed: Fee Simple

Financing: N/A

Conditions of Sale: See Remarks

Verification: Steve Potucek, City of Wichita

Comparable Land Sale No. 3 (continued)

SE/c Kellogg & Dugan
Wichita, Kansas

Site Data:

Area:	17,955 sq.ft.
Dimensions:	Irregular
Zoning:	"C" Commercial
Location:	SE/c Kellogg & Dugan Rd.
Access:	Access is average from frontage road and Dugan.
Visibility:	Good
Utilities:	All Available
Present Use:	See Comments
Tax Key No.:	D-39086

Price / Sq.Ft.: \$ 5.57

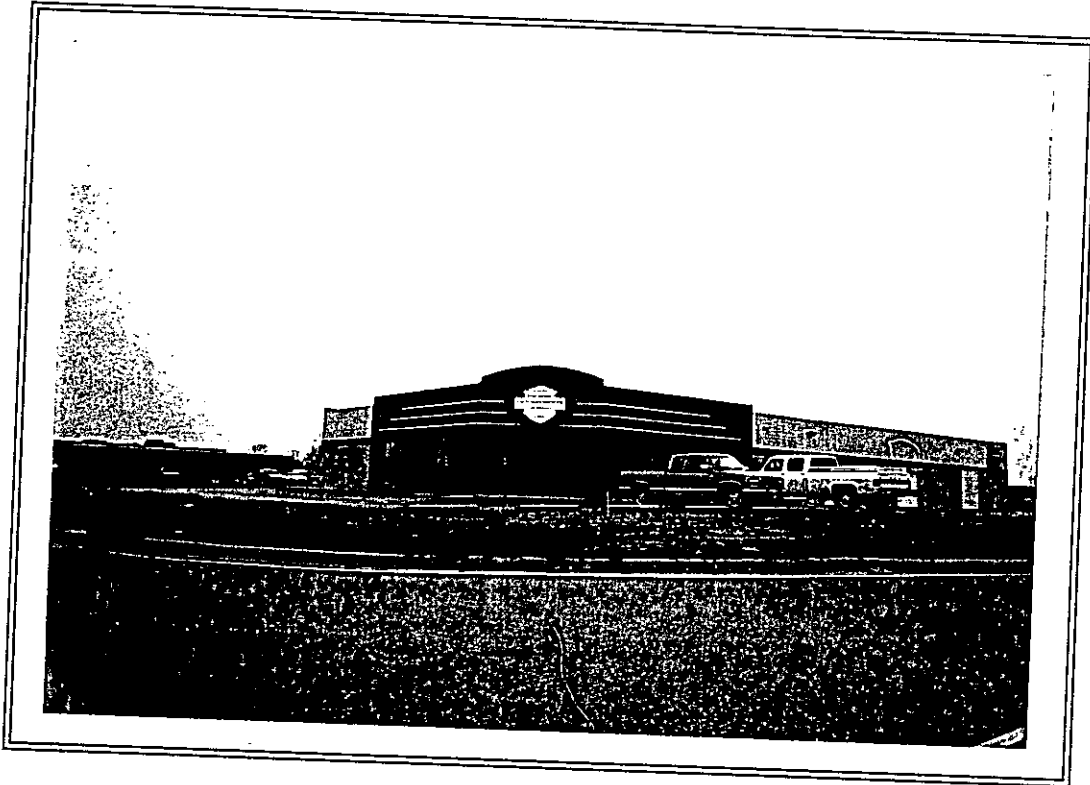
Comments:

This site was improved with an Amoco gas station and car wash. Amoco had leased the land which expired the month prior to this sale. Amoco removed the tanks and will pay any remediation for contamination.

Demolition cost of improvements were not available; however Mr. Potucek indicated that the salvage value would offset these costs and the price paid was for ground only.

3576L500

COMPARABLE LAND SALE NO. 4



Location: NW/c Kellogg & Holland, Wichita, Kansas

Legal Description: Part of Lot 12, Block 1, Ridge Plaza 4th Addition City of Wichita, Sedgwick County, Kansas

Grantor: Daniel Carney, etal
Grantee: Michael Bahnmaier

Recording Data: Deed: Exec & Stat WD
Date filed: 08-14-92
Film/Page: 1269/1900,1902

Date of Sale: 08-12-92

Sale Price: \$ 100,000

Property Rights Conveyed: Fee Simple

Financing: N/A

Conditions of Sale: Market

Verification: Gary Snyder to RAL, County Records

Comparable Land Sale No. 4 (continued)

NW/c Kellogg & Holland
Wichita, Kansas

Site Data:

Area: 40,000 sq.ft.
Zoning: "LC" Light Commercial
Location: Located on frontage road of Kellogg & Holland, west of Ridge Road
Access: Fair - frontage road access approx 1/3 mile +/-
Visibility: Limited from west bound traffic - Ridge Road fly-over blocks view.
Utilities: All available
Present Use: Vacant Land
Tax Key No.: D-29980

Price / Sq.Ft.: \$ 2.50

Comments: For construction of Harley Davidson Motorcycle showroom.

3578L500

COMPARABLE LAND SALE NO. 5



Location: NE/c Kellogg & Tyler Rd., Wichita, Kansas

Legal Description: Part of Lot 27, Fairlawn Acres Addition; replatted as Lot 1, Block 1, Phillips 66 Center -Tyler Addition, City of Wichita, Sedgwick Co., KS

Grantor: The Security Oil Company (Eleanor Knott)

Grantee: Phillips 66 Company

Recording Data: Deed: St. Corp. WD
Date filed: 04-29-91
Film/Page: 1168/552

Date of Sale: 04-23-91

Sale Price: \$ 350,000

Property Rights Conveyed: Fee Simple

Financing: N/A

Conditions of Sale: Cash to Seller

Verification: County Records, John Arnold - Broker

Comparable Land Sale No. 5 (continued)

Property Location: NE/c Kellogg & Tyler
Wichita, Kansas

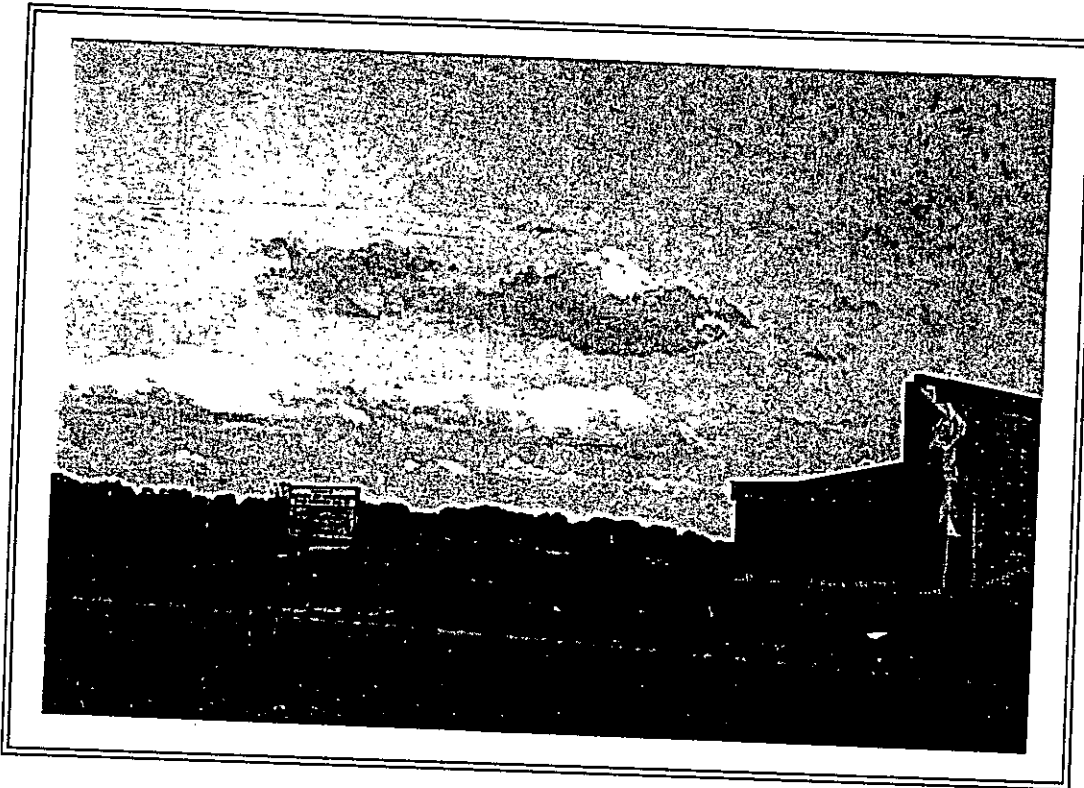
Site Data:

Area: 37,369 sq.ft.
Dimensions: Irregular
Zoning: "E" Light Industrial
Location: NE/c Kellogg & Tyler
Access: Good from Kellogg & Tyler
Visibility: Good
Utilities: All Available
Present Use:
Tax Key No.: D-24453

Price / Sq.Ft.: \$ 9.37

3579L500

Comparable Land Sale No. 6



Location: The south side of Maple, 1/4 mile west of Maize Rd.
Wichita, Kansas

Legal Description: The north 280' of the west 325' of Lot 3, Block 1,
Summerfield III Commercial Addition to the City of
Wichita, Sedgwick County, Kansas

Grantor: Summerfield Inc.
Grantee: The City of Wichita

Recording Data: Deed: Corporate Warranty Deed
Date filed: 10-30-90
Film/Page: 1139/1739

Date of Sale: 10-29-90

Sale Price: \$ 150,150

Property Rights
Conveyed: Fee Simple Ownership

Financing: All Cash

Conditions of Sale: Normal

Comparable Land Sale No. 6 (continued)

Property Address: The south side of Maple, 1/4 mile west of Maize Rd.
Wichita, Kansas

Verification: Commercial Transaction Report, October 1990, #71
Confirmed with Steve Potucek, City of Wichita

Site Data:

