

Case No. BZA 40-77 - CURTIS DUNN  
requests an exception to permit  
the establishment of an off-street  
parking lot on the south side of  
Kellogg in an area between Pine-  
crest and Beverly Drive (5217 E.

*10-15-77  
9-6-77  
C.I.V.  
M.F.P.C.  
10-17-77*

ACTION

DATE

*BZA 40-77 COMMITTEE* *Approval* *9-21-77*

M.A.P.C. \_\_\_\_\_

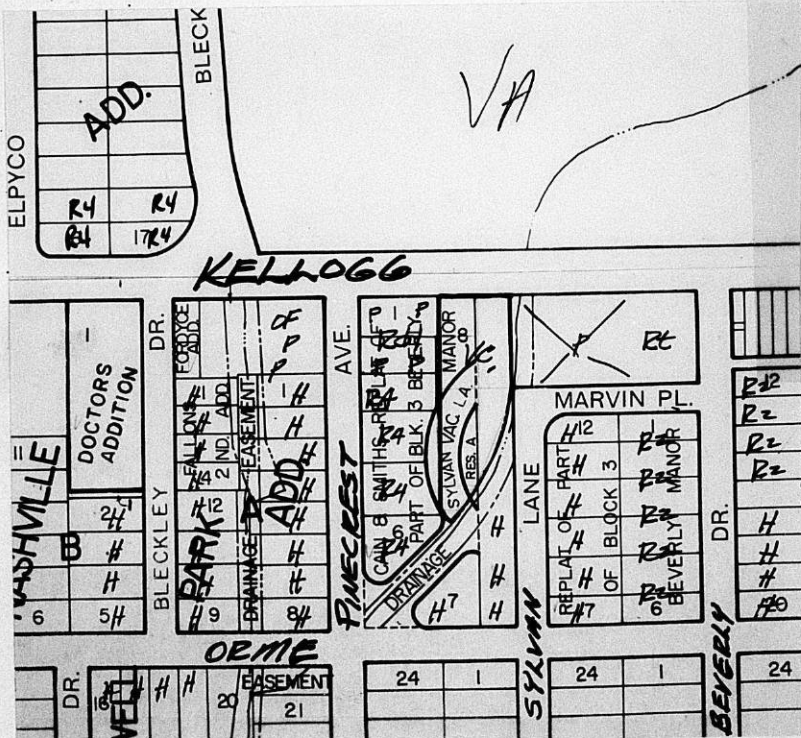
B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5846  
 Sec. 25  
 Twp. 27  
 Range 1E

BZA- 40-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.94 ( 130 ft. by 340 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East RESTAURANT South SINGLE FAM  
 West DRIVE IN RESTAURANT North VETERANS ADMINIST.  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: VACANT RESTAURANT  
 5. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 40-77

WHEREAS, Curtis Dunn, R. R. 2, Belle Plaine, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita to permit the establishment of an off-street parking lot on that portion of the following described property zoned the "RB" Four Family Dwelling District:

Lot 8, Cain and Smith Replat of Part of Block 3, in Beverly Manor, except the West 2.47 feet of the south 125.06 feet, and all that part of vacated Sylvan Lane described as: Beg. at the intersection of the SE corner of Lot 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, North to a point in the North line of vacated Sylvan Lane, thence NEly along the North line of vacated Sylvan Lane to the pob, and a tract described as beg. 200 feet, East of the NW corner of Block 3, Beverly Manor, thence East 67 feet, thence South 103 feet to a point of curve, having radius of 463.1 feet, thence in a SWly direction following said curve, 251.6 feet, more or less to a point 200 feet East of the West line of said Block 3, thence North 342.5 feet to the place of beginning, and all that part of Reserve A, as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying immediately West and adjacent to the above described tract and also all that part of the East Half of Sylvan Lane as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, now vacated, lying immediately west and adjacent to the West line of the part of Reserve A above described, except the North 200 feet, and all that part of the West Half of vacated Sylvan Lane in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying East of the West line of Lot 8, in said Addition extending South. Generally located on the south side of Kellogg in an area between Pinecrest and Beverly Drive (5217 E. Kellogg).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 27, 1977, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of an off-street parking lot on that portion of the following described property zoned the "RB" Four Family Dwelling District:

