

Case No - 22-49

STATUS SHEET

*Approved*

Board of Appeals Case No. 22-49

1501-15 East Kellogg Premises in Question

W. C. Speer Appellant's Name

1311 East Kellogg Appellant's Address

Same Owner's Name

Owner's Address

12/1/49 Building or Zoning Application Received by Building Inspector  
Desired to erect a commercial building without maintaining the  
required front yard set-back of 20 feet.

12/1/49 Decision of Building Inspector. Refused because of Section 20,  
paragraph 4(a) of the Zoning Ordinance.

12/1/49 Appeal filed with Bond of Zoning Appeals

Hearing notice and receipt

The variance or exception desired arises from some condition  
which is not uniform in similar districts

The granting of the permit for the variance will not prejudice  
the rights of adjacent property owners or residents

Adjoining Property Owners Notified

Protests Received

Consents Received

Prior Cases on These Premises

Case Hearings

Case Decided Action of Board

Notice of Decision Sent

Court Cases

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

December 27, 1949

Mr. W. C. Speer  
1311 East Kellogg  
Wichita, Kansas

Dear Mr. Speer:

Your appeal, under the Zoning Ordinance, relative to premises at  
1301-15 East Kellogg

has been given Board of Zoning Appeals Case No. 22-49.

All inquiries and references should always be made to that Case  
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning  
Appeals either in person, or by agent or attorney, for a hearing of  
your case on Friday, December 30, 1949, at 1:30 p.m.  
Hearing will be in room 201, City Building

Respectfully,

Eugene N. Smith  
Secretary, Board of Zoning Appeals

**RECEIPT FOR REGISTERED ARTICLE No.**

2590

Fee paid ..... 5

Class 10 37 44

Class postage paid ..... 20

Return receipt fee ..... 5  
Special delivery fee .....

Declared value, \$ ..... 200

Surcharge paid, \$ .....

Restricted delivery  
(Accepting employee will place  
initials in proper space)

in person .....  
or order .....

Fee paid .....



From

City of Muncie, Ind.

Addressed to

137 E. 11th St.  
Chicago, Ill.

Postmaster, pay

EPD 69-10-120005

BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

December 27, 1949

An appeal has been filed by W. C. Speer  
(Address) 1311 East Kellogg on behalf of same  
(Address) \_\_\_\_\_

as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to erect a commercial building in a block zoned partly com-  
mercial and partly residential and plans do not provide for front yard  
set backs specified by Zoning Ordinance on the premises  
located at 1301-16 East Kellogg

This appeal has been given Case No. 22-49  
and a hearing will be held by the Board of Zoning Appeals on \_\_\_\_\_  
Friday, December 30, 1949 at 1:30 p.m.  
at which time you may appear, if you so desire, either in person or  
by agent or attorney. Hearing will be held in room 201, City Building.

By order of the Board of Zoning Appeals.

Eugene N. Smith  
Secretary.

Notices mailed December 27, 1949

William C. & Sally L. Speer  
1505 East Gilbert

Guido & Mary Kauer  
512 Pattie

Nick Chicklogans  
518 Pattie

W. S. Cooper  
528 Pattie

H. H. Hurst  
157 N. Broadway

Mery Melvina Walck ✓  
509 Pattie

W. S. Moses  
517 Pattie

Jessie L. Moynihan  
521 Pattie

John C. & Ethel Thomas Nickelson  
728 South Wichita, Apt. 1

Monarch Investment Co.  
146 North Market

C. E. Boutros  
1345 East Kellogg

Lee W. Oyler  
540 Pattie

John A. & Hazel B. Faure  
400 Lulu

Hanley H. & Lola Mae Creekmore  
448 Pattie

Glenn L. Richardson  
723 South Spruce

George B. & Hazel H. Fletcher  
1320 East Kellogg



CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To W. C. Speer Owner Address 1311 East Kellogg  
To Same Applicant Address \_\_\_\_\_


Dear Sir:

Your Application Dated November 30, 1949  
For a Permit for the erection of a commercial building  
\_\_\_\_\_ at the premises designated as  
1301-15 East Kellogg

Is hereby refused on this 1st day of December, 1949,  
Under Section 20, Par. 4 (a) of the Zoning Ordinance.

For the reason that the frontage of this property is in a block which is zoned  
partially commercial and partially residential, and the plans as submitted would not  
provide the front yard set-back specified by said ordinance, which would be approx-  
imately 20 feet.

Respectfully,

  
S. B. Maple  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (Room 304, City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, Room 304, City Hall.