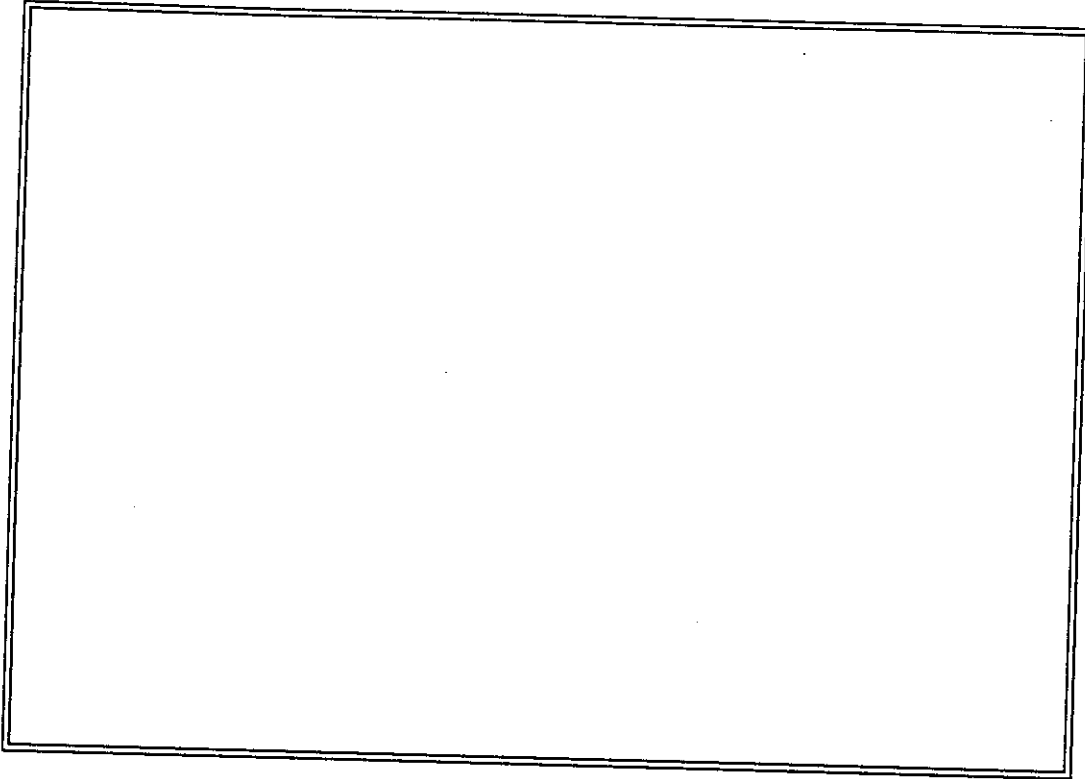
Area: 91,000 sq.ft. +/-
Zoning:
Location: West Wichita
Access: Good via Maple
Visibility: Good via Maple
Utilities: All are available to the site

Comments: Site was purchased for the location of a new City of
Wichita Fire Station

Price / Sq.Ft.: \$ 1.65/ sq.ft.

(3610L500)

Comparable Land Sale No. 7



Location: East side of Maize Road, North of Kellogg

Legal Description: South 40 feet of lot 11 and all of lots 12 and 13, Maize Road, Verde Vista Addition to the City of Wichita, Sedgwick County, Kansas.

Grantor: Fong Choi Ng and Kim Hen Ng

Grantee: City of Wichita

Date of Sale: 7-28-87

Sale Price: \$52,800

Property Rights Conveyed: Fee simple

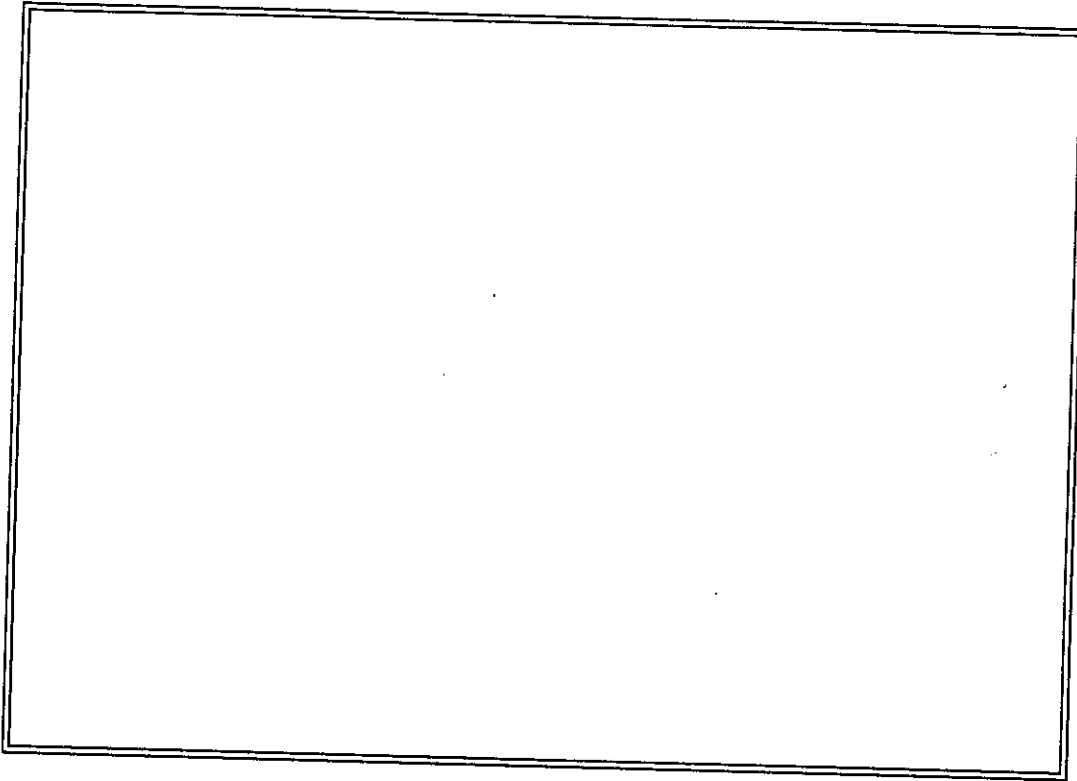
Site Area: 52,800 square feet

Dimensions: 240' x 220'

Price / Sq.Ft.: \$1.00

Data Source: Steve Potucek, City of Wichita, to LEL, 7/15/93
(firecopy)

Comparable Land Sale No. 8



Location: Chisholm Creek (park), Wichita, KS

Legal Description: NW/4 of NW/4 of NE/4, Section 2, Township 27 South, Range 1 East.

Grantor: Willard W. Watson

Grantee: City of Wichita

Date of Sale: 7-14-93

Sale Price: \$15,000

Property Rights Conveyed: Fee simple

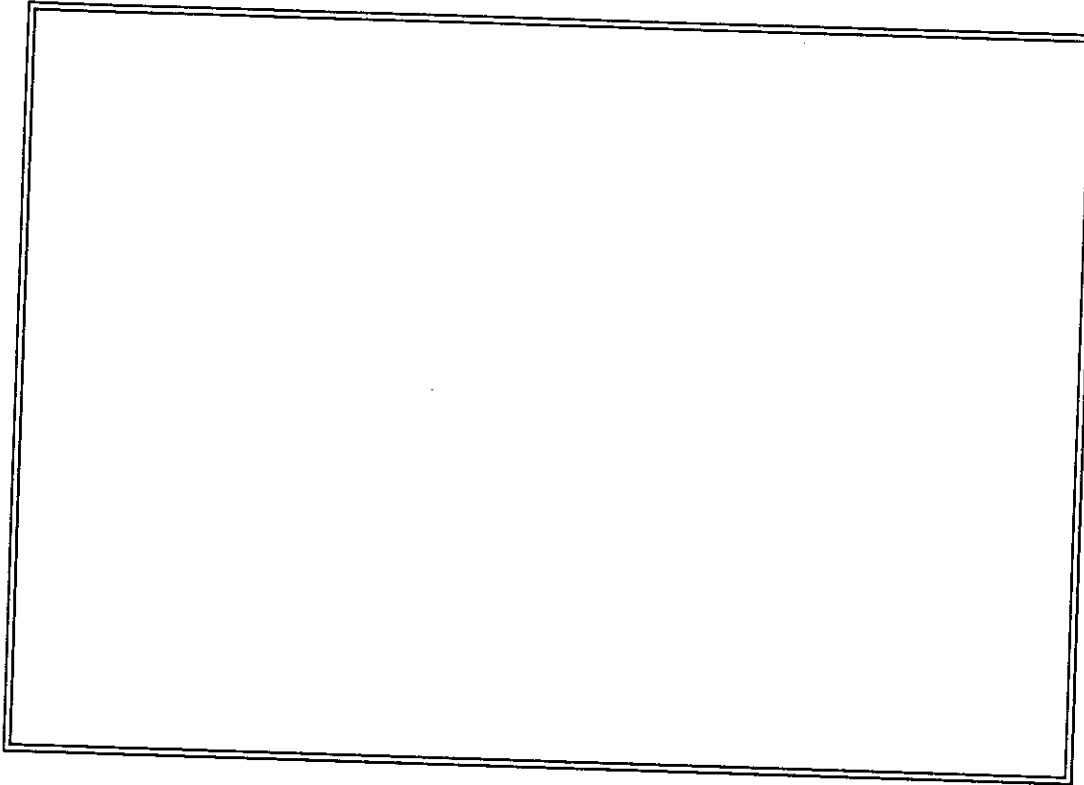
Site Area: 10 acres

Price / Acre: \$1,500 / acre

Comments: This land was valued for recreational use only.

Data Source: Steve Potucek, City of Wichita, to LEL, 7/15/93
(firecomp)

Comparable Land Sale No. 9



Location: East side of Maize, North of Kellogg

Legal Description: Lots 16, 17, and part of Lot 18, Verde Vista Addition,
Sedgwick County, Kansas

Grantor: Resthaven Garden of Memories, Inc., etal

Grantee: Jameel G. Razook, Agent for Buyer

Date of Sale: In closing

Sale Price: \$290,000

Property Rights
Conveyed: Fee simple

Site Area: 75,364 square feet

Price / Sq.Ft.: \$3.85 / sq.ft.

Comments: This land sale is currently under contract and is due
to be closed by July 31, 1993 at the latest.