Lot 8, Cain and Smith Replat of Part of Block 3, in Beverly Manor, except the West 2.47 feet of the south 125.06 feet, and all that part of vacated Sylvan Lane described as: Beg. at the intersection of the SE corner of Lot 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, North to a point in the North line of vacated Sylvan Lane, thence NELY along the North line of vacated Sylvan Lane to the pob, and a tract described as beg. 200 feet, East of the NW corner of Block 3, Beverly Manor, thence East 67 feet, thence South 103 feet to a point of curve, having radius of 463.1 feet, thence in a SWly direction following said curve, 251.6 feet, more or less to a point 200 feet East of the West line of said Block 3, thence North 342.5 feet to the place of beginning, and all that part of Reserve A, as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying immediately West and adjacent to the above described tract and also all that part of the East Half of Sylvan Lane as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, now vacated, lying immediately west and adjacent to the West line of the part of Reserve A above described, except the North 200 feet, and all that part of the West Half of vacated Sylvan Lane in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying East of the West line of Lot 8, in said Addition extending South. Generally located on the south side of Kellogg in an area between Pinecrest and Beverly Drive (5217 E. Kellogg).

subject to the following conditions:

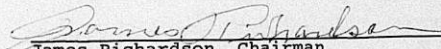
1. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.

RESOLUTION NO. BZA 40-77

Page 3

7. A five to six foot high solid fence constructed of masonry or wood shall be erected along the west, south and east property lines of the "RB" zoned portion of subject property.
8. The applicant shall submit to the Secretary of the Board, a properly executed Dedication instrument for complete access control on Sylvan Lane. Said Dedication shall be submitted prior to the official Resolution granting this exception being forwarded to the Superintendent of Central Inspection.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1977.

  
James Richardson, Chairman

ATTEST:

Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
455 North Main Street  
Wichita, Kansas

October 5, 1977

Mr. Raymond Baker  
Attorney at Law  
615 Douglas Building  
Wichita, Kansas 67202

Re: Request for Exception  
Case No. BEA 40-77

Dear Mr. Baker:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 27, 1977, in connection with your request for an exception to permit the establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and "LC" Light Commercial District, and generally located on the south side of Kellogg, in an area between Pinecrest and Beverly Drive (5127 East Kellogg).

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Curtis Dunn, R. R. 2, Belle Plaine, Kansas 67013

DEDICATION OF ABUTTER'S ACCESS RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Curtis Dunn being the owner of the following described real estate in Sedgwick County, Kansas, to-wit:

Lot 8, Cain and Smith Replat of part of Block 3, in Beverly Manor, Sedgwick County, Kansas, except the West 2.47 feet of the South 125.06 feet thereof, and all that part of vacated Sylvan Lane described as:

Beginning at the intersection of the Southeast corner of Lots 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, thence North to a point in the North line of vacated Sylvan Lane, thence Northeasterly along the North line of vacated Sylvan Lane to the point of beginning, and a tract described as beginning 200 feet, East of the Northwest corner of Block 3, in Beverly Manor, Sedgwick County, Kansas, thence East 67 feet, thence South 103 feet to a point of curve, having radius of 463.1 feet, thence in a Southwesterly direction following said curve 251.6, more or less, to a point 200 feet East of the West line of said Block 3, thence North 342.5 feet to the place of beginning, and all that part of Reserve A, as platted in Cain and Smith Replat of part of Block 3, in Beverly Manor, Sedgwick County, Kansas, lying immediately West and adjacent to the above described tract and also all that part of the East Half of Sylvan Lane as platted in Cain and Smith Replat of part of Block 3, in Beverly Manor, Sedgwick County, Kansas, now vacated, lying immediately West and adjacent to the West line of the part of Reserve A above described, except the North 200 feet, which is already light commercial, and all that part of the West Half of vacated Sylvan Lane as shown in the recorded plat in Cain and Smith Replat of part of Block 3, in part of Beverly Manor, Sedgwick County, Kansas, lying East of the West line of Lot 8, in said Addition extending South, commonly known as 5217 East Kellogg,

