



BAUGHMAN COMPANY, P.A.

S U R V E Y O R S

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

CONFIRMATION
MEMO

PROJECT Universal Add.

DATE Jan. 11, 1980

JOB NO. _____

COPIES TO:

TO Yash Desai

Louise
~~Curtis Newby~~
Mike Lindebak

FROM John Lundblade

REFERENCE Drainage Plan

Attached is the lot grading plan
for the above referenced project.

Plat submitted to planning Jan. 11, 1980

To be heard by Subdivision Committee Jan 24, 1980

S/D NO. 80-3 Name Universal 2nd Addition
Date Application Rec'd. 1-11-80 Preliminary Approval 1-24-80
Scheduled S/D Meeting 2-21-80

DESCRIPTION

General Location Northwest corner Greenwich Road and Kellogg

Owner Universal Service Stations, c/o Bob Walden
Surveyor/Engineer Baughman Company
Address 330 Laura, 67211 Phone 262-7271

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>1.1 acres</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u> </u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> <u>1</u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>1</u> | TOTAL <u> </u> ft. |
| 3. Minimum Lot Frontage <u>200</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>48,005 sq.</u> ft. | streets? <u> </u> yes <u>X</u> no |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u> </u> (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u> </u> | |

STAFF COMMENTS:

NOTE: In preliminary form, this plat was named "Universal Addition."

- A. The applicant's lot grading plan has been approved. At the time of development, a private storm sewer will be required to drain the lot south and west.
- B. Since this property is located at the intersection of two arterial streets, 75 feet of half-street right-of-way is required within 250 feet of the intersection of the center lines of the arterials (see 7-201 (H)) of the MAPC Subdivision Regulations). Although only about 66 feet exists for Kellogg north of the section line, 75 feet does exist north of the center line of the improvements. No additional right-of-way is needed on Kellogg. On Greenwich Road, however, Public Works recommends at least 15 additional feet of right-of-way to provide for a future right-turn lane. Planning staff recommends an outright dedication of this additional 15 feet. A possible alternative to this requirement would be a contingent dedication based upon the City's future need of the right-of-way for street improvements. The Subdivision Committee, at its regular meeting of January 24, 1980, did not recommend the additional dedication.
- C. Recording of the plat within 30 days after approval by the Board of City Commissioners.

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 80-3 Name Universal Addition
Date Application Rec'd. 1-11-80 Preliminary Approval _____
Scheduled S/D Meeting 1-24-80

DESCRIPTION

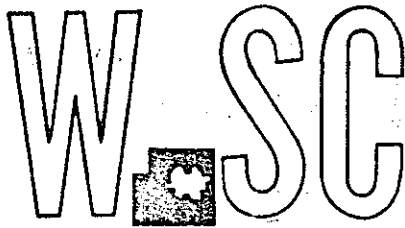
General Location NW corner Greenwich Rd and Kellogg
Owner Universal Service Stations, c/o Bob Malden
Surveyor/Engineer Baughman Company, P.A.
Address 330 Laura, Wichita, Ks. 67211 Phone 262-7271

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>1.1 acre</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. _____ R/W _____ ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>1</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL _____ ft. |
| 3. Minimum Lot Frontage <u>200</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> <input type="checkbox"/> |
| 4. Minimum Lot Area <u>48,005 square</u> ft. | |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>Yes (Yes-No)</u> , Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes (Yes-No)</u> , Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) _____ | |
| 12. City of Wichita <u>X</u> Three-Mile Area _____ (Yes-No) | |

STAFF COMMENTS:

- A. The City Engineer's office shall be prepared to comment on the applicant's lot grading plan and state what, if any drainage improvements will need to be guaranteed with this plat.
- B. The additional right-of-way needed to make 75 feet of half-street right-of-way on both Kellogg and Greenwich shall be dedicated on this plat. If the additional right-of-way on Greenwich interferes with gasoline pumps or underground storage tanks which are to remain on the site, then the right-of-way adjacent to these improvements may be granted contingent upon their removal or discontinuance of use.
- C. Forty feet of complete access control on Greenwich just north of Kellogg shall be granted on the plat. Access control except for two openings shall be indicated on the balance of frontage on Greenwich.
- D. The applicant shall guarantee the closing of the southernmost driveway onto Greenwich.
- E. The 35-foot setback line shall be measured from the new right-of-way.
- F. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