Data Source: Purchase Contract
(fircomp)

COMPARABLE LAND SALES

	<u>SUBJECT</u>	<u>COMP #1</u>	<u>COMP #2</u>	<u>COMP #3</u>	<u>COMP #4</u>	<u>CON</u>
<u>ADDRESS</u>	N/E of Kellogg & Maize	E/s Tyler, 200' N of Maple	SW/c of Texas and Maize Rd.	6345 W. Kellogg	NW/c of Kellogg and Holland	NE/c and
<u>DATE OF SALE</u>		9/1/92	1/24/92	12/1/92	8/12/92	4/23
<u>TIME FROM DOS</u>		10 mos.	18 mo.	8 mos.	11 mos.	27 m
<u>SALES PRICE</u>		\$51,400	\$75,259.70	\$100,000	\$100,000	\$350
<u>SITE AREA</u>	110,642 sf. (A) 70,132 sf. (B)	16,336 sf.	26,194 sf.	17,955 sf.	40,000 sf.	37.3
<u>TERMS/COND. OF SALE</u>		Market/ Normal	Market/ Normal	Market/ Abnormal	Market/ Normal	Mar/ Nor
<u>FRONTAGE/ACCESS</u>	Kellogg	Tyler	Maize	Kellogg	Kellogg	Kelli
<u>PRICE/SQ.FT.</u>		\$3.37	\$2.87	\$5.57	\$2.50	\$9.3
<u>RANGE OF VALUES</u>	\$.034 - \$9.37/sf.					

TRACT. NO. 107

A PERMANENT EASEMENT: The west 15 feet of the east 45 feet of the southeast quarter, Section 29; Township 27 S; Range 1 East of the Sixth Principal Meridian, lying north of and adjoining the northerly right of way line of U. S. Highway 54 (Kellogg) and lying south of the following described line:

Beginning at a point on the east line of said Section 29, 10 rods and 924 feet north of the north line of the Wichita and Western right of way; thence with an angle to the left of 90° for a distance of 330 feet.

And also

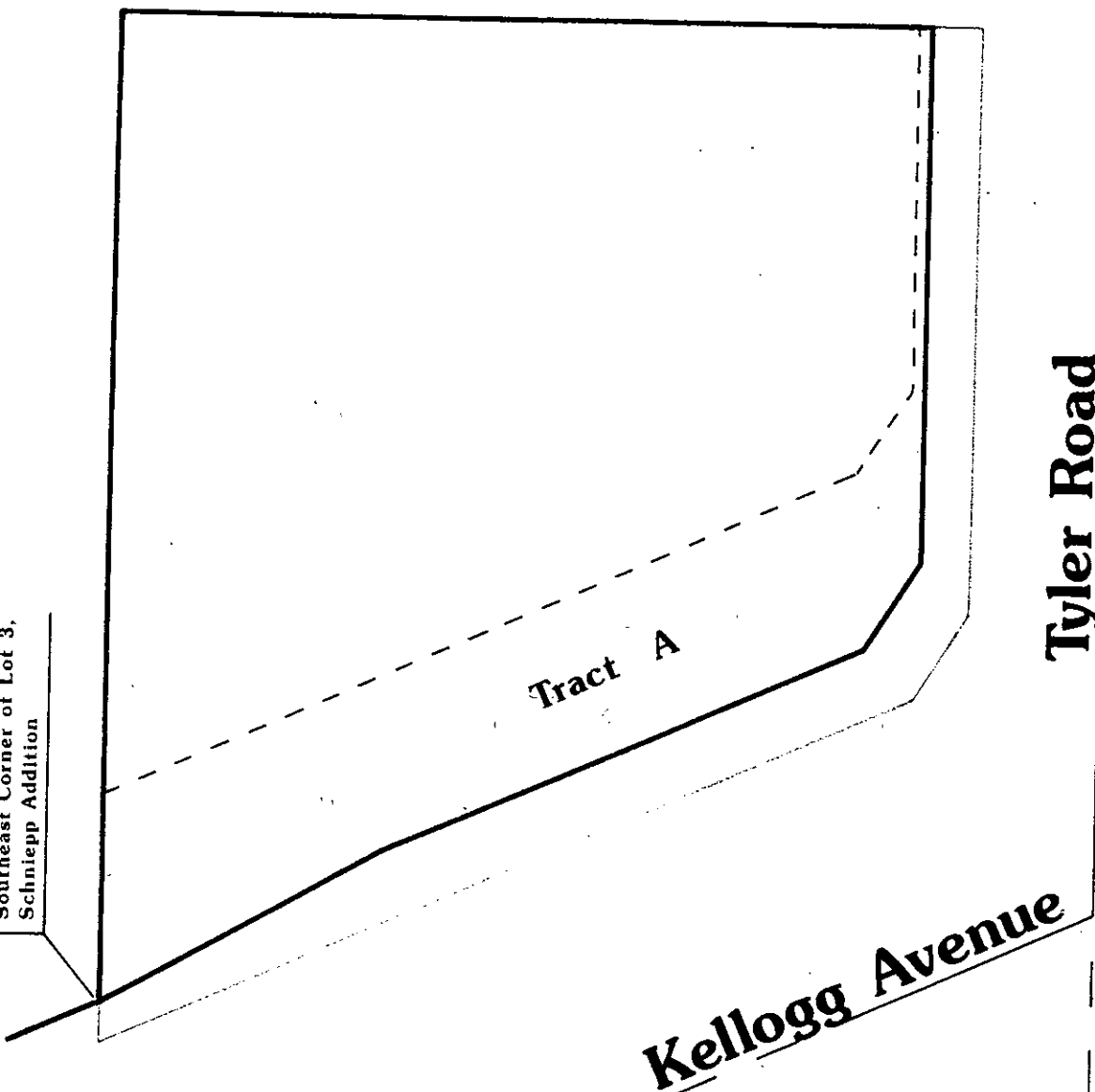
Beginning at the intersection of the northerly right of way line of U. S. Highway 54 (Kellogg) and a line 45 feet west of and parallel to the east line of Section 29; Township 27 S; Range 1 West of the Sixth Principal Meridian; thence northerly parallel to said Section line, 20 feet; thence southwesterly 33.5 feet to a point on said northerly highway right of way line; thence northeasterly along said right of way line, 20 feet to the point of beginning. The above contains 3,453 square feet, more or less.

OWNER: Mary T. Maus and
Robert R. Maus, Co-trustees
of the Mary T. Maus Living Trust
1255 South Tyler Road
Wichita, Kansas 67209

TENANT: Maus Supply Company
1255 South Tyler Road
Wichita, Kansas 67209

(a)	Value of entire property or interest before taking	\$ <u>639,440.</u>
(b)	Value of that portion of the property or interest remaining after taking	\$ <u>627,355</u>
	VALUE OF EASEMENT TAKEN AND DAMAGES RESULTING THEREFROM	\$ <u>12,085</u>

Southeast Corner of Lot 3,
Schniepp Addition



Tyler Road

Kellogg Avenue



DESCRIPTION OF HIGHWAY RIGHT OF WAY: TRACT A

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 5.00 feet to a point 60 feet west of the centerline of Tyler Road;

Thence S 00-00'00"W parallel to the centerline of Tyler Road for 177.84 feet;

Thence S 33-02'06"W for 33.33 feet to a point 112.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence S 66-04'12"W along a line parallel to and 112.00 feet northwesterly of the centerline of U.S. 54 Highway for 175.00 feet;

Thence S 60-37'38"W for 105.43 feet to Point of Beginning;

Containing 16,865.89 square feet, more or less

EXHIBIT C

MAUS TRACT

Commencing at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;
Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to the Point of Beginning;

Thence N 00-00'00"E along the east line of said Lot 3 for 259.55 feet;

Thence N 90-00'00"E for 265.00 feet;

Thence S 00-00'00"W 121.95 feet;

Thence S 33-02'06"W for 33.53 feet;

Thence S 66-04'12"W for 269.92 feet to Point of Beginning.

Containing 53,015.14 square feet, more or less.



A handwritten mark consisting of a large, stylized loop resembling the number '2' or a signature. Below the loop, there is a small horizontal line with the number '9006' written next to it.

EXHIBIT A

TRACT A:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet northwest of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E for 269.92 feet along a line parallel to and 165.00 feet northwest of the centerline of U.S. 54 Highway, measured perpendicularly from said centerline;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 5.00 feet to a point 60 feet west of the centerline of Tyler Road;

Thence S 00-00'00"W parallel to the centerline of Tyler Road for 177.84 feet;

Thence S 33-02'06"W for 33.33 feet to a point 112.00 feet northwest of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence S 66-04'12"W for 175.00 feet along a line parallel to and 112.00 feet northwest of the centerline of U.S. 54 Highway, measured perpendicularly from said centerline ;

Thence S 60-37'38"W for 105.43 feet to Point of Beginning;

Containing 16,865.89 square feet, more or less.

EXHIBIT B

TRACT B:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 60-37'38"E for 105.43 feet;

Thence N 66-04'12"E for 175.00 feet along a line parallel to and 112.00 feet north of the centerline of U.S. 54 Highway, measured perpendicularly from said centerline;

Thence N 33-02'06"E for 33.33 feet to a point 60.00 feet west of the centerline Tyler Road;

Thence N 00-00'00"E parallel to the centerline of Tyler Road for 177.84 feet;

Thence N 90-00'00"E for 15.00 feet to the west line of Tyler Road ;

Thence S 00-00'00"W along the west line of Tyler Road for 195.13 feet;

Thence S 33-02'06"W for 33.54 feet to a point on the north line of U.S.; 54;

Thence S 66-04'12"W along the north line of U.S. 54 for 291.80 feet;

Thence N 00-00'00"E for 13.13 feet to Point of Beginning.

Containing 9,271.49 square feet, more or less.

Authority
to Sign

CARL GIPSON
4505

Agenda Item No. _____

CITY OF WICHITA
CITY COUNCIL MEETING

July 20, 1993

Agenda Report No. _____

TO: Mayor and City Council Members
SUBJECT: Purchase of Right-Of-Way at 1255 S. Tyler (Northwest
Corner of Kellogg/Tyler) (District V)
INITIATED BY: Department of Public Works
AGENDA ACTION: Consent

Recommendation: Authorize purchase of right-of-way at 1255 S. Tyler (Maus
Supply at northwest corner of Kellogg/Tyler).

Background: In June 1990 a Design Concept Study was completed for West
Kellogg between 119th Street West and I-235. The Study identifies
preliminary right-of-way requirements to upgrade Kellogg to a freeway in
this section of roadway.

In 1984 the City acquired, through condemnation, 3,453 square feet of
right-of-way from the Maus Supply site at \$3.50 per square foot.
Additional right-of-way was needed at that time to construct improvements
to the Tyler Road and Kellogg intersection.

