

D-0151 - Dedication from Lindie Graham, et al. for N-S alley between Hillside & Lorraine from 22nd S. & from Gert Hanow for E-W alley

Posted  
10-18-59

# ACTION

DATE

COMMITTEE

Oppose exp. E-W right

M.A.P.C.

11-5-59

B.C.C./~~B.C.C.~~ Refers to MAPC 11-17-59

MAPC Refers to S/D - 12-17-59

S/D. Com. n. Refers to. 1-14-60-12-31-59

MAPC - 1-7-60 Dedication withdrawn, testimony to agent Palmer.

WTD

*Robert C. LOSE*  
C. LOSE

VACATION OR DEDICATION  
CHECK LIST

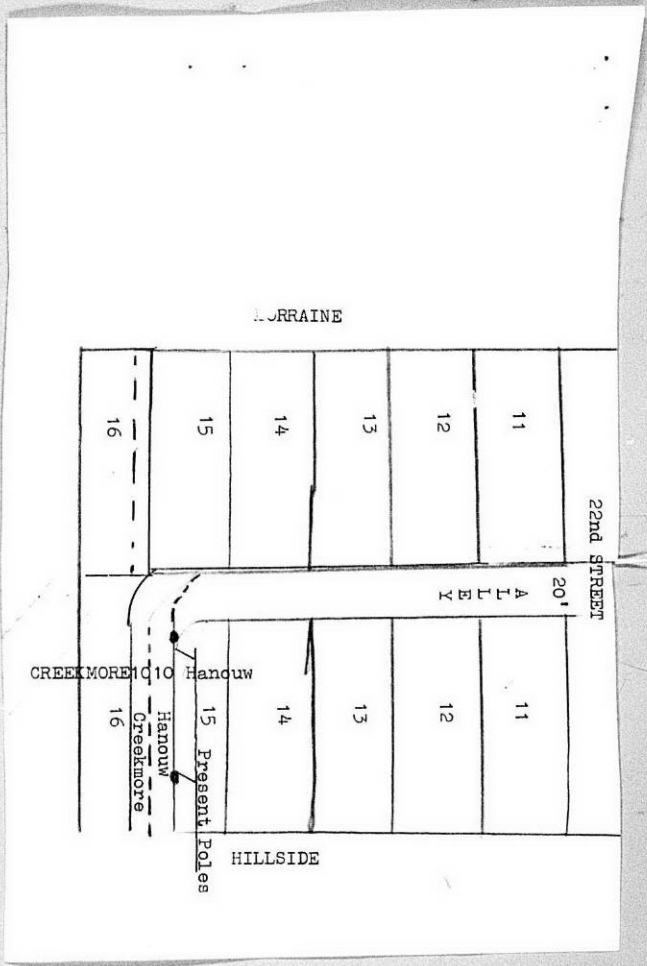
CASE NO. D-0151 RECEIVED 10-15-59 BY \_\_\_\_\_

S/D ACTION 10-29-59 MAP NO. C-6

MAPC ACTION 11-5-59 approve vac E-W portion of alley.

BCC ACTION \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ CONSIDERED BY BCC \_\_\_\_\_ PUBLISHED \_\_\_\_\_



**WICHITA-SEDGWICK COUNTY**  
METROPOLITAN AREA PLANNING COMMISSION

File → D-0151

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

IT APPEARS THAT THE EASEMENT IN QUESTION  
WAS ACQUIRED BY CONDEMNATION AND THE LOCATION  
OF THIS EASEMENT IS SO THAT IT WOULD  
DICTATE THE RELOCATION OF THE N.S. ALLEY DEDICATION.

NOTE: THE EAST LINE <sup>OF SAID ALLEY</sup> SHOULD BE 148' WEST  
OF THE WEST R.W. LINE OF HILLSIDE WHICH MOVES  
IT 2' TO THE EAST.