does hereby transfer and convey to the City of Wichita, Kansas, all abutter's rights of access, ingress and egress to said property from or to Sylvan Lane over and across the east-southeast boundary line of the above-described property; to have and to hold the same forever. It being understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said described property from Sylvan Lane.

Executed this 27th day of September, 1977.

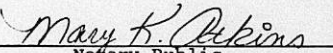
  
CURTIS DUNN

STATE OF KANSAS )  
                          )     ss:  
SEDGWICK COUNTY )

BE IT REMEMBERED, that on this 27th day of September, 1977, before me a notary public in and for the said County and State, came Curtis Dunn to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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



  
Notary Public

My appointment expires:

2-4-81

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** September 14, 1977



**TO** Jack Galbraith, Chief Planner, Current Plans, MAPD

**FROM** Dennis Bishop, CPO Administrative Aide

**SUBJECT** BZA 40-77: South Side of Kellogg in  
an Area Between Pinecrest and Beverly  
Drive

At the Neighborhood Council "G" meeting on September 12, 1977, the Council recommended that the Planning Commission approve the exception for the zoning of the existing parking lot but did not recommend any other zoning exceptions or rezonings that would extend the parking facilities.

Your consideration of this recommendation will be appreciated.

*Dennis L. Bishop*  
Dennis Bishop  
CPO Administrative Aide

DB:rh

NOTED:

*David L. Furnas*  
David Furnas  
CPO Coordinator

September 28, 1977

Mr. Raymond Baker, Attorney  
613 Douglas Building  
Wichita, Kansas 67202

Re: Request for Exception  
Case No. BZA 40-77

Dear Mr. Baker:

At the regular meeting of the Board of Zoning Appeals on September 27, 1977, your request for an exception to permit the establishment of an off-street parking lot on property zoned the "RB" Four Family Dwelling District and "LC" Light Commercial District, and generally located on the south side of Kellogg in an area between Pinecrest and Beverly Drive (5127 E. Kellogg), was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.

5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
7. A five to six foot high solid fence constructed of masonry or wood shall be erected along the west, south and east property lines of the "EB" zoned portion of subject property.
8. The applicant shall submit to the Secretary of the Board, a properly executed Dedication instrument for complete access control on Sylvan Lane. Said Dedication shall be submitted prior to the official Resolution granting this exception being forwarded to the Superintendent of Central Inspection.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bb

cc: Curtis Dunn, R. R. 2, Belle Plaine, Kansas 67013  
Lora B. Burns, 536 Sylvan Lane, 67218  
Madge W. Ratcliff, 526 Sylvan Lane, 67218  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

SECRETARY'S REPORT  
CASE NO. BZA 40-77

APPLICANT: Curtis Dunn, R. R. 2, Belle Plaine, Kansas.

AGENT: Raymond W. Baker, 615 Douglas Building,  
Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.15.590.C,  
Code of the City of Wichita, to permit the  
establishment of an off-street parking lot.

GENERAL LOCATION: South side of Kellogg in an area between Pine-  
crest and Beverly Drive (5127 E. Kellogg).

LAND USE: Subject property is developed with a vacant  
structure which has for several years been  
utilized as a restaurant. West is a fast food  
restaurant and four-family dwelling units.  
South is single family residential development.  
East is a private club. North is the Veteran's  
Hospital.