In January 1991, the City acquired the right-of-way needed to upgrade
Kellogg at 8730 W. Kellogg (northeast corner of Kellogg/Tyler). In that
action the owner dedicated the right-of-way required by platting. The City
then purchased the balance of the required right-of-way at \$5.50 per square
foot.

Analysis: The Maus Supply site has been the subject of platting activity.
The current owner is willing to dedicate the right-of-way required by
normal platting activity (9,271.49 square feet) and then sell the balance
required for the Kellogg improvement (16,865.89 square feet) at \$5.50 per
square foot. This is the same arrangement that was negotiated at 8730 W.
Kellogg (Phillips 66 site).

Approaching value in a different manner, the City will receive a total of
26,137.38 square feet of right-of-way for \$92,762.40, or \$3.55 per square
foot. This is comparable to the \$3.50 per square foot cost established by
the Court in 1984.

This purchase will allow the owner to proceed with the development of the site in a manner which will minimize impacts of future highway construction. The owner will retain the use of the right-of-way required for future highway construction until it is needed by the City.

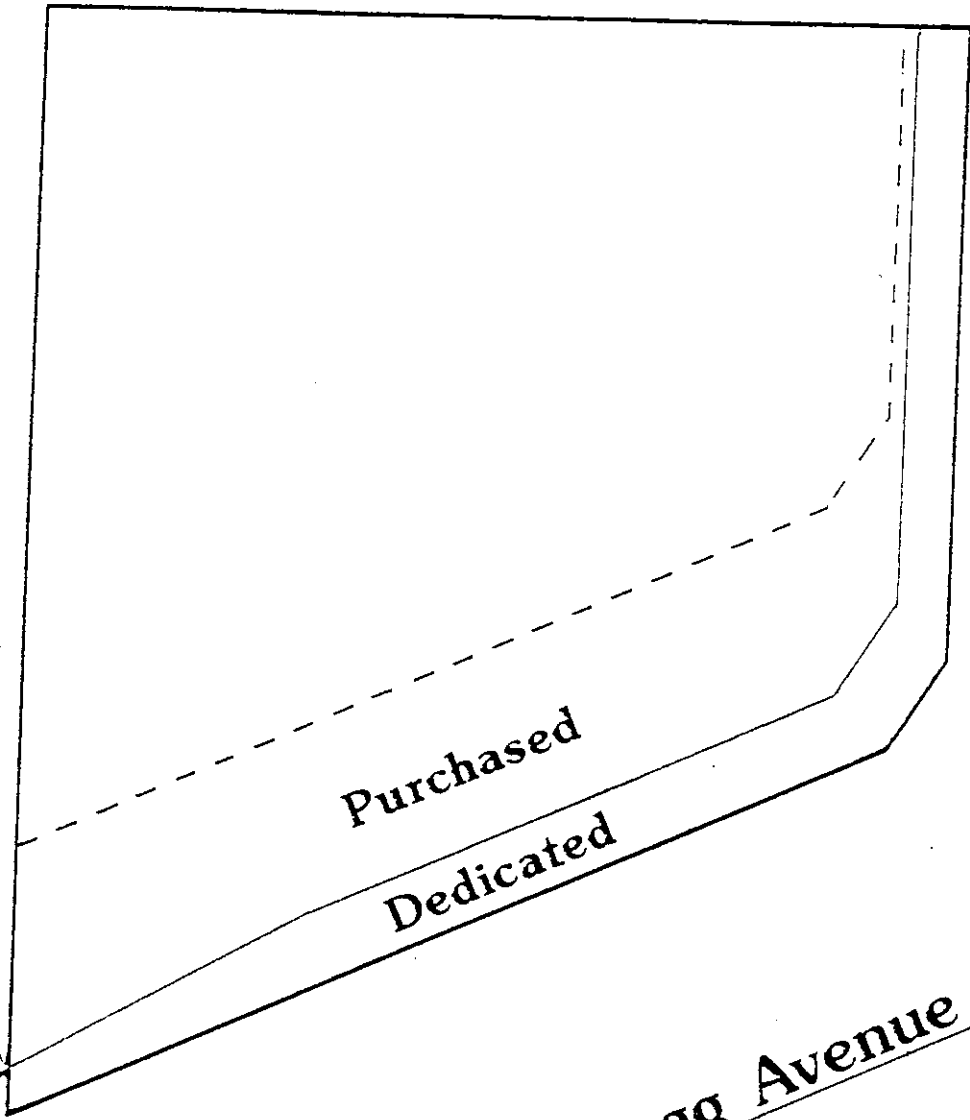
Financial Considerations: Local sales tax funds are available in the adopted Freeway Financing Plan to purchase the right-of-way. This right-of-way purchase is estimated to cost \$95,000 (\$92,762.40 in land costs plus closing fees, etc.). The major trafficway ordinance (see legal section below) provides for this purchase and will provide limited funding for other opportunity purchases which may be presented to the City Council in the future.

Legal Considerations: An Ordinance declaring Kellogg, from 119th Street to Mid-Continent Road, to be a major trafficway has been prepared. The Ordinance has been reviewed and approved as to form by the Legal Department.

Recommendation/Action: It is recommended that the City Council 1) Authorize the purchase of right-of-way at 1255 S. Tyler, 2) Authorize the Mayor to execute the Sales Agreement, when prepared, 3) Establish a budget of \$95,000 to fund the purchase, and 4) Place the Ordinance on first reading.

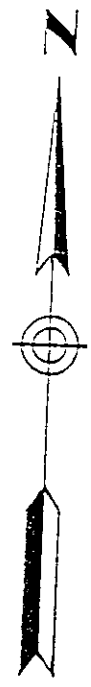
CLG:bjm

Schniepp Addition



Tyler Road

Kellogg Avenue



DESCRIPTION OF HIGHWAY RIGHT OF WAY:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 20.00 feet to the west line of Tyler Road ;

Thence S 00-00'00"W along the west line of Tyler Road for 195.13 feet;

Thence S 33-02'06"W for 33.54 feet to a point on the north line of U.S. 54;

Thence S 66-04'12"W along the north line of U.S. 54 for 291.80 feet;

Thence N 00-00'00"E for 13.13 feet to Point of Beginning.

Containing 26,137.38 square feet, more or less.

Agenda Item No. _____


CITY OF WICHITA
CITY COUNCIL MEETING

July 20, 1993

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Purchase of Right-Of-Way at 1255 S. Tyler (Northwest
Corner of Kellogg/Tyler) (District V)

INITIATED BY: Department of Public Works 

AGENDA ACTION: Consent

Recommendation: Authorize purchase of right-of-way at 1255 S. Tyler (Maus Supply at northwest corner of Kellogg/Tyler).

Background: In June 1990 a Design Concept Study was completed for West Kellogg between 119th Street West and I-235. The Study identifies preliminary right-of-way requirements to upgrade Kellogg to a freeway in this section of roadway.

In 1984 the City acquired, through condemnation, 3,453 square feet of right-of-way from the Maus Supply site at \$3.50 per square foot. Additional right-of-way was needed at that time to construct improvements to the Tyler Road and Kellogg intersection.

In January 1991, the City acquired the right-of-way needed to upgrade Kellogg at 8730 W. Kellogg (northeast corner of Kellogg/Tyler). In that action the owner dedicated the right-of-way required by platting. The City then purchased the balance of the required right-of-way at \$5.50 per square foot.

Analysis: The Maus Supply site has been the subject of platting activity. The current owner is willing to dedicate the right-of-way required by normal platting activity (9,271.49 square feet) and then sell the balance required for the Kellogg improvement (16,865.89 square feet) at \$5.50 per square foot. This is the same arrangement that was negotiated at 8730 W. Kellogg (Phillips 66 site).

Approaching value in a different manner, the City will receive a total of 26,137.38 square feet of right-of-way for \$92,762.40, or \$3.55 per square foot. This is comparable to the \$3.50 per square foot cost established by the Court in 1984.

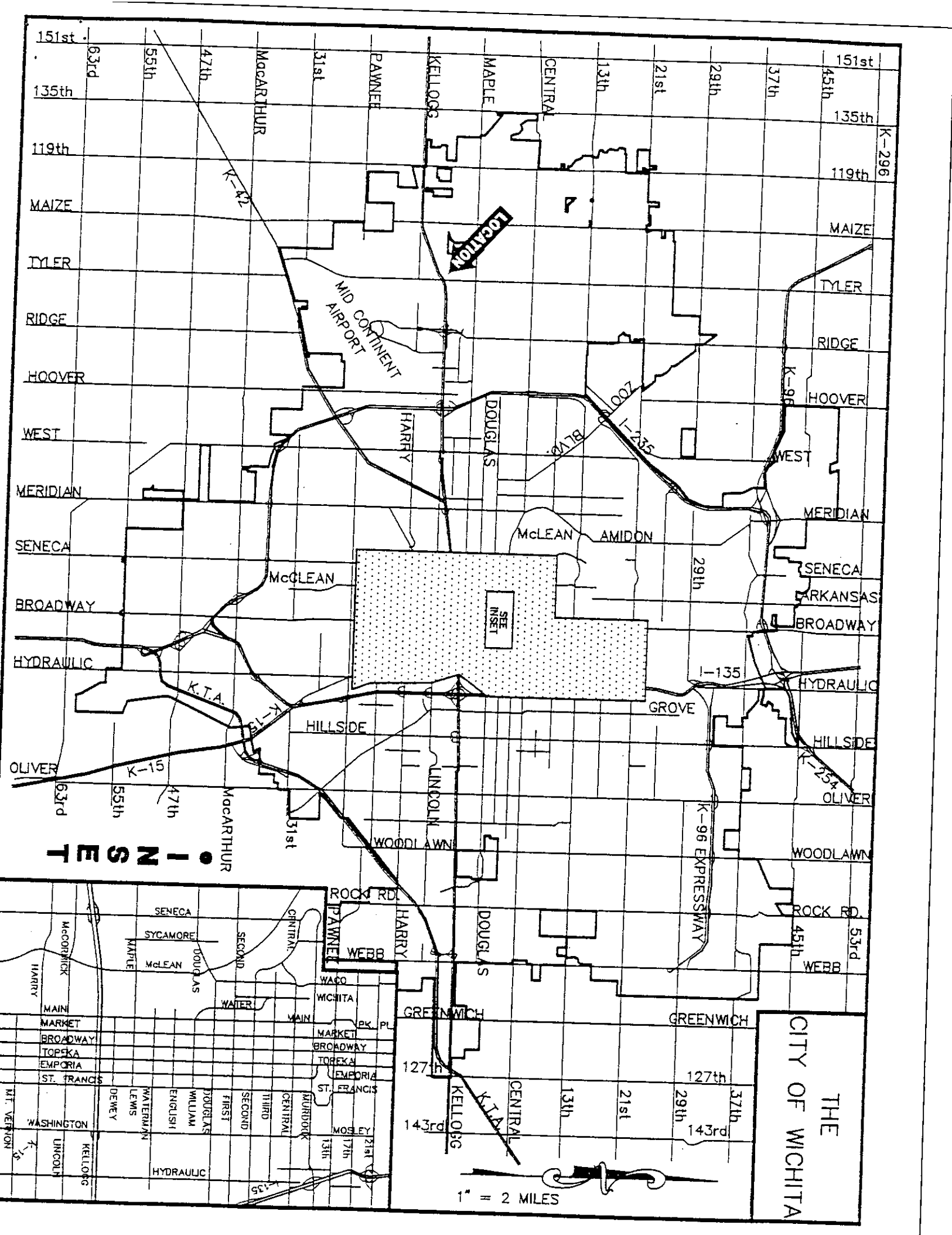
This purchase will allow the owner to proceed with the development of the site in a manner which will minimize impacts of future highway construction. The owner will retain the use of the right-of-way required for future highway construction until it is needed by the City.

