

CLOSURE.txt

CLOSURE - MIKE STEVEN MOTORS ADDITION

PT 01 North: 5080.7228 East : 8484.5460
Line Course: S 89-52-44 E Length: 335.1500
PT 02 North: 5080.0144 East : 8819.6953
Line Course: S 00-04-15 E Length: 5.0700
PT 03 North: 5074.9444 East : 8819.7015
Line Course: S 89-51-14 E Length: 328.0800
PT 04 North: 5074.1077 East : 9147.7805
Line Course: S 00-03-36 E Length: 421.8100
PT 05 North: 4652.2979 East : 9148.2222
Line Course: S 00-01-41 W Length: 54.6200
PT 06 North: 4597.6780 East : 9148.1954
Line Course: S 00-02-31 W Length: 54.4300
PT 07 North: 4543.2480 East : 9148.1556
Line Course: S 89-52-25 W Length: 133.0500
PT 08 North: 4542.9545 East : 9015.1059
Line Course: N 00-02-02 W Length: 54.4600
PT 09 North: 4597.4145 East : 9015.0737
Line Course: N 00-00-30 W Length: 54.3700
PT 10 North: 4651.7845 East : 9015.0658
Line Course: S 89-50-43 W Length: 194.8400
PT 11 North: 4651.2583 East : 8820.2265
Line Course: S 00-04-15 E Length: 103.8200
PT 12 North: 4547.4384 East : 8820.3549
Line Course: S 89-50-37 W Length: 314.2200
PT 13 North: 4546.5807 East : 8506.1360
Line Course: N 04-14-31 W Length: 285.1900
PT 14 North: 4830.9895 East : 8485.0410
Line Course: N 00-06-50 W Length: 249.7400
PT 01 North: 5080.7290 East : 8484.5446

MISCLOSURE:

Line Course: S 12-52-27 E Length: 0.0064
North: 5080.7227 East : 8484.5460

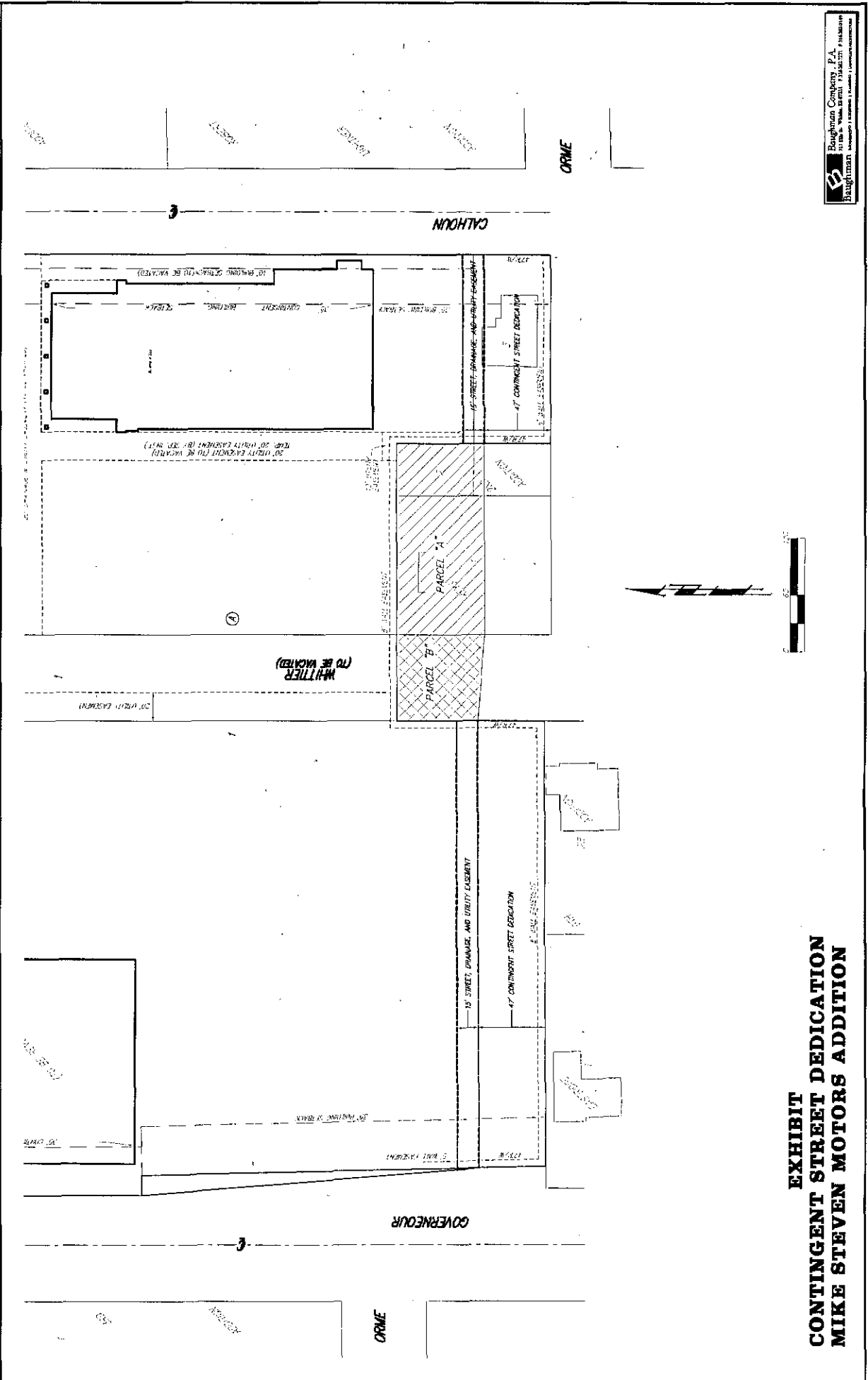


EXHIBIT
CONTINGENT STREET DEDICATION
MIKE STEVEN MOTORS ADDITION

CONTINGENT DEDICATION AGREEMENT

THIS CONTINGENT DEDICATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 200__, by and between Michael E. Steven, (Steven) and The City of Wichita, Kansas, a Municipal Corporation (City).