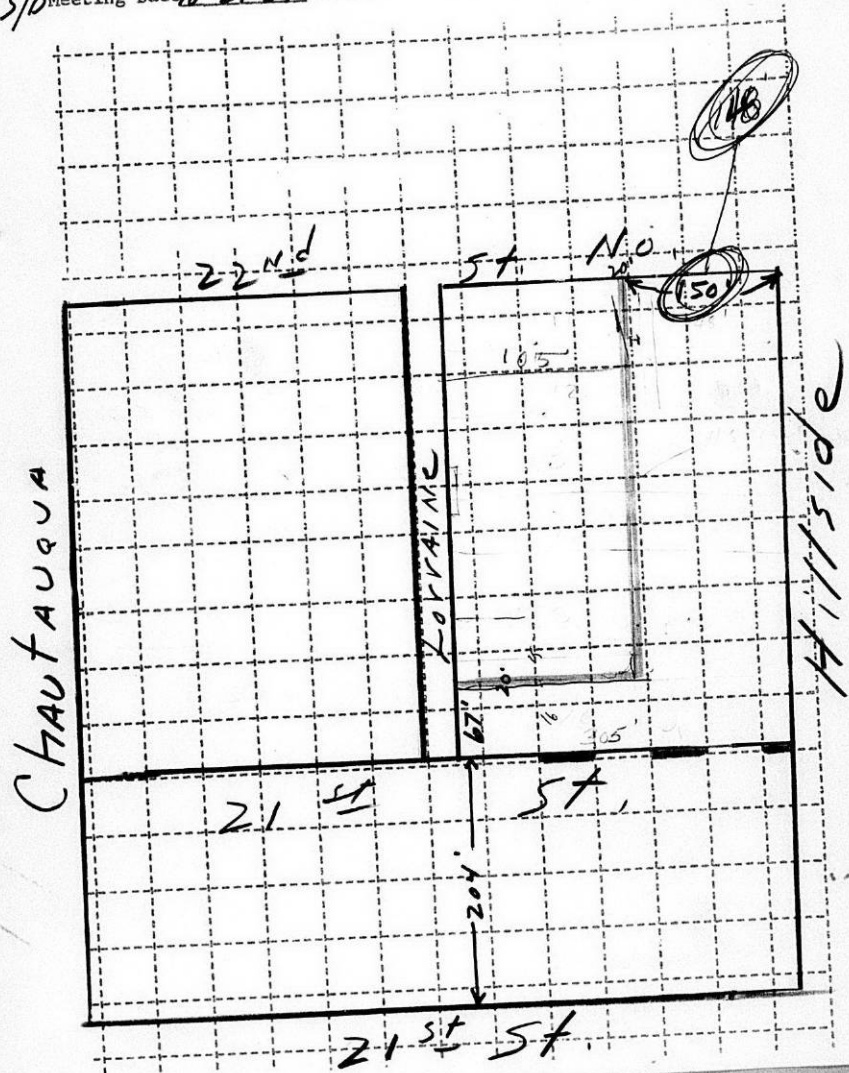
*[Signature]*

Sec 3 Twp 27  
R. 1E

SE cor of the  
SE 1/4

Case Number D-0151 Map Number C-6 Change requested \_\_\_\_\_  
Planner \_\_\_\_\_

S/O Meeting Date 10-29-59 Date Pictures taken \_\_\_\_\_



JANUARY 8, 1960

MR. DON DAVIS  
5219 EAST FIRST ST.  
WICHITA 8, KANSAS

RE: D-0151

DEAR MR. DAVIS:

THE PLANNING COMMISSION AT ITS REGULAR MEETING OF JANUARY 7, 1960, CONSIDERED YOUR REQUEST FOR THE WITHDRAWAL OF THIS DEDICATION AND THE RETURN OF SAID DEDICATIONS TO YOU. IT WAS THE ACTION OF THE PLANNING COMMISSION TO APPROVE YOUR REQUEST TO WITHDRAW THIS DEDICATION. ATTACHED HERETO ARE ALL DEDICATIONS WHICH HAVE BEEN SUBMITTED IN THIS CASE. SHOULD THERE BE ANY FURTHER QUESTIONS CONCERNING THIS MATTER, PLEASE CALL US.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:RAL:BR

ATTACHMENTS: FOUR DEDICATIONS

JANUARY 5, 1960

MR. DON DAVIS  
5219 EAST FIRST  
WICHITA 8, KANSAS

DEAR MR. DAVIS:

SUBJECT: D-0151

THIS WILL ACKNOWLEDGE RECEIPT OF YOUR LETTER OF JANUARY 1, 1960  
RELATIVE TO SUBJECT DEDICATION PROPOSAL. IN THE LETTER YOU  
REQUESTED THAT SUBJECT DEDICATION BE WITHDRAWN FROM FURTHER  
OPPORTUNITY OF CONSIDERATION AND THAT IT BE IMMEDIATELY RETURNED  
TO YOU AS UNAVAILABLE FOR FURTHER CONSIDERATION AND/OR ACCEPTANCE.