ZONING: Subject property is zoned the "RB" Four Family  
Dwelling District and "LC" Light Commercial  
District as are properties to the west. South  
is zoned "RB". East is the "B" Multiple Family  
Dwelling District and "RB" District. North is  
the "BB" Office District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.185 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit an off-street parking lot on property zoned the "RB" Four Family Dwelling District. This property is proposed to be utilized as a parking lot for a remodeled restaurant/club located on adjacent "LC" Light Commercial property. The "LC" property fronts on Kellogg with the "RB" property adjacent to the south. The property is bordered on the east and south by a drainage canal and on the west by four-plex residential development, leaving the only access to the "RB" property from Kellogg, across the "LC" portion. However, access could be obtained from Sylvan Lane to the east by constructing a bridge over the drainage canal.

The applicant states that he obtained a permit in 1966 for the construction of a restaurant which included subject "RB" zoned property. The property was paved and has been utilized as off-street parking since that time.

The site plan submitted with this application shows that 24 out of a total of 56 parking spaces are located on this "RB"

portion of the property. Required off-street parking for this project is reportedly 50 spaces, therefore, this exception is needed to furnish the required parking on site.

It is the opinion of the Secretary that this is a logical and proper use of subject property and with adequate screening to protect adjacent residential properties, would not adversely affect the general area.

RECOMMENDATION:

It is the recommendation of the Secretary that the application to permit an off-street parking lot be approved subject to the following conditions:

1. The parking areas shall be used for passenger vehicles only and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicle, equipment, materials, or supplies.
  2. Only such signs as are necessary for the proper operation of the parking lots shall be permitted.
  3. In no case shall a fee be charged for parking facilities provided hereunder.
  4. The off-street parking lot and all driveways providing ingress and egress to the parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, dust, trash, and debris.
  5. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
  6. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
  7. A five to six foot high solid fence constructed of masonry or wood shall be erected along the west, south and east property lines of the "RB" zoned portion of subject property.
  8. The applicant shall submit to the Secretary of the Board, a properly executed Dedication instrument for complete access control on Sylvan Lane. Said Dedication shall be submitted prior to the official Resolution granting this exception being forwarded to the Superintendent of Central Inspection.
-

20 notices sent to agent, applicant and adjoining property owners  
10 notices sent to MAPC members  
1 notice sent to CPO  
31 total notices sent on BZA 40-77, 9-2-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main, Wichita, Kansas 67202

September 2, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 40-77

An application has been filed by Curtis Dunn, R. R. 2, Belle Plaine, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of an off-street parking lot on that portion of subject property zoned the "RB" Four Family Dwelling District, the balance of which is zoned "LC" Light Commercial, and legally described as follows:

A 200 foot radius of: Lot 8, Cain and Smith Replat of Part of Block 3, in Beverly Manor, except the West 2.47 feet of the south 125.06 feet, and all that part of vacated Sylvan Lane described as: Beg. at the intersection of the SE corner of Lot 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, North to a point in the North line of vacated Sylvan Lane, thence NELY along the North line of vacated Sylvan Lane to the pob, and a tract described as beg. 200 feet, East of the NW corner of Block 3, Beverly Manor, thence East 67 feet, thence South 103 feet to a point of curve, having radius of 463.1 feet, thence in a SWly direction following said curve 251.6 feet, more or less to a point 200 feet East of the West line of said Block 3, thence North 342.5 feet to the place of beginning, and all that part of Reserve A, as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying immediately West and adjacent to the above described tract and also all that part of the East Half of Sylvan Lane as platted in Cain and Smith Replat of Part of Block 3, Beverly Manor, now vacated, lying immediately West and adjacent to the West line of the part of Reserve A above described, except the North 200 feet, and all that part of the West Half of vacated Sylvan Lane in Cain and Smith Replat of Part of Block 3, Beverly Manor, lying East of the West line of Lot 8, in said Addition extending South. Generally located on the south side of Kellogg in an area between Pinecrest and Beverly Drive (5127 E. Kellogg).