WHEREAS, Steven is the owner of the following described real property, to wit:

Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

WHEREAS, Steven has included as a condition of said plat, a contingent street dedication and a contingent 15 foot street, drainage and utility easement over a portion of the above-described real estate, and;

WHEREAS, the City anticipates in the future the necessity of acquiring dedicated street right-of-way for Orme Street and dedicated street, drainage and utility easement, and;

WHEREAS, said Steven is agreeable to the needed street right-of-way and easement dedication, and;

WHEREAS, said owner is desirous of continuing their private use of said street right-of-way and easement pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises, Steven hereby dedicates to the public for street purposes the following described real property, to-wit:

The south 47 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

and

Steven hereby dedicates to the public for street, drainage, and utility easement the following described real property, to-wit:

The north 15 feet of the south 62 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, including any or all of those uses as stated above, the owner(s) and all persons claiming by, through or under them, shall be permitted the continued use of said street right-of-way and easement.
3. That the City hereby agrees to initiate and complete condemnation proceedings over the following described property, to-wit:

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas

4. That the City hereby agrees that upon completion of said condemnation proceedings, the City will convey to Steven, his successors and/or assigns, a portion said property described as follows:

Parcel "A"

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas, EXCEPT
the south 47 feet thereof.

AND NORTH 15' OF SOUTH 62' FOR STREET, DRAINAGE & UTILITY EASEMENT

5. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.
6. That the City agrees to complete the vacation of Whittier Street lying immediately west of and adjacent to Parcel "A" described as follows:

Parcel "B"

That part of Whittier lying adjacent to the west line of the following described tract: Lot 1 and the west 37 feet of Lots 2 and 3, Keys Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the south 47 feet thereof.

7. That the City agrees to complete the vacation of the 5 foot wall easement located within Mike Steven Motors Addition lying on the north and east side of Parcel "A" and the west and north side of Parcel "B".
8. That the City agrees to zone Parcel "A" to the "LC" Limited Commercial zoning district and amend the Mike Steven Motors Community Unit Plan (DP-308) to include Parcel "A" and Parcel "B".
9. That Steven agrees to dedicate a new 5 foot wall easement adjacent to the north line of the new 15 foot street, drainage, and utility easement within Parcel "A".
10. That in the event that the City has not let a contract for the construction of Orme Street between S. Gouverneur Rd. and Calhoun St., for which the above right-of-way is dedicated, within one year of the recording date of the plat for the Mike Steven Motors Addition, this contingent dedication is no longer required and the City and Steven are released from all requirements set forth herein.

This contingent dedication agreement herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by the City Council of the above-described Mike Steven Motors Addition and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public contingent dedication and a covenant running with the land binding upon the owner(s), their heirs, successors and assigns, and all persons claiming by, through or under them, conditioned as aforesaid. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____, 200___, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Michael E. Steven _____, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Notary Public

(My Appointment Expires: _____)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl Brewer, as Mayor of the City of Wichita, Kansas, a municipal corporation, 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 on behalf, and as the act and deed of said corporation.

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

Notary Public

(My Appointment Expires: _____)

IN WITNESS WHEREOF Michael E. Steven and the City of Wichita,
Kansas, a Municipal Corporation has hereby executed this instrument this
_____ day of _____, 200_____.

The City of Wichita, Kansas

By: _____
Michael E. Steven

By _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

STAFF REPORT
(One-Step Final Plat)

CASE NUMBER: SUB 2007-98 – MIKE STEVENS MOTORS ADDITION

OWNER/APPLICANT: Nevets, Inc., Attn: Harold Johnson; P.O. Box 789762, Wichita, KS 67278

SURVEYOR/AGENT: Baughman Company, P.A., Attn: Kris Rose, 315 Ellis, Wichita, KS 67211