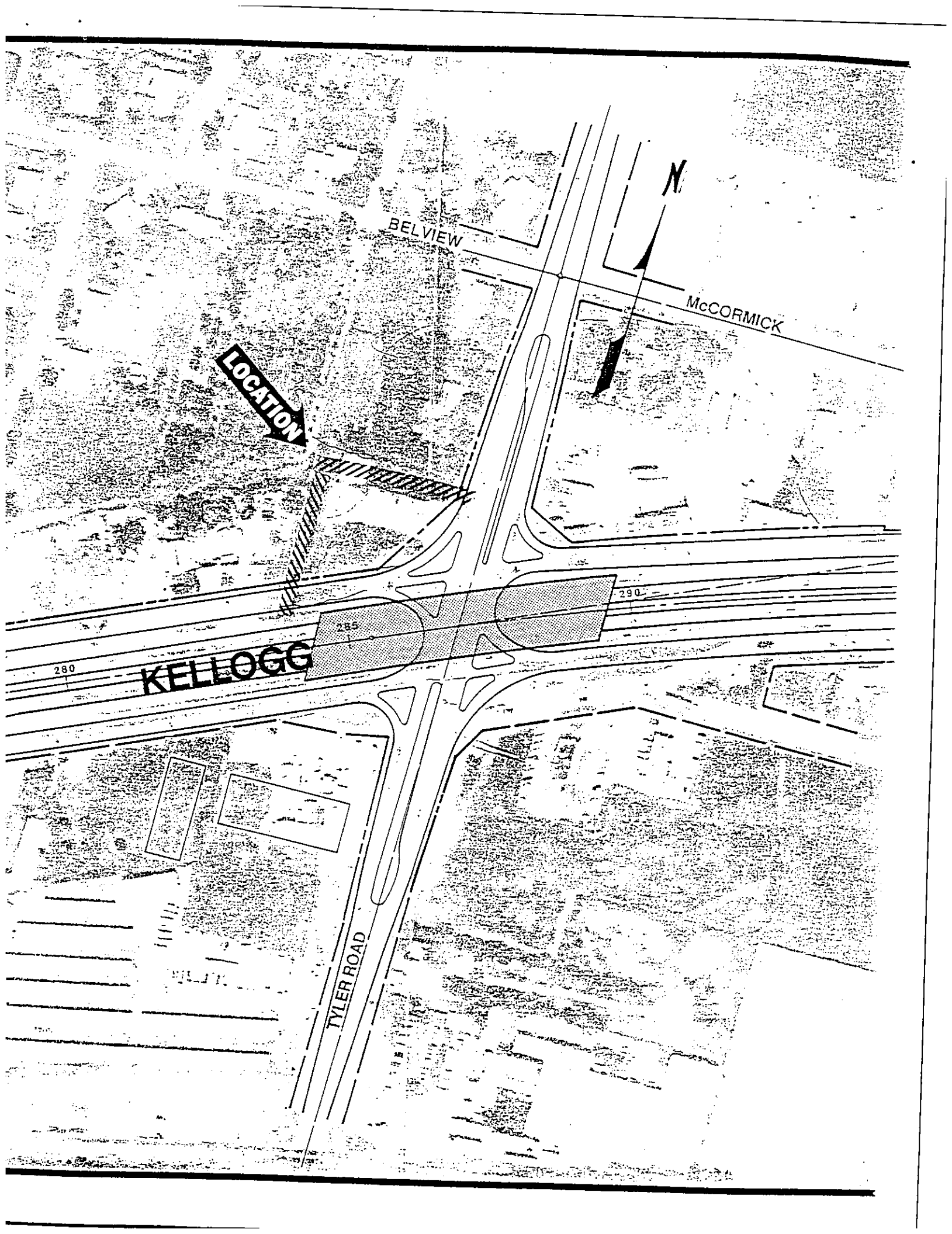
Financial Considerations: Local sales tax funds are available in the adopted Freeway Financing Plan to purchase the right-of-way. This right-of-way purchase is estimated to cost \$95,000 (\$92,762.40 in land costs plus closing fees, etc.). The major trafficway ordinance (see legal section below) provides for this purchase and will provide limited funding for other opportunity purchases which may be presented to the City Council in the future.

Legal Considerations: An Ordinance declaring Kellogg, from 119th Street to Mid-Continent Road, to be a major trafficway has been prepared. The Ordinance has been reviewed and approved as to form by the Legal Department.

Recommendation/Action: It is recommended that the City Council 1) Authorize the purchase of right-of-way at 1255 S. Tyler, 2) Authorize the Mayor to execute the Sales Agreement, when prepared, 3) Establish a budget of \$95,000 to fund the purchase, and 4) Place the Ordinance on first reading.

CLG:bjm





BELVIEW

McCORMICK

LOCATION

KELLOGG

TYLER ROAD

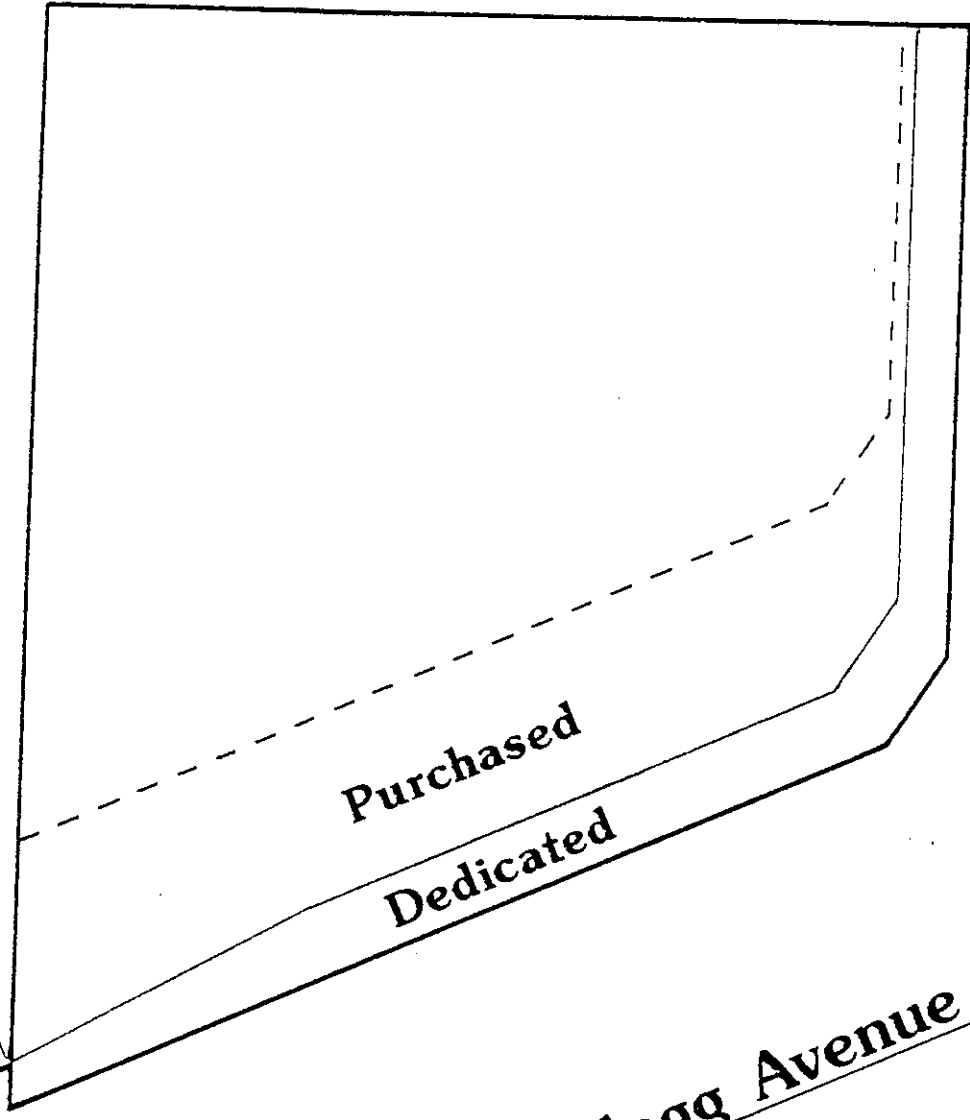
280

255

290

N

Southeast Corner of Lot 3,
Schniepp Addition



Purchased
Dedicated

Tyler Road

Kellogg Avenue



DESCRIPTION OF HIGHWAY RIGHT OF WAY:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;
Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;
Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;
Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;
Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;
Thence N 90-00'00"E for 20.00 feet to the west line of Tyler Road ;
Thence S 00-00'00"W along the west line of Tyler Road for 195.13 feet;
Thence S 33-02'06"W for 33.54 feet to a point on the north line of U.S. 54;
Thence S 66-04'12"W along the north line of U.S. 54 for 291.80 feet;
Thence N 00-00'00"E for 13.13 feet to Point of Beginning.

Containing 26,137.38 square feet, more or less.