This application has been assigned Case No. BZA 40-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 27, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at

NOTICE TO ADJOINING PROPERTY OWNERS  
Case No. BZA 40-77 - 9-2-77  
Page 2

which time you may appear if you so desire, either in person  
or by agent or attorney.

It should be noted that the Citizen Participation Organization  
Area Council may consider this application at its next meeting.  
Additional information about such a meeting may be obtained by  
calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Curtis Dunn

Mailing Address R.R. 2, Belle Plaine, KS <sup>67015</sup> Phone 1-488-3421

Name of Authorized Agent Raymond W. Baker

Mailing Address 615 Douglas Building Phone 264-0345  
Wichita, Kansas 67202

Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section  
2.12.590.C, Code of the City of Wichita, Kansas, to permit  
the establishment of off street parking

\_\_\_\_\_ on property zoned

RB, located 5217 E. Kellogg, Wichita, Kansas

\_\_\_\_\_ and legally described as: \_\_\_\_\_

See attachment A.

\_\_\_\_\_, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant \_\_\_\_\_

Authorized Agent Raymond W. Baker

map 5846 OFFICE USE ONLY: Received in the office of the Secretary, Board of  
Zoning Appeals, 1:00 (a.m. - p.m.), 8-26, 19 77,  
together with appropriate fee of \$50.00

S. side of Kellogg in an area between Pinecrest and Beverly Drive (5217 E Kellogg) Signed L. Dolson

Attachment "A"

Lot 8, Cain and Smith Replat of part of Block 3, in Beverly Manor, Sedgwick County, Kansas, except the West 2.47 feet of the South 125.06 feet thereof, and all that part of vacated Sylvan Lane described as:

Beginning at the intersection of the Southeast corner of Lot 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, thence North to a point in the North line of vacated Sylvan Lane, thence Northeasterly along the North line of vacated Sylvan Lane to the point of beginning, and a tract described as beginning 200 feet, East of the Northwest corner of Block 3, in Beverly Manor Sedgwick County, Kansas, thence East 67 feet, thence South 103 feet to a point of curve, having radius of 463.1 feet, thence in a Southwesterly direction following said curve 251.6 feet, more or less, to a point 200 feet East of the West line of said Block 3, thence North 342.5 feet to the place of beginning, and all that part of Reserve A, as platted in Cain and Smith Replat of part of Block 3, in Beverly Manor Sedgwick County, Kansas, lying immediately West and adjacent to the above described tract and also all that part of the East Half of Sylvan Lane as platted in Cain and Smith Replat of part of Block 3, in Beverly Manor, Sedgwick County, Kansas now vacated, lying immediately West and adjacent to the West line of the part of Reserve A above described, except the North 200 feet, which is already light commercial, and all that part of the West Half of vacated Sylvan Lane as shown in the recorded plat in Cain and Smith Replat of part of Block 3, in part of Beverly Manor, Sedgwick County, Kansas, lying East of the West line of Lot 8, in said Addition extending South, commonly known as 5217 East Kellogg.

STATEMENT IN SUPPORT  
OF REQUEST FOR AN EXCEPTION

This request for an exception to permit establishment of an off street parking area is made under §28-04-145 of the Code of the City of Wichita. That ordinance grants the Board of Zoning Appeals the authority to grant a special permit for the establishment of a parking area.

The special permit should be granted in this case because the area involved has been used for parking for the last eleven years. In 1966, the applicant sought and obtained a building permit for the construction of a restaurant. The plans submitted in connection with the application for a building permit showed that the area involved in this application would be graded, surfaced and used for parking. The plans were approved, the building permit issued and the area has been used for parking ever since. Thus, granting the permit would not effect any change in the areas adjoining the applicant's property.

The applicant will erect a fence along the west boundary line of the area and will comply with any and all conditions the Board imposes upon the issuance of the permit.