A P P E A L U N D E R T H E Z O N I N G O R D I N A N C E

TO THE BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

The undersigned, W. C. Speer, hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For the erection of a commercial building at 1311-15

East Kellogg

OR

Order Or Decision Rendered Because this property is in a block which is  
zoned partially commercial and partially residential and the plans as  
submitted would not provide the frontyard set-back as required by  
Section 20, paragraph 4(a) of the Zoning Ordinance.  
The Plans, application, and all data heretofore filed with said Build-  
ing Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning  
Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the  
information transmitted herewith are true.

W. C. Speer  
Appellant.

NAMES AND ADDRESSES

Appellant W. C. Speer Address 1311 East Kellogg  
Owner Same Address \_\_\_\_\_  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days  
after the date of the decision of the Building Inspector from  
which this appeal is taken.
2. The appellant must file an explicit Typewritten statement setting  
forth:
  - (a) The principal points on which this appeal is made. These  
points shall be the same as those under which the Building  
Inspector issued a refusal, order, or decision.
  - (b) A clear and accurate description of proposed work or use.
  - (c) Specific reference to that Section of the Zoning Ordinance  
under which it is claimed permit should be issued.
  - (d) Names and addresses of all owners and residents within a  
distance of 200 feet of the property concerned.

FRED W. ALEY  
CITY ATTORNEY  
LAWRENCE E. CURFMAN  
PAUL J. DONALDSON  
ROBT. B. HORTON  
DOUGLAS E. SHAY  
THEODORE H. HILL  
ROBERT C. HELGEL  
ASSISTANT CITY ATTORNEYS



## THE CITY OF WICHITA, KANSAS

DEPARTMENT OF LAW

OFFICE OF CITY ATTORNEY  
WICHITA 2, KANSAS

June 12, 1951

Planning Commission  
City Building  
Wichita, Kansas

Gentlemen:

I am enclosing four pictures which are part of your records in the W. C. Speer zoning case, which was heard in December, 1949, and which was a subject of recent litigation between Guido Kauer and the City officials.

Yours very truly,

DOUGLAS E. SHAY  
Assistant City Attorney

DES:arh

enc

BOARD OF ZONING APPEALS

Case No. 22-49

Filed 12/1, 19 49

A P P E A L   U N D E R   T H E   Z O N I N G   O R D I N A N C E

TO THE BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

The undersigned, W. C. Speer, hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For the erection of a commercial building

OR

Order Or Decision Rendered Because this property is in a block which is zoned partially commercial and partially residential and the plans as submitted would not provide the frontyard set-back as required by Section 20, paragraph 4(a) of the Zoning Ordinance.  
The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.

  
Appellant.

NAMES AND ADDRESSES

Appellant W. C. Speer Address 1311 East Kellogg  
Owner Same Address \_\_\_\_\_  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days after the date of the decision of the Building Inspector from which this appeal is taken.
2. The appellant must file an explicit Typewritten statement setting forth:
  - (a) The principal points on which this appeal is made. These points shall be the same as those under which the Building Inspector issued a refusal, order, or decision.
  - (b) A clear and accurate description of proposed work or use.
  - (c) Specific reference to that Section of the Zoning Ordinance under which it is claimed permit should be issued.
  - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To W. C. Speer Owner Address 1311 East Kellogg  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your Application Dated November 30, 1949  
For a Permit for the erection of a commercial building  
\_\_\_\_\_ at the premises designated as  
1301-15 East Kellogg

Is hereby refused on this 1st day of December, 1949,  
Under Section 20, Par. 4 (a) of the Zoning Ordinance.

For the reason that the frontage of this property is in a block which is zoned  
partially commercial and partially residential, and the plans as submitted would not  
provide the front yard set-back specified by said ordinance, which would be approx-  
imately 20 feet.

Respectfully,

S. B. Maple  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (Room 304, City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, Room 304, City Hall.

BEFORE THE BOARD OF ZONING APPEALS OF  
WICHITA, SEDGWICK COUNTY, KANSAS

---

APPEAL OF W. C. SPEER UNDER THE  
ZONING ORDINANCE

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W. C. Speer is the owner of a commercial corner located on the southeast corner of the intersection of Pattie and Kellogg Streets legally described as:

Lots 1, 2, 3, 4 Block 1, Rosebud's Addition to  
Wichita, Sedgwick County, Kansas.