January 25, 1980

Baughman Company, P.A.
330 Laura
Wichita, Kansas 67211

Re: S/D 80-3 - Preliminary plat of Universal Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 24, 1980, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat subject to the following:

- A. The name of the plat shall be changed as there is already a recorded plat by the name of Universal First Addition.
- B. City Engineering advises that state highway records indicate 75 feet of existing right-of-way on Kellogg. The applicant's surveyor shall check into this matter prior to filing a final plat.
- C. Prior to submission of a final plat, the applicant shall obtain approval of his lot grading plan by the City Engineer's office.
- D. 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,

LO
Louise Olivarez
Senior Planner

LO:bh

cc: Universal Service Stations, c/o
Bob Walden, 2824 Ohio, 67219
Wm. P. Higgins, Sutton Place
Bldg., 67202
X Dean Sellers, Acting City Engineer

THE CITY OF WICHITA

OFFICE OF ENGINEERING

DATE JANUARY 31, 1980

TO JACK GALBRAITH, CHIEF PLANNER

FROM YASH D. DESAI, DRAINAGE CHIEF ENGINEER

SUBJECT DRAINAGE PLAN: UNIVERSAL ADDITION

Baughman Company has submitted the drainage plan for the subject plat to my office for approval. The plan is approved subject to the following conditions:

1. Since the natural grade of the ground surface falls towards the West, it is only logical to develop the lot such that the parking or any future paving will drain to the West. Therefore, the developer may drain only the East 25 feet of the lot to the Greenwich Road gutter via drives.
2. Remaining portion of the lot including the roof drains should drain to the Southwest Corner of the lot to a drain (preferably City of Wichita Standard 2 x 2 inlet) and pipe this catch basin to the 36" storm sewer in Kellogg Avenue. Since the existing storm sewer location will be approximately under the North edge of the 10' stabilized shoulder, the most economical facility to tie into the 36" storm sewer would be by means of a standard City of Wichita single 2 x 2 inlet with a concrete slab around it.
3. A private storm sewer is thus recommended to efficiently drain the site. The ditch between the shoulder and the property line should be filled and seeded. The developer shall agree to construct this sewer at the time of developing the lot and should be part of the building plan requirements. The storm sewer should be engineered privately and plans approved by Engineering.

The copy of the approved drainage plan shall be retained in Engineering files for future reference by the architect, builder, developer and his engineer.

I trust this is sufficient information to approve the subject plat. Please feel free to call me at (316)268-4235 if you have any questions.

Yash D. Desai, P.E.
Drainage Chief Engineer

YDD/dlc

cc: Robert Feldner, Supt. of Central Inspection Division
Max Greene, Flood Control & Landfill Director
Bill Korber, Baughman Company

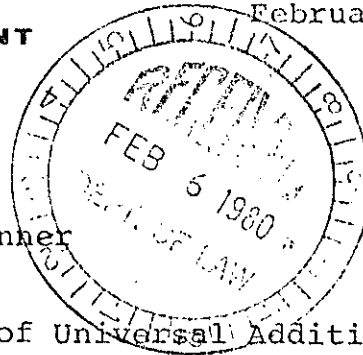
WICHITA SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 4, 1980

TO John Dekker, Director of Law
FROM Jack H. Galbraith, Chief Planner



SUBJECT S/D 80-3 - Preliminary plat of Universal Addition *2nd*

Attached is a zerox copy of the minutes of the Subdivision Committee where the above-captioned plat was discussed. This plat is located at the northwest corner of Greenwich Road and Kellogg where there is a service station at the corner with the David's store located to the north.

Wanted you to be aware of the arguments that Higgins was using that if we required them to dedicate additional right-of-way or required the southernmost driveway to be closed, even though the requirements were in the Subdivision Regulations, since they had negotiated the right-of-way with the State on a recent intersection improvement, to now take more would affect their original agreement.

This is a major street intersection where 75 feet of half street right-of-way is required in the Subdivision Regulations. The state simply did not negotiate for the full amount as they did not construct a right turn lane. Both Planning and Public Works believe that someday such an improvement needs to be made as this has been one of our problem intersections. His arguments speak for themselves and the Subdivision Committee went along with him and did not require the additional right-of-way or the closing of the southernmost driveway.