August 25, 1977

FOR: Mr. Curtis Dunn

TO WHOM IT MAY CONCERN:

I have examined the abstract to the following described property:

Lot 8, in Cain and Smith's Replat of a part of Block 3, in Beverley Manor, Sedgwick County, Kansas, except the West 2.47 feet of the South 125.06 feet thereof, and all that part of vacated Sylvan Lane described as: Beginning at the intersection of the Southeast corner of Lot 8, and the North line of vacated Sylvan Lane, thence South 74.5 feet, thence West 65 feet, thence North to a point in the North line of vacated Sylvan Lane, thence Northeasterly along the North line of vacated Sylvan Lane to the point of beginning and a tract described as beginning 200 feet East of the Northeast corner of Block 3, in Beverley Manor, Sedgwick County, Kansas, thence East 67 feet, thence South 103 feet to a point of curve, having a radius of 463.1 feet, thence in a Southwesterly direction following said curve 251.6 feet more or less, to a point 200 feet east of the West line of said Block 3, thence North 342.4 feet to place of beginning, and all that part of Reserve "A" as platted in Cain and Smith's Replat of part of Block 3, in Beverley Manor, Sedgwick County, Kansas, lying immediately West and adjacent to the above described tract, and also, all that part of the East Half of Sylvan Lane as Platted in Cain and Smith's Replat of part of Block 3, in Beverley Manor, Sedgwick County, Kansas, now vacated, lying immediately West and adjacent to the West line of that part of Reserve "A" above described, according to the recorded plat thereof.

The abstract has three entries and is last certified to February 7, 1966, at 7:00 a.m., by The Security Abstract and Title Co., Inc.

From my examination of the abstract, I find title to be vested in:

Curtis Dunn, a single man,  
subject to the following conditions and requirements:

1. A second mortgage to Marilyn Weil in the sum of \$10,000.00, dated January 5, 1965, and filed in Book 1518 Page 119. The mortgage recites that it is subject to a prior mortgage to American Savings Association of Wichita, in the principal amount of \$30,000.00.

Requirement: You should ascertain whether the mortgage payments are current.

2. The abstract shows the taxes for 1964 and 1965 are paid. The key numbers are C-14154 and 11002-1B.

Requirement: You should ascertain whether the taxes through 1976 have been paid.

3. In Sedgwick County District Court case no. B-15034, Ruth B. Dunn was awarded judgment for alimony in the sum of \$27,500.00 of which \$7,500.00 had been paid. The balance was to be paid in monthly installments plus interest for 13 years through the clerk of the court. Court costs of \$1.10 are shown as unpaid.

Requirement: You should ascertain whether the required payments have been made, the court costs paid and the judgment satisfied.

4. If there are any questions as to the boundaries of this property, you should have a surveyor determine them.

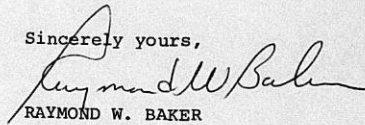
5. You should determine whether any special assessments have been levied against the premises which have not become liens.

6. You should make inquiry and determine whether any person claims any right or interest in the property which is not recorded, examples of such interests are leases, use of common driveways, right of ingress or egress, etc.

7. Between the date of the last certificate and the

date of this letter, something may have occurred affecting the merchantability of this title. You should have the abstract brought up to date if you contemplate selling this property in the near future.