LOCATION: West of Rock Road, South side of Kellogg

SITE SIZE: 7.51 acres

NUMBER OF LOTS

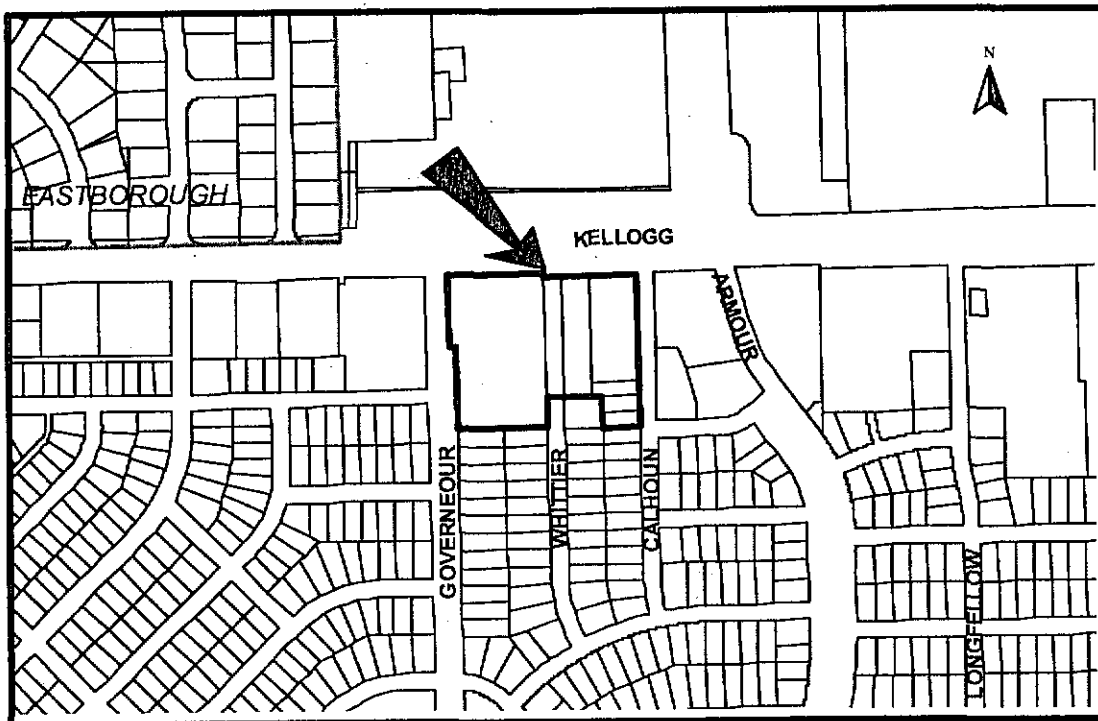
Residential:	
Office:	
Commercial:	1
Industrial:	
Total:	1

MINIMUM LOT AREA: 7.5 acres

CURRENT ZONING: LC, Limited Commercial, GC, General Commercial, SF-5, Single-Family Residential

PROPOSED ZONING: LC, Limited Commercial, GC, General Commercial

VICINITY MAP



SUB 2007-98 -- One-Step Final Plat of MIKE STEVEN MOTORS ADDITION
November 8, 2007 - Page 2

NOTE: This is a replat of the Chrysler Addition. E.M. Steven's 3rd Addition and a portion of the Keys 2nd Addition. The plat includes the vacation of Whittier. A zone change request from SF-5, Single-Family Residential to LC, Limited Commercial has been requested for the southeastern corner of the site. The Mike Stevens Motors Community Unit Plan (DP-308, CUP 2007-61) has also been proposed for this site.

STAFF COMMENTS:

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change.
- B. Municipal services are available to serve the site.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan.
- E. Traffic Engineering has approved the right-of-way platted for adjoining streets.
- F. The applicant shall provide a guarantee for closure of the street return.
- G. Since the vacation of Whittier creates an off-site dead end, a turnaround needs to be platted.
- H. In accordance with the proposed CUP, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- I. County Surveying advises that the plat needs reference to section, township and range if vicinity map is not on final plat.
- J. County Surveying advises that contingent building setbacks need to be dimensioned.
- K. The wall easement shall be referenced in the plat's text.
- L. The site is located within the Maximum Mission Area of the Air Installation Compatible Use Zone (AICUZ) study to identify noise impact areas around McConnell Air Force Base. The applicant shall submit an avigational easement covering all of the 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.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that 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.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

SUB 2007-98 – One-Step Final Plat of MIKE STEVEN MOTORS ADDITION
November 8, 2007 - Page 3

- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

Gunzelman, Paul

From: Strahl, Neil
Sent: Monday, January 14, 2008 6:34 AM
To: Miller, Dale; Gunzelman, Paul
Subject: RE: Mike Steven Toyota Contingent Dedication Document

Paul:

I agree with you that the document should mention that after the City conveys Parcel A to Steven, that a 15-ft street, drainage and utility easement be established within the south 15 feet of Parcel A in conjunction with the adjoining strips to the east and west on the Mike Steven Motors Addition.

Similarly, they also need to specify on Page 3 that in conjunction with the vacation case that the south 15 feet of parcel B be established as a 15-ft street, drainage and utility easement.

-----Original Message-----

From: Miller, Dale
Sent: Friday, January 11, 2008 3:20 PM
To: Strahl, Neil
Subject: FW: Mike Steven Toyota Contingent Dedication Document

-----Original Message-----

From: Gunzelman, Paul
Sent: Monday, January 07, 2008 3:40 PM
To: Carrier, Christopher; Miller, Dale
Subject: FW: Mike Steven Toyota Contingent Dedication Document

Chris/Dale,

One thing I noticed on this was on page 2. They need to add the 15' street, drainage and utility easement as mentioned at the top of the page after the statement below. That would make it consistent with the rest of the plat. I have asked Ferris to check on this to be sure I did not miss it. I also told him I had not had a chance to speak with either of you, and didn't know if there would be other changes.