Before this comes back in final form, we wanted you to be aware of the arguments and ask for your advice and comments in whether or not you believe we should pursue our request when the intersection was just recently improved.

Would appreciate your advice.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Chief Planner

JHG:bh

cc: Robert A. Lakin, Director of Planning
Ray Bruggeman, Director of Public Works

4. S/D 80-3 - Preliminary plat of Universal Addition, generally located at the northwest corner of Greenwich Road and Kellogg.

OLIVAREZ outlined the area on the map. She advised that there was already a recorded plat with the name of Universal First Addition, therefore, a name change for this plat was necessary. In her review of the staff comments, she asked the representative of City Engineering to comment on the lot drainage plan and recommended approval of the preliminary plat subject to the staff comments.

PAUL JOHNSTON, Flood Control, stated that the matter of drainage had been reviewed by Lindebak of the City Engineer's office and noted that Lindebak was not present at the meeting. He pointed out that Steve Lackey, representing the City Engineer, was at a disadvantage because he had not been present at the previous review of the plat. JOHNSTON then noted that it appeared the drainage would flow across private property. He also mentioned several other potential problems with regard to the drainage. He said he had not had the opportunity to fully discuss the matter with the senior drainage engineer, and was at a loss to know what to recommend. OLIVAREZ commented that since this was a preliminary plat, the Committee could recommend that the applicant obtain approval of his lot grading plan by the City Engineer prior to submission of a final plat.

WILLIAM P. HIGGINS, attorney for the applicant, spoke to the Committee. He said the property under consideration had been the subject of condemnation. He said the negotiations concerning the condemnation had been settled previously with the City. He continued that as part of the settlement, the applicant was to be allowed to have the access to the south on Greenwich toward Kellogg; as the result of these negotiations, HIGGINS continued, the applicant had designed his property to accommodate location of gasoline pumps and provide ingress and egress in the manner which had best suited the intended use of the property.

HIGGINS objected to the item in the staff comments which cited need for additional right-of-way of seventy-five feet on both Kellogg and Greenwich, explaining that this additional right-of-way would deprive his client of needed parking spaces. He distributed a design plan to Chairman Hennessy and Committeeman Bayouth. He advised that the State Highway Department had taken the amount of the property they needed. He said if this settlement which had been reached in the condemnation cases was changed, the negotiations had been fraudulent.

SUBDIVISION COMMITTEE MINUTES

Page 5

January 24, 1980

HIGGINS continued that forty feet of complete access control just north of Kellogg as required in the printed staff comments was a further violation of the settlement reached in negotiations for condemnation. He noted that this would specifically violate the agreements concerning access control.

HIGGINS also advised that the printed staff comments requiring the guaranteeing for closing of the southernmost drive onto Greenwich was a further violation of the previously mentioned agreement and he also objected to the requirement for a 35 setback line to be measured from the new right-of-way.

HIGGINS assured the Committee that his client was willing to meet any requirements for a lot grading plan and anything else that was normal in the platting process as long as it did not negate the agreements reached in the negotiations of condemnation.

GALBRAITH, Planning Department, informed the Committee that this applicant was being asked for what was normal and the applicant was not being asked for anything that was not required of anyone who platted property. He continued that the 75' of half street right-of-way was necessary because the property was located at a major intersection. He also noted that the request concerning access, closing of the southernmost drive onto Greenwich and the setback as specified in the printed staff comments were all standard requirements.

BAYOUTH asked about the conditions which had been mentioned by Higgins in the condemnation procedure and GALBRAITH responded that he considered these to be entirely separate matters. He said that an adjacent property owner to the north had dedicated 60' of right-of-way and he didn't feel that this applicant should be permitted to dedicate less.

STEVE LACKEY of City Engineering stated that their review indicated that there was already 75' of half street right-of-way on Kellogg, but on Greenwich there should be at least 65' of right-of-way provided to accommodate a future right turn lane.

WILLIAM MCKINLEY, Traffic Engineering, advised that the state Highway records indicated 75 feet of existing right-of-way on Kellogg and he suggested that a further check into this matter be conducted prior to filing a final plat. He continued that he agreed with Galbraith's comments concerning right-of-way, access control, and curb closings.

HIGGINS again spoke to the Committee and objected once more to all the previously mentioned requirements for the same reason. He said that it was common practice for the City to take 10 or 20 feet from a property owner without paying for it and in some cases the courts had backed the City in this practice, but he did not feel that the City would be backed in this instance.