The property at present consists of a frontage on Kellogg of 135 feet and a frontage on Pattie of 100 feet. There are at present located on this building site, commercial buildings which front on Kellogg Street and are built up to the property line on the Kellogg side. On the Pattie side, the commercial buildings are built to within four feet of the property line. The proposed widening of Kellogg street will require the buildings owned by Mr. Speer and fronting on Kellogg street to be moved back a distance of 50 ft. This will leave a building site fronting on Kellogg of 135 feet and fronting on Pattie 50 feet. Mr. Speer has proposed to rebuild his commercial corner on the remaining area with the building extending to the property line on Kellogg street as before and with the buildings extending to the property lines on Pattie Avenue, whereas before they were within four feet of the property line on Pattie Avenue.

This application was turned down by the office of the building inspector with the statement that Section 20 Paragraph 4 (a) of the Zoning Ordinance would be violated and that the frontage of this property in a block which is zoned partially commercial and partially residential and the plans as submitted would not provide the front yard set back specified by said ordinance, which would be approximately 20 ft.

In order for this appeal board to make a decision on this appeal, four requirements are necessary:

1. That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning zoning district.
2. That the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the terms of this ordinance would constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the exception or variance desired is not against the public interest.

With reference to Requirement 1, a situation such as has arisen here is not ordinarily found in the same zoning district. Here we have a man being required by law or right of eminent domain to move his buildings to another portion of the lot and there rebuild them if he intends to stay in business. This requirement is adhered to notwithstanding the fact that there are other buildings in this same block which hold no more than a 5 ft. set back from the front property line which does not ordinarily occur when the corner lot set back requirement of 20 ft. is adhered to. This is not an application to construct a building in a location where a similar building has not existed before. Ordinarily in an application for building permit, the building would be located within requirements of the zoning ordinance because it is an application for a new building where one has not existed before. In this case however, there is something different. A building has existed with practically the same set back as requested for a number of years, and this building would have remained in the same position, in all probability, for a number of years hence, had the requirement not been made that the street be widened and the building reconstructed farther back on the lot. In any event, it has been the settled practice not to require a new set back on an old building if it was already in existence at the time the ordinance was passed. Here we have an unusual situation in that the owner of the property is being required

to move back and he must reconstruct his building if he is to stay in business. The buildings were previously built to within four feet of the property line and the owner is to be required to forfeit 20 ft. of useable building space which he was in possession of before. Appraisal and payment for damage on this property was made assuming that buildings can be constructed to the property line on Pattie Avenue which appraisal was not in conformance with the ordinances of the City of Wichita and the appeal time from said appraisal is now past and the property owner is asked to abide by the zoning ordinance when the appraisers did not abide by the zoning ordinance. Truly this is a situation which would not ordinarily arise under the normal use of the ordinance which as previously stated is usually applied to new buildings where a similar building did not exist before.

With reference to the second requirement, no rights of adjacent property owners will be adversely affected if this request is granted. The set back requirement proposed is 20 ft. and which requirement was not met prior to the necessity of removal of the buildings on the commercial corner the property owners which are adjacent on the south of this property had no right previous to the widening of Kellogg to ask that the building be removed and set back the 20 ft. required by the Ordinance and they do not have such a right now as individual property owners.

Requirement No. 3 concerns unnecessary hardship upon the property owner resulting from the strict application of the ordinance. Upon condemnation of the frontage on Kellogg street for a distance of fifty feet back from the present property line, the usual procedure of appraisal of the damage to the property owner was followed. Reimbursement for the various items of damage was paid to the property owner. An examination of the appraisal report and a discussion of the same with the persons who made the appraisal discloses that the property was appraised on the basis of the buildings being rebuilt up to the property line on both Kellogg Street and Pattie Avenue. If the Board desires testimony to substantiate this, we will be glad to produce the appraisers and have testimony taken in this matter.

Requirement No. 4 involves the question of whether the exception or variance is against the public interest. This property has been zoned for use as commercial property and as such it is to the interest of the public that it be used for this purpose. There is certainly no taking away of any public right or interest involved here. The set back requirement in the ordinances is something that accrues to the remaining property owners in the block if at all and does not accrue to the public. This can be clearly seen by the wording of the Ordinance wherein the set back requirement is limited and governed only by the set back of the remaining houses in the block. The requirement is expressly limited to the property between two intersections in the block and the set back requirement does not affect anyone in an adjacent block or by the same token does not affect the public right.