That the City hereby agrees that upon completion of said condemnation proceedings, the City will convey to Steven, his successors and/or assigns, a portion said property described as follows:

Parcel "A"

Lot 1, and the west 37 feet of Lots 2 and 3,
 Keys Second Addition to Wichita,
 Sedgwick County, Kansas, EXCEPT
 the south 47 feet thereof

-----Original Message-----

From: FERRISCO@aol.com [mailto:FERRISCO@aol.com]

Sent: Thursday, January 03, 2008 1:57 PM

To: Carrier, Christopher; Miller, Dale

Cc: Gunzelman, Paul; Huang, Vicky; hjohnson@stevenmotors.com; pmeyer@baughmanco.com

Subject: Mike Steven Toyota Contingent Dedication Document

Chris and Dale:

A requirement of the plat for the Mike Steven Motor Plat and CUP was the dedication of the appropriate right of way for Orme. We met with Paul and Vicky to discuss this several weeks ago. I believe the attached document correctly dedicates all of the right of way necessary for Orme while leaving enough ownership for Toyota to satisfy the Toyota national requirements.

I know you and Harold Johnson are meeting with Sue next week and wanted to make sure this was okay. Please let me know if you or your staff require adjustments. Thanks.

Gregory Ferris
Ferris Consulting
PO Box 573
Wichita, KS 67201
Ph. 316-516-0808 Fax. 316-722-9799

Start the year off right. [Easy ways to stay in shape in the new year.](#)

Department of Public Works
Office of the Director
Route Slip

NOV 13, 2007
DATE

<u>TO</u>	<u>FROM</u>	<u>INSTRUCTIONS</u>
_____	_____ Armour	_____ Approval
_____	_____ Carrier	<input checked="" type="checkbox"/> Information
_____	_____	_____ Investigate
_____	_____ Martin	_____ Prepare Reply
_____	_____ Pajor	_____ Review/Return
_____	_____	_____ See Me
_____	_____ Williams	_____ Signature

Response DUE: _____

COMMENTS:

Put in Plat File

2:00 MONDAY

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 FAX 316-722-9799

NOV 13, 2007

November 12, 2007

Chris Carrier, Director
Wichita Public Works Department
City Hall 10th Floor
455 N. Main
Wichita, KS 67202

Dear Chris:

I truly am sorry for the confusion surrounding the vacation of Whittier. It was our impression that the City did not want to condemn property, but would move forward if the owner of 542 Whittier was willing to sell. I thought you understood we were planning to move forward with Whittier no matter what action the City took. Please accept my apology.

You should understand the process we have gone through. After our meeting I met with the Planning Staff to see how to proceed. They indicated we needed to have a Community Unit Plan and a new plat. Baughman Co. is doing this work. Once we had some information we began to notify the neighborhood. The City sent out its notice for the CUP and plat, which included the vacation. However, we went much further than this.

I have sent a letter to every property owner on Whittier and part of Gilbert. This is the area that would normally be considered if there was a vacation request separate from the platting and CUP process. I have attempted to meet with every owner/occupant in the notification area. I knocked on their doors on two separate occasions, including a weekend. If they were not home either time I sent them a follow up letter.

So you can see all of the documentation I have attached the following:

- The notification list that is required by the City for vacations
- The initial letter, dated October 18, sent to everyone on that notification list
- The follow up letter, dated November 12, that was sent to everyone that was not home
- The results of the conversations with each property owner

I received two phone calls as follow up to the initial letter. The first conversation was from a property owner on Gilbert who now lives in Oklahoma. She has not been in the area in two years and had several questions. I sent her follow up information. I have not heard back from her. The other was from Mr. Johnson at 601 Whittier. He had several questions and indicated at the end of our meeting he

was strongly in support of the closure of Whittier, with or without Orme. He had mixed feelings about Orme.

Every person I met with understood we were talking about vacating Whittier whether or not Orme was constructed. No one I met with opposes the closure of Whittier. These responses ranged from they were not opposed to very strong support. Most were in favor because it would reduce traffic. They have become accustom to going a different direction due to the Kellogg construction.

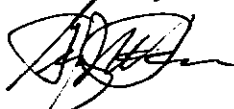
Of the three people who discussed Orme; one was strongly against its construction, one was for its construction and one had reservations and questions that were not in my field of knowledge.

Harold Johnson of Steven Motors is setting up a meeting with Council Member Schlapp. He will explain the position of Steven Motors. This may clear up all of these issues and answer any further questions.

Regardless of how that meeting turns out, we believe the closure of Whittier is not tied to Orme. The neighbors want it and Toyota needs it. The plat will assure the City gets the necessary drainage easements as well as several access closures including two on Kellogg drive. The solid masonry screening wall will improve the visual appeal of the area. The closure will make it safer for area residents and children.

Please let me know if you have questions. Thank you.