SUBDIVISION COMMITTEE MINUTES

Page 6

January 24, 1980

HIGGINS stressed the fact that the applicant would give whatever was necessary to meet normal platting requirements, but could not give any more land and still use the property as he wished. He pointed out that if they had known there were going to be additional land demands made upon the applicant, there would have been no settlement.

HENNESSY indicated agreement with Higgins' remarks and commented that any more demands upon the applicant would amount to confiscation.

There followed considerable discussion and BAYOUTH suggested that perhaps some kind of a compromise could be reached. HIGGINS reviewed all of his arguments and concluded by stating that he was at a loss to see how any compromise would be successful.

BAYOUTH stated that this was not the first time the City had agreed to one thing in condemnation proceedings and then made other demands when the property owner tried to develop the land that had been left to him. However, he stated that in these other cases, the plats had gotten approved without requiring the additional right-of-way. OLIVAREZ pointed out that she felt this situation was different than most of the others in that in other cases all four corners of the intersection had been developed, but in this case, the east side of the intersection was undeveloped and the south side was developed with a mobile home sales lot behind the frontage road. She said she felt certain that when negotiations were conducted, the settlement was based upon the current use of the property, leaving the applicant the openings he had at that time. She said all this changes when a different use and design are contemplated and HIGGINS stated there will be no change in the use.

In the ensuing discussion, MCKINELY, Traffic Engineering, noted that the intersection under consideration had the highest accident rate of any uncontrolled intersection in the City.

After further discussion, the following motion was made:

MOTION: BAYOUTH moved, HENNESSY seconded (Gardner was absent) and it carried unanimously that the preliminary plat be approved subject to:

- A. The name of the plat shall be changed as there is already a recorded plat by the name of Universal First Addition.
- B. City Engineering advises that state highway records indicate 75 feet of existing right-of-way on Kellogg. The applicant's surveyor shall check into this matter prior to filing a final plat.

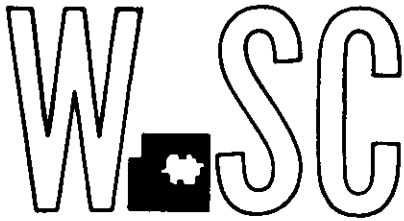
SUBDIVISION COMMITTEE MINUTES

Page 7

January 24, 1980

- C. Prior to submission of a final plat, the applicant shall obtain approval of his lot grading plan by the City Engineer's office.
 - D. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
-

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET

WICHITA, KANSAS 67202

February 22, 1980

Baughman Company
330 Laura
Wichita, Ks. 67211

Re: S/D 80-3 - Final plat of Universal 2nd Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, February 21, 1980, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. The Subdivision Committee recommended that no additional right-of-way for Greenwich Road be required on this plat although Public Works had requested an additional 15' to accomodate a future right turn lane.
- B. The applicant's lot grading plan has been approved. At the time of development, a private storm sewer will be required to drain the lot south and west.
- C. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

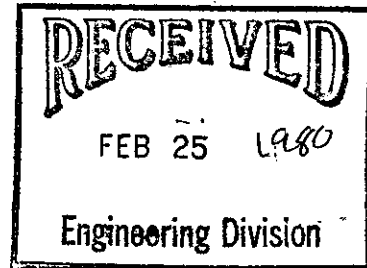
This matter will be forwarded to the Planning Commission for its consideration on Thursday, February 28, 1980, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Senior Planner

LO:bh

cc: Universal Service Stations, c/o Bob Walden, 2824 Ohio, 67219
William P. Higgins, Attorney, Sutton Place Bldg., 67202
/ Dean Sellers, Acting City Engineer



RECEIVED

MAY 10 1983

Dept. Of Engineering

CONTINGENT DEDICATION

WHEREAS, UNIVERSAL MOTOR FUELS, INC., and PHILIP BLICK, TRUSTEE FOR GERALD B. MALONEY AND LAWRENCE M. MALONEY, are owners of Universal 2nd Addition; and

WHEREAS, the City of Wichita is requesting a portion of said property be dedicated to the public for street purposes; and

WHEREAS, it is the intention of the owner to dedicate to the public the requested portion of said property for street purposes but to be effective only under certain conditions hereinafter specified;

NOW, THEREFORE, UNIVERSAL MOTOR FUELS, INC., and PHILIP BLICK, TRUSTEE FOR GERALD B. MALONEY AND LAWRENCE M. MALONEY, being the legal owners of Universal 2nd Addition, do hereby dedicate to the public for street purposes the following described property:

The east fifteen (15) feet of Lot 1, Universal 2nd Addition, Wichita, Kansas.