The fact that the appraisal and allowance of damages was made on the basis of building to the property line on both streets is in itself a special circumstance not ordinarily found in this zoning district which should entitle the property owner to a consideration by the appeal board. Now it might be said that Mr. Speer should have appealed this appraisal and allowance of damages before the time for appeal had gone by and he would not have himself in such a predicament, but this can be met by the statement that he did not know and could not be expected to know that the appraisal had been made on a different basis than that on which he would be allowed to rebuild. In the absence of anything to the contrary, he should be entitled to assume that he could at least rebuild with the same set backs as were previously in effect upon the property but he now, after the time for appeal has gone by, comes to make application for a building permit according to law and finds that instead of being allowed damages for the way the ordinances require him to build the building, he has been allowed damages in some other way. Certainly it is not the property owners fault that the appraisers did not award damages in accordance with the ordinances of the City of Wichita. In fact to go one step farther, we believe that the property owner is entitled to assume that the appraisers would make their appraisal upon the basis of a correct interpretation of the zoning ordinances

of the city of Wichita and he is also entitled to assume that when he receives his damages on this basis that he will be allowed to build up to the property line on both Kellogg and Pattie Avenue, that he will be allowed to rebuild on the same basis as the damages were allowed to him.

It is the contention of this party that a building permit allowing the construction of a commercial building extending up to the property line on Pattie Avenue on the above described property should be issued to W. C. Speer under Section 33 of the Revised Zoning Ordinance of the City of Wichita wherein this Board has the power to grant exceptions to the zoning ordinances of the City of Wichita.

The application of Sub-section 3 of Section 24 of the Revised Zoning Ordinances of the City of Wichita is also applicable in this instance. Section 24 as a whole deals with non-conforming use regulations. It starts out with the statement that a building or structure existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Continuing there is a provision that if a building is destroyed by fire to the extent of not exceeding 50% it may be renewed and used for its original purpose. Coming then to Sub-section 3 which reads as follows:

"No existing structure used contrary to the provisions of this ordinance in the district in which it is located may be enlarged, extended or reconstructed unless its use is changed to a use permitted in the district in which such structure is located, or unless such enlargement, extension or reconstruction is required by court decisions law or ordinance."

An examination of the wording of this Section of the Ordinance reveals that if an enlargement, extension or reconstruction of a building is required by court decision, law or ordinance, then such building may be enlarged, extended or reconstructed in such a manner as it previously failed to comply with the zoning ordinances of the City of Wichita. Now it may be contended that since Mr. Speer proposes to build another building behind the presently existing building after the present ones are turn down, that such a building

would not come within the terms enlargement, extension or reconstruction. However, this is reputed by an examination of the wording of the ordinance wherein the three words "enlargement, extension or reconstruction" are used. An enlargement of a building means just what it says, to increase the size of a presently existing building. An extension of a building would mean extending the building to cover additional ground area, and a reconstruction of a building means rebuilding the structure as distinguished from merely enlarging or extending the structure as is allowed under the other two words. In this particular situation, Mr. Speer is being required to reconstruct his buildings if he is to stay in business and is being required to do so by law, because the law of eminent domain has taken away the previous building site. Needless to say we interpret this portion of the Ordinances to be permissive in that it is intended to cover the situation where a building is required to be changed or partially or completely torn down by law and can later be rebuilt with the same non-conforming use as was previously in existence. In other words this is not meant to include only a situation where the owner is required by law to rebuild but also includes those where he is required to tear down the building by some court order or law and then is given permission to rebuild. In that case, he may rebuild with the same non-conforming use as before. It is the contention of this party that for the reasons stated the building permit should be granted under Sub-section 3 of Section 24 of the Revised Zoning Ordinances of the City of Wichita.

There is a practical aspect to this matter to be considered by the Board. A house on Lots No. 7 and 8 in this block which is the second house south of Mr. Speer's property extends to within 5 feet of the front property line and has been so situated for many years. Now the reason for the zoning ordinance requirement that the set back be the same on all buildings in one block is for uniformity of appearance and so that the view will not be cut off up and down the street. However, in this particular instance even if Mr. Speer's building was set back the proposed 20 ft., the set back line would not be the same for all properties located in this block and it is

TIGHE & WOOD SKY

difficult to see why Mr. Speer should be required to set back this 20 ft. when there are other houses located in the block which are not in conformance with this set back requirement. It is apparent from a reading of the ordinance as a whole that the set back requirement was not made to be interpreted as a matter of right by any particular person but was made for the purpose of obtaining uniformity of set back of all the houses in a single block, mainly for the sake of appearance of the city. However, it is difficult to see in this instance why when uniformity is a physical impossibility anyway one property owner should be required to establish a 20 ft. set back when the block in question in all probability can never achieve uniformity of set back due to buildings presently located thereon.