ORDINANCE NO. _____

AN ORDINANCE DECLARING KELLOGG (U.S. 54) FROM 119TH STREET WEST TO MID CONTINENT ROAD, TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 12-685 provides that the governing body of any city shall have the power to designate and establish by ordinance any existing or proposed street, boulevard, avenue, or part thereof to be a main trafficway, the main function of which is the movement of through traffic between areas of concentrated activity within the city, and

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose or by the issuance of general improvement bonds.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Kellogg (U.S. 54) from 119th Street West to Mid Continent Road, in the City of Wichita, Kansas is hereby designated and established as a main trafficway, the primary function of which is the movement of through

traffic between areas of concentrated activity within the City, said designation made under the authority of K.S.A. 12-685.

SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to Kellogg (U.S. 54) from 119th Street West to Mid Continent Road, as a main trafficway in the following particulars:

Acquisition by purchase and/or proper appropriation and proceedings in eminent domain of tracts of land which will eventually be necessary for the improvements to said Main Trafficway; grading, curbing, macadamizing, constructing, opening, building necessary bridges and approaches thereto, overpasses, culverts and drainage, trafficway elimination, traffic control devices, pedestrian ways and other improvements in accordance with the Plans and Specifications on file or subsequently filed with the City Clerk.

SECTION 3. The costs of the construction of the above described improvements is estimated to be \$750,000. Said cost, or any portion thereof, when ascertained and as reduced by any share thereof paid by any other governmental unit, shall be borne by the City of Wichita at large by the issuance of general obligation bonds under the authority of K.S.A. 12-689.

SECTION 4. The above described main trafficway improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the City Engineer of the City of Wichita and approved by the governing body of the City of Wichita, Kansas. Said plans and specifications are to be placed on file in the office of the City Engineer.

SECTION 5. Be it further ordained that the improvements described herein are hereby authorized under the provisions of K.S.A. 12-685 et seq.

SECTION 6. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 19____.

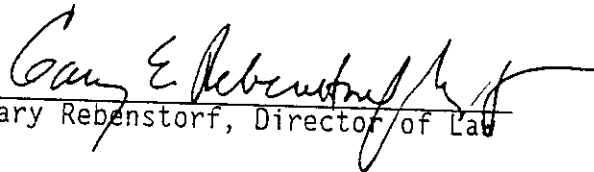
ELMA BROADFOOT, MAYOR

ATTEST:

PAT BURNETT, DEPUTY CITY CLERK

(SEAL)

Approved as to Form:



Gary Rebenstorf, Director of Law

DESCRIPTION OF HIGHWAY RIGHT OF WAY:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 5.00 feet to a point 60 feet west of the centerline of Tyler Road;

Thence S 00-00'00"W parallel to the centerline of Tyler Road for 177.84 feet;

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Thence S 60-37'38"W for 105.43 feet to Point of Beginning;

Containing 16,865.89 square feet, more or less.

Agenda Item No. _____

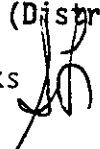
CITY OF WICHITA
CITY COUNCIL MEETING

July 20, 1993

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Purchase of Right-Of-Way at 1255 S. Tyler (Northwest
Corner of Kellogg/Tyler) (District V)

INITIATED BY: Department of Public Works 

AGENDA ACTION: Consent

Recommendation: Authorize purchase of right-of-way at 1255 S. Tyler (Maus Supply at northwest corner of Kellogg/Tyler).

Background: In June 1990 a Design Concept Study was completed for West Kellogg between 119th Street West and I-235. The Study identifies preliminary right-of-way requirements to upgrade Kellogg to a freeway in this section of roadway.

In 1984 the City acquired, through condemnation, 3,453 square feet of right-of-way from the Maus Supply site at \$3.50 per square foot. Additional right-of-way was needed at that time to construct improvements to the Tyler Road and Kellogg intersection.

In January 1991, the City acquired the right-of-way needed to upgrade Kellogg at 8730 W. Kellogg (northeast corner of Kellogg/Tyler). In that action the owner dedicated the right-of-way required by platting. The City then purchased the balance of the required right-of-way at \$5.50 per square foot.

Analysis: The Maus Supply site has been the subject of platting activity. The current owner is willing to dedicate the right-of-way required by normal platting activity (9,271.49 square feet) and then sell the balance required for the Kellogg improvement (16,865.89 square feet) at \$5.50 per square foot. This is the same arrangement that was negotiated at 8730 W. Kellogg (Phillips 66 site).

Approaching value in a different manner, the City will receive a total of 26,137.38 square feet of right-of-way for \$92,762.40, or \$3.55 per square foot. This is comparable to the \$3.50 per square foot cost established by the Court in 1984.

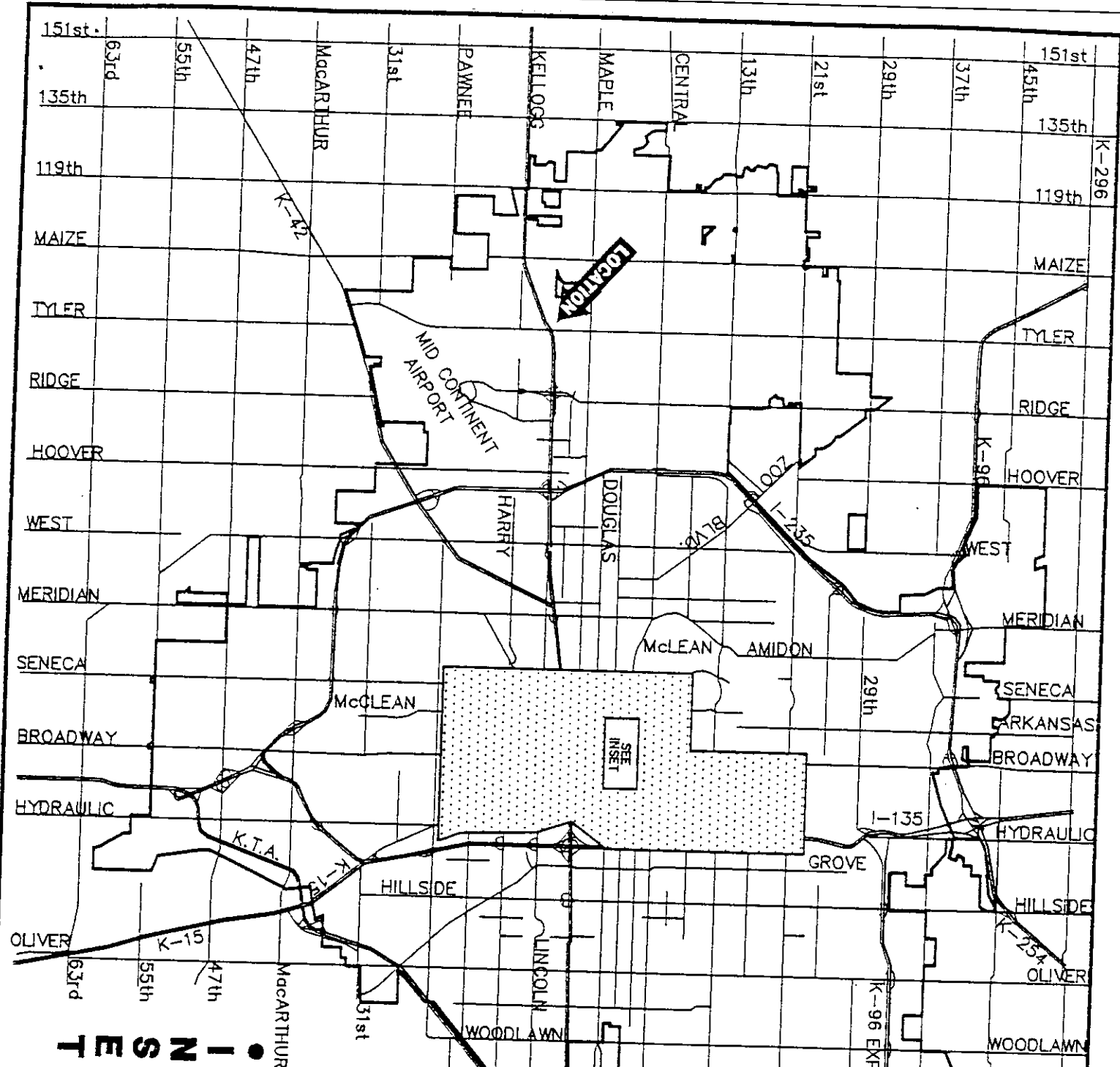
This purchase will allow the owner to proceed with the development of the site in a manner which will minimize impacts of future highway construction. The owner will retain the use of the right-of-way required for future highway construction until it is needed by the City.

Financial Considerations: Local sales tax funds are available in the adopted Freeway Financing Plan to purchase the right-of-way. This right-of-way purchase is estimated to cost \$95,000 (\$92,762.40 in land costs plus closing fees, etc.). The major trafficway ordinance (see legal section below) provides for this purchase and will provide limited funding for other opportunity purchases which may be presented to the City Council in the future.