Sincerely yours,

  
RAYMOND W. BAKER

RWB/slj

OWNERSHIP LIST

Lot	Addition	Property Owner
South 30 ft lot 9	Replat of A portion of Block 3, Beverly Manor	✓ Robert C. Johnston & Karen E. Address Unknown <i>not in phone 7726 626 21 north</i>
N 40 ft lot 9 S 10 ft lot 10	Same	Lora B. Burns ✓ 536 Sylvan Lane
lot 10 except S 10 ft and except N 6 ft	Same	✓ Mabel W. Nester Address Unknown <i>not in phone not in SD</i>
N 6 ft lot 10 S 44 ft lot 11	Same	✓ Frank A. Ratcliff & Madge M. 526 Sylvan Lane 67218
N 25 ft lot 11 all lot 12	Same	✓ Clyde E. Boston & Bertha L. 522 Sylvan Lane 67218
lot 3	Cain & Smith's Replat of part of Block 3, Beverly Manor	Helen Driscoll M/A. McIntyre ✓ 518 South Pinecrest 67218
lot 4	Same	David E. Childs & Kathleen B. ✓ 2519 Benjamin 67204  Duane Y. Patton ✓ 1341 South 119th St. West 67209
lots 5 and 6	Same	D David E. Childs 2519 Benjamin 67204  D Duane Y. Patton 1341 South 119th St. West 67209
West 2.47 ft of S 65 ft of N 137½ ft lot 8	Same	Gertrude Hett & E. W. Flammig and Emma Flammig ✓ Box M, Hillsboro, Ks. 67063
W 2.47 ft of S 125.06 ft of lot 8, except North 65 feet	Same	X Hugh Louis Cain, deceased
N 50 ft lot 1, Block A	Nashville Park Addition	✓ Leta M. Weidner 515 S. Pinecrest 67218
S 6.5 ft lot 1 all lot 2, Blk A	Same	Michael Gean Eves & J. Dee Eves ✓ 734 N. Ridge Road 67212
Lot 3, Blk A	Same	✓ Allan D. Smith and Jo Ann 6410 Magill 67206
lot 4, Blk A	Same	✓ George C. McNeill Jr. Owetta McNeill 533 South Pinecrest 67218

Lot	Addition	Property Owner
lot 5, Blk A	Nashville Park Addition	June Marie Weigand 539 South Pinecrest 67218

Lots 1 and 2, in Cain and Smith's replat of part of Block 3, Beverly Manor; Part of Block 3, in Beverly Manor, described as: Beg. 200 ft East of NW corner of Block 3; thence East 67 ft; thence South 103 ft to point of curve having a radius of 463.1 ft; thence a SWly direction following said curve 251.6 ft, more or less, to a point 200 ft East of West line of said Block 3, thence North 342.4 ft to place of Beginning

Mrs. E. W. Flaming, Oscar Hett  
Box M, Hillsboro, Ks. 67063

Lot 8, Cain and Smith's replat of part of Block 3, in Beverly Manor, except the West 2.47 ft of the South 125.06 ft and all that part of vacated Sylvan Lane described as: Beg. at the intersection of the SE corner of said Lot 8, and the North line of vacated Sylvan Lane; thence South 74.5 ft; thence West 65 ft; thence North to a point on the North line of vacated Sylvan Lane; thence NEly along the North line of vacated Sylvan Lane to the point of beg.

Mrs. E. W. Flaming, Oscar Hett  
Box M, Hillsboro, Ks. 67063

Beg. at a point 100 ft North and 70.32 ft East of the SE corner of Lot 7 of Cain & Smith's Replat of Block 3, Beverly Manor Addition; thence North to a point which intersects with the drainage ditch easement described in Misc. Book 167, page 134; thence SWly on a curve following said center line of the drainage ditch to a point 100 ft North of the South line of said Lot 7; thence East to the pob; including all of that portion of vacated Sylvan Lane, and all that part of Lot 7 of Cain & Smith's Replat of Block 3, and all that part of Block 3 of Beverly Manor Addition lying between the drainage ditch on the North & West and a line 100 feet North of the South line of Lot 7, Cain & Smith's Replat of Block 3, Beverly Manor, extended to the East line of Block 3 and the drainage ditch easement