Another point for consideration is the fact that at least the first lot from the street going south does face on Kellogg and such should be entitled to all the rights and privileges of a lot facing on a commercial street. It would appear that if the end lots had been platted such that their longest dimension was north and south and the 25 ft. dimension fronted on Kellogg, then the 20 ft. set back requirement would not apply. On the Pattie Avenue side, and only the side yard requirement should be in effect. It appears then that the rights of this property owner are being governed not by law but by the way in which the lots were originally platted, which of course had no effect upon the uniformity of set back as required by law. In other words if the lot faced on Kellogg in the narrow dimension we would be required to hold only the side yard dimension and would not be required to conform with the front yard set back so apparently the front yard set back provision applies or does not apply depending upon the direction in which the lot happened to be originally platted and are not dependent upon the rights of the parties involved or the question of obtaining and keeping uniformity of set back in any particular block.

W. C. SPEER

COWAN KAHRS & NELSON

By \_\_\_\_\_  
Attorneys for W. C. Speer

**The Security Abstract and Title Co., Inc.**

203 Biting Building  
Tel. 3-5737 Wichita, Kansas

Court House  
Tel. 4-2626

**ABSTRACTING ORDER AND INVOICE**

**№ 51705**

Billing Date 12/29/49  
Order Date 12-21-49 Wanted

CHARGE TO		Abstracting Charges	
Keith Wallis		Entries @ \$1.00	
DESCRIPTION		Certificate	
Ownership List-radius of 200' from		U. S. Court Of.	
Lots 3 and 4, Blk 1, Rosabud Addn.		District Court Proceedings	
Papers Left		Probate Court Proceedings	
Extend	Dist. Ct. Proc.	Plat	
U. S. Ct. Ctf.	Probate Proc.	Ctf. of <del>title</del> ownership	2 90
Make Abst.—New—Supl.	Plat.		
Comply with Req.			
Ctf. of Title			
Remarks:		TOTAL	
Deliver to			2 90

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>OWNER</u>
3-4	1	Rosebud	William C. & Sally L. Speer <i>1203 E. Hillcrest</i>
5-6	1	"	Guido & Mary Kauer <i>512 Pattie</i>
7-8	1	"	Nick Chicklogans <i>518 Pattie</i>
9-10	1	"	✓ Roland Miller Welch & Neva A. Welch <i>Centrifugal</i>
11-12	1	"	W. S. Cooper <i>528 Pattie</i>
3-4	2	"	H. H. Hurst <i>157 W. Broadway</i>
5-6	2	"	Mery Melvina Walck <i>509 Pattie</i>
7-8	2	"	W. S. Moses <i>517 Pattie</i>
9-10	2	"	Jessie L. Moynihan <i>521 Pattie</i>
11-12	2	"	John C. & Ethel Thomas Nickelson <i>728 E. Wichita Apt 1</i>

Beginning 111' E. & 80' S. of  
NW cor. NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 28-27-1E.,  
S. 109'; E. 110' to W. line  
Lulu Ave., N. 109'; W. 110' to  
beg.

Monarch Investment Co.  
*146 E. Market*

Beginning at NW cor. NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Sec. 28-27-1E., S. 251'; E to  
W. line Lulu Ave., N. 251';  
W. to beg., exc. E. 110' of  
N. 189', and exc. N. 80' of  
W. 111' thereof.

C. E. Boutros  
*1345 E. Kellogg*

Beg. 251' S. of NW cor.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  28-27-1E., S. 169';  
E. 25' to center of creek;  
N. E. along creek to point  
E. of beg., W. 181' to beg.,  
except Beg. SW cor. Lot 44,  
Lulu Ave., Kellogg Street Add;  
W. 55'; N. 54'; E. to creek;  
SW along creek to beg.

Lee W. Cyler  
*540 Pattie*

- Page 2

DESCRIPTION

OWNER

S. 54' of Lot 44, Kellogg Street Addition & tract beg. at SW cor. Lot 44, Lulu Ave., Kellogg Street Add., th W. 55'; th. N. 54'; th. East to creek; th. SW along creek to beginning.

Roy D. & Letha Gilbert  
*529 Lulu*

Lot 45, Lulu Ave., Kellogg Street Addition

John A. & Hazel B. Faure  
*400 Lulu*

N. 31' of S. 37½' of Lot 11, Brookside Add.

Hanley H. & Lola Mae Creekmore  
*448 Paltie*

S. 6½' of Lot 11, all Lot 12, Brookside Add.

Glenn L. Richardson  
*723 S Spruce*

W. 45' of Lot 13, Brookside Add.

George B. & Hazel H. Fletcher  
*1320 E Kellogg*

Lot 13, exc. W. 45', Brookside Add.

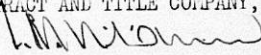
Eliza J. Fitch  
*certified*

- - - - -

We hereby certify the foregoing to be a correct list of property owners of the lands above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 23rd day of December A. D. 1949, at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Vice-President.

Order No. 51705

---KB---