But the right of the public and the City of Wichita to use, maintain, excavate, fill, pave or install utilities or to make similar use of said property shall not occur until March 1, 1984, at the earliest. On March 1, 1984, if no gasoline pumps or related circulation drive or paved parking stalls are located on this 15-foot contingent dedication area, then this dedication shall be and become without further notice or act, in full force and effect. If gasoline pumps or related circulation drive and/or paved parking stalls are located on said area on March 1, 1984, then this dedication shall not become effective until such time as the pumps or related circulation drive and/or parking stalls are removed. At that time, this dedication shall be and become without further notice or act, in full force and effect.

It is the intent of the grantors herein that this shall be a covenant running with the land and shall be binding upon the heirs, assigns and successors and upon all subsequent owners of any part or parcel of said property covered by this dedication.

Executed this 2nd day of May, 1983.

UNIVERSAL MOTOR FUELS, INC.,

PHILIP BLICK, TRUSTEE FOR GERALD B. MALONEY AND LAWRENCE M. MALONEY

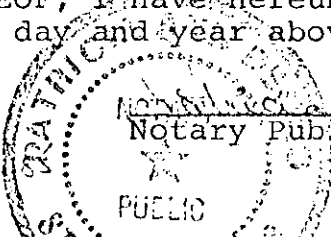
BY [Signature]
Gerald B. Maloney, President

BY [Signature]
Philip Blick

STATE OF KANSAS: ss
SEDGWICK COUNTY:

BE IT REMEMBERED, that on this 2nd day of May, 1983, before me, the undersigned, a notary public in and for the County and State aforesaid, came GERALD B. MALONEY, President of Universal Motor Fuels, Inc., who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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



My Appointment Expires: 12/21/83

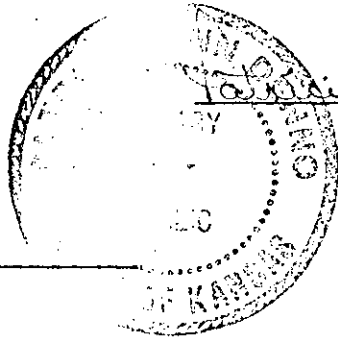
[Signature]
Notary Public

[Signature]

STATE OF KANSAS: SS.
SEDGWICK COUNTY:

BE IT REMEMBERED, that on this 2nd day of May, 1983, before me, the undersigned, a notary public in and for the County and State aforesaid, came PHILIP BLICK, Trustee for Gerald B. Maloney and Lawrence M. Maloney, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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



Patricia Ann New
Notary Public

My Appointment Expires:
December 28, 1985

Universal Addition

Lot Size = 1.1 Ac

Natural ground drain west to channel.

Proposed drainage plan calls for E $\frac{1}{2}$ of the lot drain east to Greenwich Rd and W $\frac{1}{2}$ of the lot drain South to Kellogg. Require substantial fill & regrading in order to drain according to the drainage plan.

58
59
60
61
62
63

371'

L.I.C.
LINE # 2

8" VCP

371'

8" VCP

84027 M.H.

ACRES

2.211

62

127'

54

34157 M.H.

GREENWICH

0100 LINE # 2

ROAD

34342 M.H.

NOTE
2-27-79

PROPOSED RD. IMPROVEMENT FOR KELLOGG & GREENWICH - CLEAR BEFORE ISSUING PERMITS

S. & P. ADDN.



LPT. 1, SUB 13, W.I.S.

MID-STATES CONST. CO., INC. 12-15-63

SOIL NO. C23-3 K-79 BOOKED 1-17-63

24122 M.H.

LINE # 4

0100 LINE # 4

LINE # 4

10" CIP
Force Mains
K133

0100 EXIST. M.H. BEGIN LINE # 1

01647 M.H.

U.S.

052

210'

210'

10" VCP

10'

052

8" VCP

0100 LINE # 4

192'

10" VCP

10" VCP

10" VCP

10" VCP

10" VCP

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