Sincerely,



Gregory Ferris

CC Harold Johnson, Steven Motors
Enclosures

Copies: Sue Schlapp }
Jimi Armour } 11/13/04
Vicky Huang }

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 1	Chrysler Addition	Michael E. Steven 7127 E. Kellogg Wichita, KS 67207
W 100' of Lot 1 AND S 54.45' of the E 133' of Lot 1 AND E 170' of the N 50' of the S 104.45' of Lot 1 AND Lot 1 exc W 100' & exc S 104.45'	E.M. Steven's Third Addition	Nevets Inc. 7333 E. Kellogg Wichita, KS 67207
Lot 1 & W 37' of Lot 2 & 3	Key's 2 nd Addition	Eugene F. Roberts 542 S. Whittier Wichita, KS 67207
Lot 16 & SW 3' of Lot 17, Blk A	Eastridge 6 th Addition	La Vern K. Larson & Helen Larson (dec'd) 7114 Gilbert Wichita, KS 67207
Lot 17 exc SW 3' of Blk A	"	Lorraine Binderim & Janis E. McNutt 7120 Gilbert Wichita, KS 67207
Lot 18, Blk A	"	Racheal B. Bird 663 S. Whittier Wichita, KS 67207

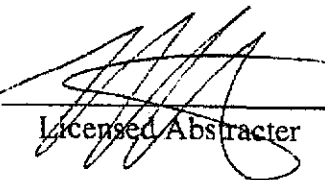
Lot 19, Blk A	"	Daniel R. Wilson & Jeffrey L. Wilson 2222 S. Beech St. Wichita, KS 67207
Lot 20, Blk A	"	Herbert K. & Alice L. Dodd 901 N. Broadway Wichita, KS 67214
Lot 21, Blk A	"	James M. Lyday Jr. 645 S. Whittier Wichita, KS 67207
Lot 22, Blk A	"	Douglas R. Reynoldson 639 Whittier Wichita, KS 67207
Lot 23, Blk A	"	Kari Lynn Schlecht 633 S. Whittier Wichita, KS 67207
Lot 24, Blk A	"	Matthew C. & Tonia M. Durbin 627 Whittier Rd. Wichita, KS 67207
Lot 25, Blk A	"	Diana Conner 621 Whittier Wichita, KS 67207
Lot 26, Blk A	"	Diana Dee Peters 615 Whittier Wichita, KS 67207
Lot 27, Blk A	"	Wendy Suzanne Moore 607 Whittier Wichita, KS 67207

Lot 28, Blk A	"	Walter L. Johnson Jr. & Lorene B. Johnson (dec'd) 601 Whittier Wichita, KS 67207
Lot 1, Blk B	"	James F. & Sherry A. Nash 602 Whittier Wichita, KS 67207
Lot 2, Blk B	"	Drandco c/o Daryl Anderson 731 N. Mission Wichita, KS 67206
Lot 3, Blk B	"	Lee G. & Johnie Graddy 614 Whittier Wichita, KS 67207
Lot 4, Blk B	"	Victoria Buan & Rogelio Buan 620 S. Whittier Wichita, KS 67207
Lot 5, Blk B	"	Lynette J. Standifer 626 S. Whittier Wichita, KS 67207
Lot 6, Blk B	"	Travis E. & Jennifer L. Weigel 632 S. Whittier Wichita, KS 67207
Lot 7, Blk B	"	Martin P. Burger & Toby D. Kennedy-Burger 2314 N. Inwood Cir. Wichita, KS 67226

Lot 8, Blk B	"	Shakira Carter 644 S. Whittier Wichita, KS 67207
Lot 9, Blk B	"	David L. Skidmore 650 S. Whittier Wichita, KS 67207
Lot 10, Blk B	"	Charles E. & Marlene A. Marshall 656 Whittier Wichita, KS 67207
Lot 11, Blk B	"	Dean & Phyllis Kelley c/o Phyllis J. Kelley Revocable Living Trust PO Box 32 Helena, OK 73741

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 18th day of September, 2007 at 7:00 A.M.

First American Title Kansas Agency, Inc.

By: 

 Licensed Abstracter

Order #914389
 JB

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 FAX 316-722-9799

October 18, 2007

Eugene Roberts
542 S. Whittier
Wichita, KS 67207

Dear Eugene Roberts,

You will be receiving a notice from the City of Wichita very soon regarding a new Community Unit Plan for Steven Toyota. Toyota is planning to expand and remodel its existing building and tear down the old Chrysler building. Included in the CUP will be additional screening and landscaping. These improvements will greatly enhance the area.

As a part of the process Toyota is seeking to vacate and cul-de-sac Whittier adjacent to its property. We believe this will be a major improvement to the neighborhood. This will eliminate any ability for Toyota test drives to enter into the neighborhood. Toyota will be required to go north out its property rather than south by your home, thus reducing traffic. The solid screening wall and landscaping along the south property line of Toyota, including the cul-de-sac, will allow your neighborhood to be separate from the commercial development of Kellogg. These will all make your street safer and quieter.

We have met with the Wichita Fire Department to make sure there will be no negative impact on service to you in your home. They have assured us that they see no issues. Since you can no longer go west on Kellogg Drive this should not cause any major inconvenience to your travel. You will be able to access Kellogg Drive on Calhoun or on Armour. The benefit of less traffic and noise should more than out-way the one-half block of additional travel.

We would like to answer any of your concerns or issues before this item goes to the Planning Commission. I would be happy to schedule an appointment with you at your convenience where I can show you site plans, maps, etc. Please do not hesitate to call me anytime at 516-0808 with your questions or concerns.

I will also be in the neighborhood over the next few weeks to make sure any issues you have are addressed. Thank you.

Sincerely,

Gregory Ferris

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 FAX 316-722-9799

November 12, 2007

Racheal Bird
663 S. Whittier
Wichita, KS 67207

Dear Racheal Bird,

A few weeks ago I sent you a letter regarding the proposed vacation and closure of Whittier at the south end of the Toyota property. Last week I was in your neighborhood twice to answer questions regarding that closure. I am sorry I missed you. I spoke with most of your neighbors. Their comments ranged from very supportive to they were not opposed to the closure. They recognized the benefit of reduced traffic and enhanced visual appeal. I hope you agree.