Francis Owen Doucette and  
Karin M. Doucette  
545 Sylvan Lane 67218

The East 110 ft of the North 165 feet of Block 3, Beverley Manor, and a part of Block 3, Beverly Manor described as: Beg. at a point 307 ft East of the NW corner of said Block 3; thence South at right angle for a distance of 103 ft to a point on curve having a radius of 503.1 ft; thence in a SWly direction along said curve for a distance of 62.02 ft to a point 165 ft South of the North line of said Blk 3; thence East parallel with the North line of said Block 3; 193.03 ft to a point 110 ft West of the East line of Block 3; thence North parallel with the East line of said Block 3, a distance of 165 ft to the North line of said Blk 3; thence West along said North line a distance of 186.2 ft to the pob

Lindy Andeel, Robert K.  
Chisholm, 5900 E. Central  
67208

Tract

Property Owner

A tract described as beginning 30 feet West and 150 feet South of the Northeast corner of the East Half of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 25-27-1E; thence South 25 feet; thence West 150 feet; thence North 25 feet; thence East 150 feet to the pob.

✓ Leta M. Weidner, 515 S. Pinecrest  
67218

A tract in the Northwest Quarter of Section 25-27-1E, described as: Beg. 30 feet West of the NE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 25, thence South 150 feet, thence West 150 feet, thence North 150 feet, thence East 150 feet to beginning

✓ J. Melvin Allen & Mary B. Allen  
5119 East Kellogg 67218

The SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24-27-1E; also a portion of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 24, described as: Beg. at the SE corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 24; thence West along the South line of said Section 24, a distance of 156.91 ft; thence along a straight line in a NWly direction at an angle with the South line of said Section 24, of 74°28' a distance of 145.72 ft; thence to the right along a curve having a radius of 640 feet, for a distance of 136.09 feet; thence tangent to said curve for a distance of 377.46 ft; thence to the left with an angle of 2°38' for a distance of 177.81 feet; thence to the left along a curve having a radius of 475 feet, for a distance of 316.83 feet; thence tangent to last described curve for a distance of 147.83 feet; thence to the right with an angle of 44°15' for a distance of 110.81 feet; more or less to the North line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  said Section 24; thence East along the North line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  492.7 feet to the NE corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence South along the East line of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  to the place of beg.

United States of America  
(Veterans Hospital)  
✓ 5500 East Kellogg 67218

The Security Abstract & Title Company, Inc.,  
hereby certifies the foregoing to be a true and correct list of the  
property owners of:

A 200 foot radius of: Lot 8, Cain and  
Smith Replat of Part of Block 3, in  
Beverly Manor, except the West 2.47 feet  
of the South 125.06 feet, and all that part  
of vacated Sylvan Lane described as: Beg. at  
the intersection of the SE corner of Lot 8,  
and the North line of vacated Sylvan Lane,  
thence South 74.5 feet, thence West 65 feet,  
North to a point in the North line of vacated  
Sylvan Lane, thence NEly along the North line  
of vacated Sylvan Lane to the pob, and a tract  
described as beg. 200 feet, East of the NW  
corner of Block 3, Beverly Manor, thence East  
67 feet, thence South 103 feet to a point of curve,  
having radius of 463.1 feet, thence in a SWly direction  
following said curve 251.6 feet, more or less to a  
point 200 feet East of the West line of said  
Block 3, thence North 342.5 feet to the place of  
beginning, and all that part of Reserve A, as  
platted in Cain & Smith Replat of Part of Block 3,  
Beverly Manor, lying immediately West and adjacent  
to the above described tract and also all that part  
of the East Half of Sylvan Lane as platted in Cain  
& Smith Replat of Part of Block 3, Beverly Manor,  
now vacated, lying immediately West and adjacent to  
the West line of the part of Reserve A above described,  
except the North 200 feet, and all that part of the West  
Half of vacated Sylvan Lane in Cain & Smith Replat of  
Part of Block 3, Beverly Manor, lying East of the  
West line of Lot 8, in said Addition extending South,

as shown by the records on file in the Office of the Register of Deeds of  
Sedgwick County, Kansas, on the 15th day of August, 1977 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC

By

*Mary Seale*

Vice President

Order No. 254188

wh

FORM 27-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm

Roll # 1