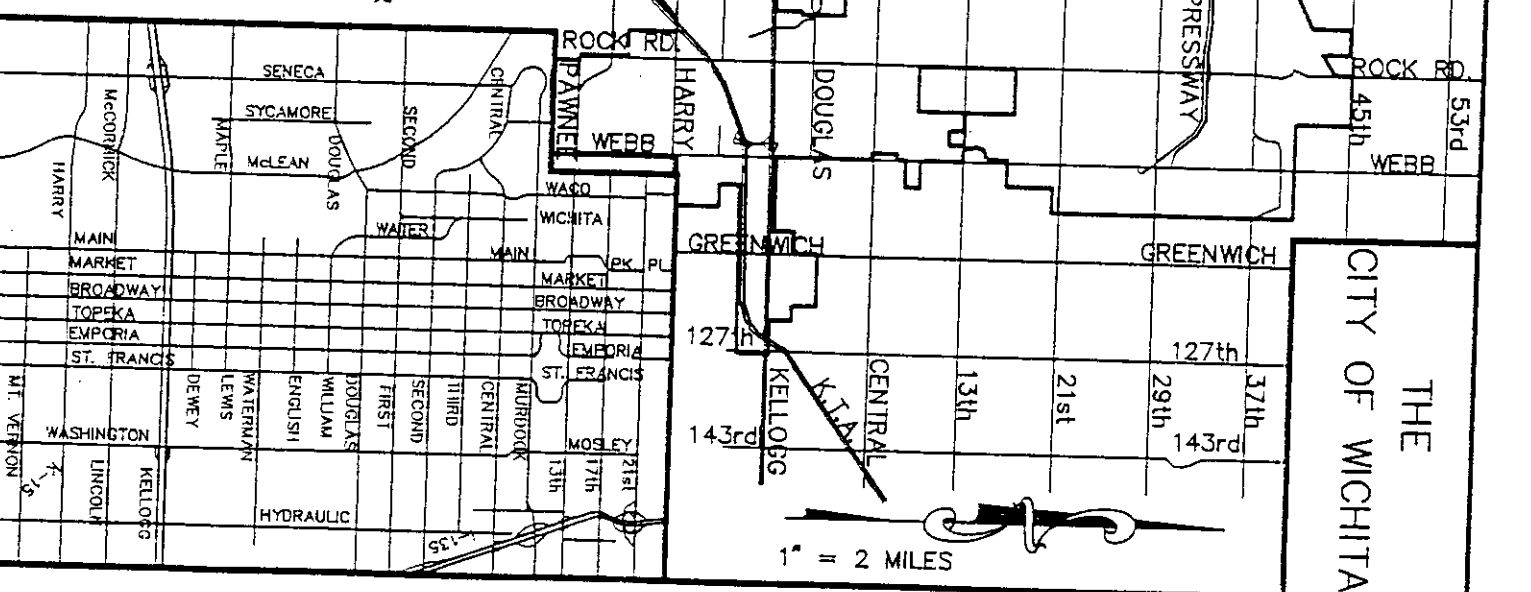
Legal Considerations: An Ordinance declaring Kellogg, from 119th Street to Mid-Continent Road, to be a major trafficway has been prepared. The Ordinance has been reviewed and approved as to form by the Legal Department.

Recommendation/Action: It is recommended that the City Council 1) Authorize the purchase of right-of-way at 1255 S. Tyler, 2) Authorize the Mayor to execute the Sales Agreement, when prepared, 3) Establish a budget of \$95,000 to fund the purchase, and 4) Place the Ordinance on first reading.

CLG:bjm



INSET



Southeast Corner of Lot 3,
Schniepp Addition

Tyler Road

Kellogg Avenue

Purchased
Dedicated



DESCRIPTION OF HIGHWAY RIGHT OF WAY:

Beginning at southeast corner of Lot 3, Schniepp Addition, Sedgwick County, Kansas; said point being also on the north line of U.S. 54 Highway;

Thence N 00-00'00"E along the east line of said Lot 3 for 68.92 feet to a point 165.00 feet north of the centerline of U.S. 54, measured perpendicularly from said centerline;

Thence N 66-04'12"E along a line parallel to and 165.00 feet northwesterly of the centerline of U.S. 54 Highway for 269.92 feet;

Thence N 33-02'06"E for 33.53 feet to a point 65.00 feet west of the centerline of Tyler Road;

Thence N 00-00'00"E parallel to and 65.00 feet west of the centerline of Tyler Road for 121.95 feet;

Thence N 90-00'00"E for 20.00 feet to the west line of Tyler Road ;

Thence S 00-00'00"W along the west line of Tyler Road for 195.13 feet;

Thence S 33-02'06"W for 33.54 feet to a point on the north line of U.S. 54;

Thence S 66-04'12"W along the north line of U.S. 54 for 291.80 feet;

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Containing 26,137.38 square feet, more or less.

ORDINANCE NO. _____

AN ORDINANCE DECLARING KELLOGG (U.S. 54) FROM 119TH STREET WEST TO MID CONTINENT ROAD, TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 12-685 provides that the governing body of any city shall have the power to designate and establish by ordinance any existing or proposed street, boulevard, avenue, or part thereof to be a main trafficway, the main function of which is the movement of through traffic between areas of concentrated activity within the city, and

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose or by the issuance of general improvement bonds.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Kellogg (U.S. 54) from 119th Street West to Mid Continent Road, in the City of Wichita, Kansas is hereby designated and established as a main trafficway, the primary function of which is the movement of through

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SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to Kellogg (U.S. 54) from 119th Street West to Mid Continent Road, as a main trafficway in the following particulars:

Acquisition by purchase and/or proper appropriation and proceedings in eminent domain of tracts of land which will eventually be necessary for the improvements to said Main Trafficway; grading, curbing, macadamizing, constructing, opening, building necessary bridges and approaches thereto, overpasses, culverts and drainage, trafficway elimination, traffic control devices, pedestrian ways and other improvements in accordance with the Plans and Specifications on file or subsequently filed with the City Clerk.

SECTION 3. The costs of the construction of the above described improvements is estimated to be \$750,000. Said cost, or any portion thereof, when ascertained and as reduced by any share thereof paid by any other governmental unit, shall be borne by the City of Wichita at large by the issuance of general obligation bonds under the authority of K.S.A. 12-689.

SECTION 4. The above described main trafficway improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the City Engineer of the City of Wichita and approved by the governing body of the City of Wichita, Kansas. Said plans and specifications are to be placed on file in the office of the City Engineer.

SECTION 5. Be it further ordained that the improvements described herein are hereby authorized under the provisions of K.S.A. 12-685 et seq.

SECTION 6. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, 19____.

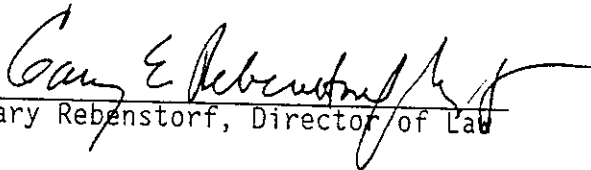
ELMA BROADFOOT, MAYOR

ATTEST:

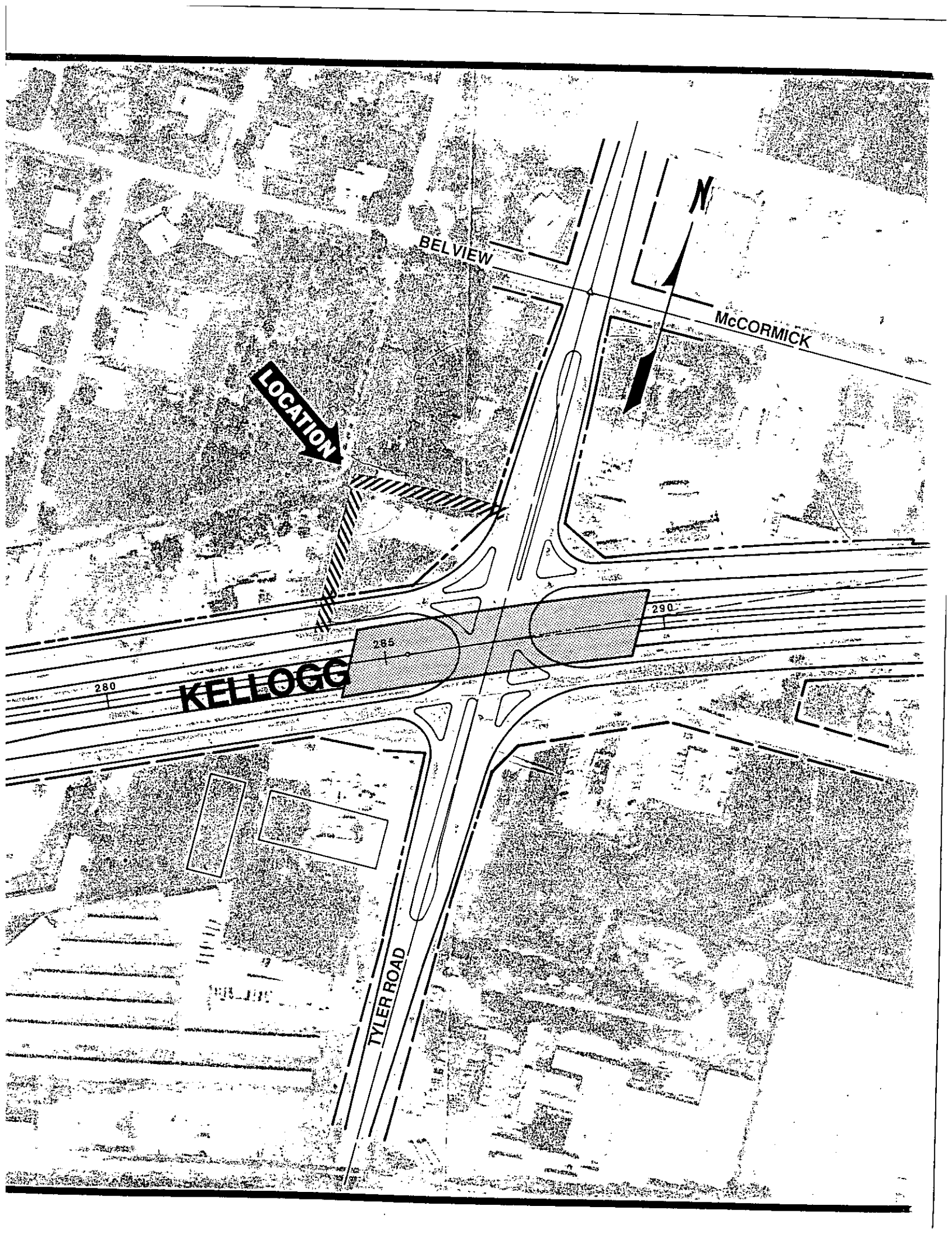
PAT BURNETT, DEPUTY CITY CLERK

(SEAL)

Approved as to Form:



Gary Rebenstorf, Director of Law



BELVIEW

McCORMICK

LOCATION

KELLOGG

TYLER ROAD

290

285

280

84-C-3494

1984

TRACT NO. 107

A PERMANENT EASEMENT: The west 15 feet of the east 45 feet of the southeast quarter, Section 29; Township 27 S; Range 1 East of the Sixth Principal Meridian, lying north of and adjoining the northerly right of way line of U. S. Highway 54 (Kellogg) and lying south of the following described line:

Beginning at a point on the east line of said Section 29, 10 rods and 924 feet north of the north line of the Wichita and Western right of way; thence with an angle to the left of 90° for a distance of 330 feet.