I would still be glad to visit with you if you have questions. If you will call me I will make sure I accommodate your schedule. Again, I am sorry I missed you.

Sincerely,

Gregory Ferris

Eugene Roberts, 542 S. Whittier	<i>Not Home, Sent attached follow up letter</i>
La Vern Larson, 7114 Gilbert	Not Opposed to Whittier Closure
Lorraine Binderim, 7120 Gilbert	Supports Whittier Closure
Racheal Bird, 663 S. Whittier	<i>Not Home, Sent attached follow up letter</i>
James Lyday, 645 S. Whittier	<i>Not Home, Sent attached follow up letter</i>
Douglas Reynoldson, 639 S Whittier	<i>Not Home, Sent attached follow up letter</i>
Kari Lynn Schlect, 633 S. Whittier	Not Opposed to Whittier, Closure Supports Orme
Mathew and Tonia Durbin, 627 S Whittier	Supports Whittier Closure
Diana Conner, 621 Whittier	Supports Whittier Closure, Opposed to Orme
Diana Peters, 615 Whittier	<i>Not Home, Sent attached follow up letter</i>
Wendy Moore, 607 Whittier	<i>Not Home, Sent attached follow up letter</i>
Walter Johnson, 601 Whittier	Supports Whittier Closure
James and Sherry Nash, 602 Whittier	Supports Whittier Closure
Lee and Johnie Graddy, 614 Whittier	Not Opposed to Whittier Closure
Victoria and Rogelio Buan, 629 Whittier	Supports Whittier Closure
Lynette Standifer, 626 S Whittier	<i>Not Home, Sent attached follow up letter</i>
Travis and Jennifer Weigel, 632 S Whittier	Supports Whittier Closure
Shakira Carter, 644 S Whittier	<i>Not Home, Sent attached follow up letter</i>
David Skidmore, 650 S Whittier	Not Opposed to Whittier Closure
Charles and Marlene Marshall, 656 Whitter	<i>Not Home, Sent attached follow up letter</i>

Carrier, Christopher

From: FERRISCO@aol.com
Sent: Friday, November 09, 2007 5:21 PM
To: Carrier, Christopher
Subject: Whittier

Chris, the City sent notices to everyone on Whittier from Toyota south, and three homes along Gilbert, regarding the vacation of Whitter, the Plat, and the Community Unit Plan three weeks ago. I am getting a copy for you. I also sent out the attached letter. It went to everyone owner and was personally addressed to them. I have met with 8 of the owner/occupants on this street. I am meeting with as many as are home that I missed before tomorrow. Out of the seven I spoke to none are opposed and 5 were in favor of the closure of Whitter. 2 opposed Orme going through and one was in favor of it. None of the others expressed support for or against.

This vacation case has had more public input than most that have happened in the City. This vacation will improve the safety of the neighborhood limiting non-neighborhood traffic from going through the area. The fire department, utilities, and engineers have not expressed any concern about the closure as long as we deal with the drainage issues (which the plat will require). There is no sneaking around here everyone out there is aware of what is happening.

While the Steven folks are going to visit with Sue regarding the Orme issue, it should not have any impact on Whittier. Toyota needs it, the neighbors want it, and sub-division has supported it.

Let me know if you have questions. Thanks

Greg Ferris
PO Box 573
Wichita, KS 67201
316-516-0808 Fax 316-722-9799

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CONTINGENT DEDICATION AGREEMENT #2

THIS CONTINGENT DEDICATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 200___, by and between Michael E. Steven, (Steven) and The City of Wichita, Kansas, a Municipal Corporation (City).

WHEREAS, Steven is the owner of the following described real property, to wit:

Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

WHEREAS, Steven has included as a condition of said plat, a contingent street dedication and a contingent 15 foot street, drainage and utility easement over a portion of the above-described real estate, and;

WHEREAS, the City anticipates in the future the necessity of acquiring dedicated street right-of-way to connect Orme Street from the east line of Whittier to the west line of Calhoun and dedicated street, drainage and utility easement, and;

WHEREAS, said Steven is agreeable to the needed street right-of-way and easement dedication, and;

WHEREAS, said owner is desirous of continuing their private use of said street right-of-way and easement pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises, Steven hereby dedicates to the public for street purposes the following described real property, to-wit:

The south 47 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas,
lying between Whittier and Calhoun

and

Steven hereby dedicates to the public for street, drainage, and utility easement the following described real property, to-wit:

The north 15 feet of the south 62 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas,
lying between Whittier and Calhoun

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, based on an approved and initiated engineering project by City Council, the owner(s) and all persons claiming by, through or under them, shall be permitted the continued use of said street right-of-way and easement.
3. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.
4. That the City agrees not to enact this contingent dedication until such time as the City is able to complete a right-of-way connection to Whitter Street, through the Keys Second Addition.

Furthermore, if the City acquires the following described property;

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas

Then the City and Steven agree to the following:

5. That the City agrees to convey to Steven, his successors and/or assigns, a portion said property described as follows:

Parcel "A"

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas, EXCEPT
the south 47 feet thereof.

6. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.
7. That the City and Steven agree to file for the vacation of Whittier Street lying immediately west of and adjacent to Parcel "A" described as follows:

Parcel "B"

That part of Whittier lying adjacent to the west line of the following described tract: Lot 1 and the west 37 feet of Lots 2 and 3, Keys Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the south 47 feet thereof.

8. That the City agrees to file for the vacation of the 5 foot wall easement located within Mike Steven Motors Addition lying on the north and east side of Parcel "A" and the west and north side of Parcel "B".
9. That the City agrees to file a zoning application for Parcel "A" to the "LC" Limited Commercial zoning district and amend the Mike Steven Motors Community Unit Plan (DP-308) to include Parcel "A" and Parcel "B".
10. That Steven and the City agree that the south 15 feet of Parcel "A" and Parcel "B" shall be retained as a 15 foot street, drainage, and utility easement.
11. That Steven agrees to dedicate a new 5 foot wall easement adjacent to the north line of the new 15 foot street, drainage, and utility easement within Parcel "A".

This contingent dedication agreement herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by the City Council of the above-described Mike Steven Motors Addition and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public contingent dedication and a covenant running with the land binding upon the owner(s), their heirs, successors and assigns, and all persons claiming by, through or under them, conditioned as aforesaid. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF Michael E. Steven and the City of Wichita,
Kansas, a Municipal Corporation has hereby executed this instrument this
_____ day of _____, 200_____.

The City of Wichita, Kansas

By: _____
Michael E. Steven

By: _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____,
200___, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Michael E. Steven
_____, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year above written.

Notary Public

(My Appointment Expires: _____)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____,
2007, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Carl Brewer, as Mayor of the City of Wichita, Kansas, a
municipal corporation, 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 on behalf, and as the act and deed of said
corporation.

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

Notary Public

(My Appointment Expires: _____)

CONTINGENT DEDICATION AGREEMENT #1

THIS CONTINGENT DEDICATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 200__, by and between Michael E. Steven, (Steven) and The City of Wichita, Kansas, a Municipal Corporation (City).

WHEREAS, Steven is the owner of the following described real property, to wit:

Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

WHEREAS, Steven has included as a condition of said plat, a contingent street dedication and a contingent 15 foot street, drainage and utility easement over a portion of the above-described real estate, and;

WHEREAS, the City anticipates in the future the necessity of acquiring dedicated street right-of-way to connect Orme Street from the east line of Gouverneur to the west line of Whittier and dedicated street, drainage and utility easement, and;

WHEREAS, said Steven is agreeable to the needed street right-of-way and easement dedication, and;

WHEREAS, said owner is desirous of continuing their private use of said street right-of-way and easement pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises, Steven hereby dedicates to the public for street purposes the following described real property, to-wit:

The south 47 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita; Sedgwick County, Kansas,
lying between Gouverneur and Whittier.

and

Steven hereby dedicates to the public for street, drainage, and utility easement the following described real property, to-wit:

The north 15 feet of the south 62 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas,
lying between Gouverneur and Whittier.

PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, based on an approved and initiated engineering project by City Council, the owner(s) and all persons claiming by, through or under them, shall be permitted the continued use of said street right-of-way and easement.
3. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.

This contingent dedication agreement herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by the City Council of the above-described Mike Steven Motors Addition and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public contingent dedication and a covenant running with the land binding upon the owner(s), their heirs, successors and assigns, and all persons claiming by, through or under them, conditioned as aforesaid. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF Michael E. Steven and the City of Wichita,
Kansas, a Municipal Corporation has hereby executed this instrument this
_____ day of _____, 200_____.

The City of Wichita, Kansas

By: _____
Michael E. Steven

By _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____,
200___, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Michael E. Steven
_____, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year above written.

Notary Public

(My Appointment Expires: _____)

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____,
2007, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Carl Brewer, as Mayor of the City of Wichita, Kansas, a
municipal corporation, 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 on behalf, and as the act and deed of said
corporation.

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

Notary Public

(My Appointment Expires: _____)

Gunzelman, Paul

From: Phil Meyer [pmeyer@baughmanco.com]
Sent: Thursday, February 28, 2008 1:40 PM
To: Slocum, Derrick; Miller, Dale
Cc: Schlegel, John; Carrier, Christopher; Gunzelman, Paul; Strahl, Neil; Schlapp, Susan; 'Harold Johnson'
Subject: Steven Motors Addition

Derrick & Dale,

Attached please find signed copies of the two contingent street dedications for the Steven Motors Addition. These are the agreements that Chris Carrier and Paul Gunzelman approved. The zone change case is on City Council Tuesday, March 4th, and I wanted you both to know that these are available if you want them now. Since this is more of a platting issue, I plan to hang onto these and submit them with the platting documents.

If you would like them or you want me to turn into Neil now, please let me know.

Thanks.

Phil Meyer
Baughman Company, P.A.
(316) 262-7271

CONTINGENT DEDICATION AGREEMENT #1

THIS CONTINGENT DEDICATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 200__, by and between Michael E. Steven, (Steven) and The City of Wichita, Kansas, a Municipal Corporation (City).