And also

Beginning at the intersection of the northerly right of way line of U. S. Highway 54 (Kellogg) and a line 45 feet west of and parallel to the east line of Section 29; Township 27 S; Range 1 West of the Sixth Principal Meridian; thence northerly parallel to said Section line, 20 feet; thence southwesterly 33.5 feet to a point on said northerly highway right of way line; thence northeasterly along said right of way line, 20 feet to the point of beginning. The above contains 3,453 square feet, more or less.

OWNER: Mary T. Maus and
Robert R. Maus, Co-trustees
of the Mary T. Maus Living Trust
1255 South Tyler Road
Wichita, Kansas 67209

TENANT: Maus Supply Company
1255 South Tyler Road
Wichita, Kansas 67209

(a)	Value of entire property or interest before taking	\$ <u>639,440.</u>
(b)	Value of that portion of the property or interest remaining after taking	\$ <u>627,355</u>
	VALUE OF EASEMENT TAKEN AND DAMAGES RESULTING THEREFROM	€ 12.085

THE CITY OF WICHITA

OFFICE OF : Public Works

June 22, 1993

TO : Chris Cherches, City Manager

FROM : Steve Lackey, Director of Public Works



SUBJECT : Maus Supply

In the review of platting activity within the Kellogg corridor, Engineering discovered the proposed Jim Ramsey plat would create a future conflict with the Kellogg/Tyler Road improvement. The land is the Maus Supply site at the northwest corner of Kellogg and Tyler.

Following presentation to the Development Review committee, it was decided to attempt acquire the land necessary (at raw land value) to eliminate the conflict with the Kellogg improvement. You may recall in January 1991, the Council approved a similar action at the northeast corner of Kellogg and Tyler which permitted the development of the Phillip's 66 service station.

At the Phillip's 66 site the developer dedicated the normal right-of-way which would be required by the platting process to the City. The City then purchased the additional ground needed for the Kellogg improvement at the same price Phillip's had paid the original owner, or \$5.50 per square foot.

In the current case, the developer has been more uncooperative. He has asked for \$10 to \$11 per square foot, and has attempted to proceed with the plat without regard to the future Kellogg need. It presently appears Mr. Ramsey has been forced to agree to sell us the land we need for the \$5.50 per square foot figure, although other possibilities still exist. An Ordinance has been prepared to authorize the expenditure of Local Sales Tax funds in this corridor, and a Sales Tax Committee meeting has been scheduled on June 23 to discuss funding requirements, since we must be prepared to move quickly, in the event he accepts our position.

There is a total of 26,137.38 square feet required, of which we will pay for 16,865.89 square feet (the difference to be acquired at no cost as a dedication by the plat). This equates to approximately \$94,000 at the \$5.50 per square foot price.

*\$93,000
LJA*

*Mike, Doug wants you to let him
know if you're interested in pursuing this.*

CMJ 3/10/94

SMITH, SHAY, FARMER & WETTA
ATTORNEYS AT LAW

PAUL V. SMITH (1909-1976)
DOUGLAS E. SHAY
LEO R. WETTA
DENNIS E. SHAY
ROBERT C. BROWN
KEITH E. MARTIN
PATRICIA M. DENGLER
CALVIN D. RIDER
GARY K. JONES
DENNIS P. WETTA

830 OLIVE W. GARVEY BUILDING
200 WEST DOUGLAS

WICHITA, KANSAS 67202-3094

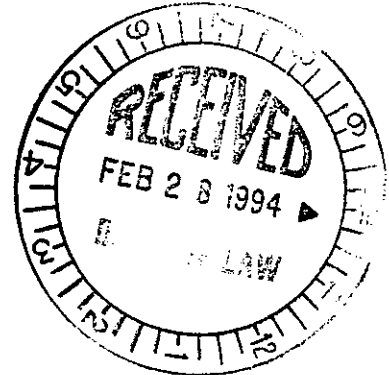
TELEPHONE
(316) 267-5293

FAX
(316) 267-4865

WILLIAM C. FARMER
GERALD CAULDWELL
COUNSEL

February 25, 1994

Mr. Douglas J. Moshier
Assistant City Attorney
455 North Main, 13th Floor
Wichita, Kansas 67202



Dear Doug:

Mike Brand I recently met with you concerning the City's proposed purchase of property located at the northeast corner of Kellogg Avenue and Tyler Road. I conveyed to our clients that you advised me by telephone of the City's position that it was unwilling to increase its offer, in large because that could increase the value of other properties along Kellogg.

In an effort to reach agreement with the City, are clients are willing to accept the City's offer, with three additional conditions. The first two of three conditions have been tentatively agreed to by the City:

1. To guarantee requested access to both Kellogg Avenue and Tyler Road;
2. Non-accessment against this property for future street, gutter, sidewalk, sewer or water improvements; and
3. Abate property tax at 2418 South Hoover. *refer to A. Bell*

The corner of Tyler and Kellogg is owned by BBBR, Inc. which is closely related in interest to Brand Plumbing, Inc.

Brand Plumbing is currently adding on to its building located at 2418 S. Hoover Road. Brand Plumbing has added more staff and expects to add several more employees in the very near future. It has also established a subsidiary which they call Horizontal Drilling Technologies. Employees were added to staff that operation as well.

Many times the City offers property tax abatements to encourage growing businesses, especially when increased employment opportunities are presented for area residents. It would be entirely appropriate for the City to recognize Brand Plumbing in this fashion. Granting Brand Plumbing a property tax exemption would not be tied to the City's purchase of the Kellogg and Tyler pro-

Moshier, cont'
February 25, 1994
Page Two.

perty and therefore would not impact the market value properties along Kellogg.

If additional paperwork or applications are required, our clients would be more than happy to complete and present whatever is needed.

Thank you for your consideration.

Very truly yours,

SMITH, SHAY, FARMER & WETTA



Keith E. Martin

KEM/sms

cc: Mr. Marc A. Brand

March 2, 1995

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 95-16 PAYDAY ADDITION

OWNER/APPLICANT: BBR Corporation, Attn: Marc Brand, 2418 S. Hoover Road, Wichita, KS 67211

EQUITABLE INTEREST: Payday Motors, Inc., Attn: Nelson Tucker, 3048 S. Broadway, Wichita, KS 67216

SURVEYOR/ENGINEER: Baughman Company, Inc., 315 Ellis, Wichita, KS 67211

LOCATION: North of Kellogg Drive and west of Tyler Road

SITE SIZE: 1.22 Acres

NUMBER OF LOTS

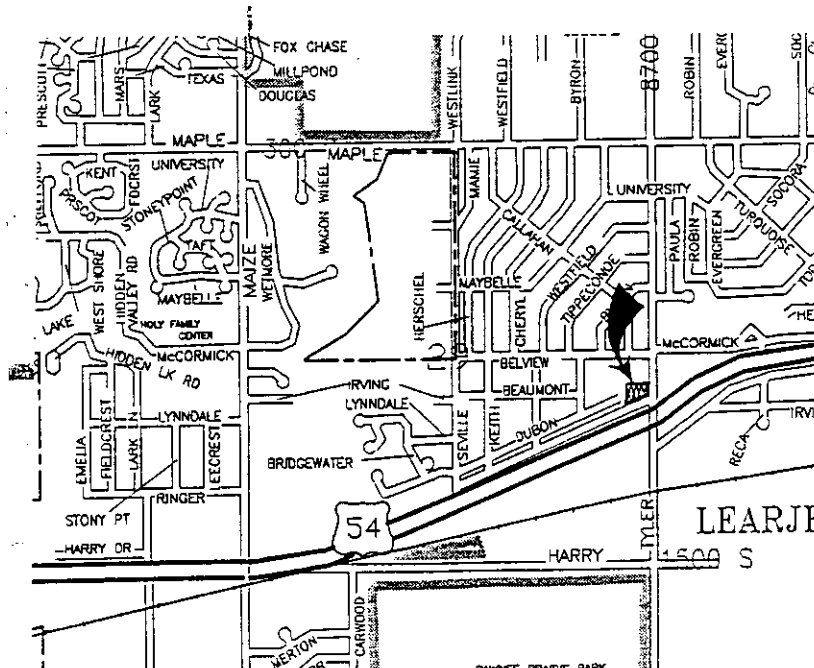
Residential:	
Office:	
Commercial:	1
Industrial:	
Total:	<u>1</u>

MINIMUM LOT AREA: 1.22 Acres

CURRENT ZONING: "LC"

PROPOSED ZONING: "LC"

VICINITY MAP:



NOTE: This is the third plat submitted for this site since 1989. The previous plats (B.B.B.R. and Jim Ramsey) have never been completed. Right-of-way for U.S. 54 and Tyler or a future interchange at this location has been a major area of concern. Such right-of-way has or is being acquired apparently by separate action and not through the site's platting. This plat is causing the termination of Dubon Avenue at the site's northwest corner. The two previous plats apparently never raised the issue of a proper termination for this street but a pending BZA Case (#37-94) did recognize the possible need for a proper turnaround.

STAFF COMMENTS:

- A. City Engineering needs to verify that plat is reflecting properly the situation in regard to right-of-way being acquired for U.S.54/Kellogg (Dr.) and Tyler. On the final plat tracing, the recording information shall be shown for these involved right-of-way acquisitions. Engineering also needs to indicate any paving requirements such as for a Kellogg Drive.
- B. Engineering also needs to indicate any requirements for the guaranteeing of water and sanitary sewer improvements for this site.
- C. Although right-of-way for Dubon was dedicated by a plat adjacent to this site's western line and is intended to serve platted lots in the Addition to the west, the street from this plat westward to Byron (approximately 550 feet) has never been installed nor even opened or used informally. Nonetheless, since this plat is terminating this street, sufficient right-of-way for a turnaround shall be provided as determined necessary by City Engineering. Any such right-of-way may, however, be shown on the plat as being contingent and in this case on the actual construction of the section of Dubon from Byron to this site.

Also, a guarantee shall be provided for the installation/paving of this turnaround.

- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The applicant shall guarantee the closure of the driveway or portion of driveway being located in the area of complete access control to Tyler Road.
- G. The applicant is advised that based on the filing of this plat both the B.B.B.R. (S/D 89-55) and Jim Ramsey (S/D 93-35) plats will be considered closed.
- 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 the habitable structures 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. (Water service and

fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. Perimeter closure computations shall be submitted with the final plat tracing Section 5-101(c).
- L. Recording of the plat within 30 days after approval by the City Council.
- M. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- N. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan.

Note: This plat has been submitted in final form only.