WHEREAS, Steven is the owner of the following described real property, to wit:

Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas

WHEREAS, Steven has included as a condition of said plat, a contingent street dedication and a contingent 15 foot street, drainage and utility easement over a portion of the above-described real estate, and;

WHEREAS, the City anticipates in the future the necessity of acquiring dedicated street right-of-way to connect Orme Street from the east line of Gouverneur to the west line of Whittier and dedicated street, drainage and utility easement, and;

WHEREAS, said Steven is agreeable to the needed street right-of-way and easement dedication, and;

WHEREAS, said owner is desirous of continuing their private use of said street right-of-way and easement pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises, Steven hereby dedicates to the public for street purposes the following described real property, to-wit:

The south 47 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas,
lying between Gouverneur and Whittier.

and

Steven hereby dedicates to the public for street, drainage, and utility easement the following described real property, to-wit:

The north 15 feet of the south 62 feet of Lot 1, Block A,
Mike Steven Motors Addition,
Wichita, Sedgwick County, Kansas,
lying between Gouverneur and Whittier.

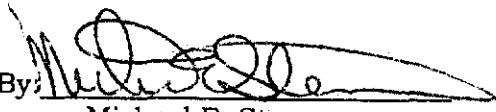
PROVIDED, HOWEVER:

1. That neither the public nor the City of Wichita shall be privileged nor entitled to the use of the area hereinabove dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.
2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, based on an approved and initiated engineering project by City Council, the owner(s) and all persons claiming by, through or under them, shall be permitted the continued use of said street right-of-way and easement.
3. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.

This contingent dedication agreement herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by the City Council of the above-described Mike Steven Motors Addition and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public contingent dedication and a covenant running with the land binding upon the owner(s), their heirs, successors and assigns, and all persons claiming by, through or under them, conditioned as aforesaid. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF Michael E. Steven and the City of Wichita,
Kansas, a Municipal Corporation has hereby executed this instrument this
_____ day of _____, 200_____.

The City of Wichita, Kansas

By: 
Michael E. Steven

By: _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of FEBRUARY 2008, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Michael E. Steven

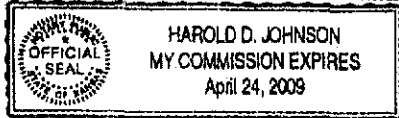
_____, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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



Notary Public

(My Appointment Expires: _____)



STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl Brewer, as Mayor of the City of Wichita, Kansas, a municipal corporation, 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 on behalf, and as the act and deed of said corporation.

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

Notary Public

(My Appointment Expires: _____)

CONTINGENT DEDICATION AGREEMENT #2

THIS CONTINGENT DEDICATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 200___, by and between Michael E. Steven, (Steven) and The City of Wichita, Kansas, a Municipal Corporation (City).

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lying between Whittier and Calhoun

and

Steven hereby dedicates to the public for street, drainage, and utility easement the following described real property, to-wit:

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4. That the City agrees not to enact this contingent dedication until such time as the City is able to complete a right-of-way connection to Whitter Street, through the Keys Second Addition.

Furthermore, if the City acquires the following described property;

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas

Then the City and Steven agree to the following:

5. That the City agrees to convey to Steven, his successors and/or assigns, a portion said property described as follows:

Parcel "A"

Lot 1, and the west 37 feet of Lots 2 and 3,
Keys Second Addition to Wichita,
Sedgwick County, Kansas, EXCEPT
the south 47 feet thereof.

6. That the City agrees to allow the landscape buffer required per the Mike Steven Motors Community Unit Plan (DP-308) to be placed on the south side of the wall easement within the 15 foot street, drainage and utility easement as platted in said Mike Steven Motors Addition.
7. That the City and Steven agree to file for the vacation of Whittier Street lying immediately west of and adjacent to Parcel "A" described as follows:

Parcel "B"


That part of Whittier lying adjacent to the west line of the following described tract: Lot 1 and the west 37 feet of Lots 2 and 3, Keys Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the south 47 feet thereof.

8. That the City agrees to file for the vacation of the 5 foot wall easement located within Mike Steven Motors Addition lying on the north and east side of Parcel "A" and the west and north side of Parcel "B".
9. That the City agrees to file a zoning application for Parcel "A" to the "LC" Limited Commercial zoning district and amend the Mike Steven Motors Community Unit Plan (DP-308) to include Parcel "A" and Parcel "B".
10. That Steven and the City agree that the south 15 feet of Parcel "A" and Parcel "B" shall be retained as a 15 foot street, drainage, and utility easement.
11. That Steven agrees to dedicate a new 5 foot wall easement adjacent to the north line of the new 15 foot street, drainage, and utility easement within Parcel "A".

This contingent dedication agreement herein expressed and made, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval by the City Council of the above-described Mike Steven Motors Addition and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public contingent dedication and a covenant running with the land binding upon the owner(s), their heirs, successors and assigns, and all persons claiming by, through or under them, conditioned as aforesaid. Acceptance by the City of Wichita of this contingent dedication and the recordation of the same shall denote its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF Michael E. Steven and the City of Wichita,
Kansas, a Municipal Corporation has hereby executed this instrument this
_____ day of _____, 200_____.

The City of Wichita, Kansas

By: 
Michael E. Steven

By: _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 25th day of FEBRUARY,
2007, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Michael E. Steven
_____, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year above written.



Notary Public

(My Appointment Expires: _____)


STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this _____ day of _____,
2007, before me, the undersigned, a Notary Public, in and for the County and
State aforesaid, came Carl Brewer, as Mayor of the City of Wichita, Kansas, a
municipal corporation, 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 on behalf, and as the act and deed of said
corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
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