INASMUCH AS THIS MATTER HAD BEEN SCHEDULED FOR CONSIDERATION BY  
THE PLANNING COMMISSION PRIOR TO THE RECEIPT OF YOUR LETTER, IT  
IS NOT WITHIN OUR PREROGATIVE TO RETURN THE OFFER OF DEDICATION  
AS YOU HAVE REQUESTED. YOUR LETTER WILL BE PRESENTED TO THE  
PLANNING COMMISSION PRIOR TO ITS CONSIDERATION OF THIS REQUEST,  
HOWEVER, SO THAT IT MAY TAKE SUCH ACTION AS IT CONSIDERS APPRO-  
PRIATE.

IT IS MY UNDERSTANDING THAT THIS ARRANGEMENT IS IN ACCORDANCE  
WITH THE SUGGESTIONS MADE IN A TELEPHONE CONVERSATION WITH YOU  
BY MR. LITTLE A FEW DAYS AGO.

IF THERE SHOULD BE ANY QUESTIONS CONCERNING OUR HANDLING OF THIS  
MATTER, PLEASE DO NOT HESITATE TO CALL ON US.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:BER



**DON DAVIS**

REALTOR  
EXCLUSIVES - *Exclusively*

January 1, 1960.

MURRAY 2-3772

5219 East 1st  
Wichita 8, Kansas  
WICHITA 8, KANSAS

*File*  
↓

Re: D-0151 vs. Z-0183

WICHITA SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING  
COMMISSION - City Building Annex,  
104 S. Main St., Wichita 2, Kansas.

Gentlemen:

Pursuant the rejection of D-0151 as item 9 on your agenda of your meeting of December 17th, 1959 it is the desire and request of this writer as sole representative of all owners signatory to this dedication to withdraw it from further opportunity of consideration and hereby request it's immediate return as unavailable for further consideration and/or acceptance.

Thank you very much.

Very truly yours,

*Donald S. Davis*

Donald S. Davis, Realtor  
Representing all owners of  
dedicated properties - Lots  
11 to 16 Hillside ZGardens Addition  
inclusive./\*

Date 1-5-60 By MD  
Answered  
Filed 1-5-60 MD



JANUARY 5, 1960

MR. HAROLD H. MALONE  
ATTORNEY  
702 BITTING BUILDING  
WICHITA, KANSAS

DEAR MR. MALONE:

SUBJECT: Z-0183 AND  
D-0151

THIS WILL ACKNOWLEDGE RECEIPT OF YOUR REQUEST FOR  
A CONTINUANCE OF THE HEARING ON THE ABOVE SUBJECT  
DEDICATION. YOUR REQUEST WILL BE PRESENTED TO THE  
PLANNING COMMISSION FOR CONSIDERATION AND ACTION  
AT ITS MEETING.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:RAL:BER

OFFICES OF  
**MALONE & MALONE**  
ATTORNEYS AT LAW  
BITTING BUILDING  
WICHITA, KANSAS

HAROLD H. MALONE  
H. B. "HAL" MALONE

TELEPHONES:  
OFFICE FO 3-0259  
HOME MU 2-0737

January 4, 1960

2-0183  
+ D-0151

Sub-Division Committee  
Wichita-Sedgwick County  
Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Date By  
Answered 1-5-60 RMH  
Filed 1-5-60 RMH

Re: Proposed change of zoning of Weaver-Peacock  
property at 22nd and Hillside.

Gentlemen:

I have just learned that a proposal for the dedication of an alley-way at the rear of the above property is scheduled for hearing before your body on January 7, 1960. I represent the estate of Emma J. Weaver, deceased, who owned the property in question and have only recently been called into the matter as counsel. In view of the probable necessity of conferring with interested parties and department heads, it would facilitate the matter if your consideration of the proposal to dedicate be deferred for later consideration.

I therefore respectfully request a continuance of the matter for consideration at a later meeting with the view in mind of assisting in working out a possible satisfactory solution, and that I be notified of the later setting.

Respectfully yours,

*Harold H. Malone*  
OF MALONE & MALONE  
702 Bitting Building

HHM/blm



OFFICES OF  
**MALONE & MALONE**  
ATTORNEYS AT LAW  
BITTING BUILDING  
WICHITA, KANSAS

HAROLD H. MALONE  
H. B. "HAL" MALONE

TELEPHONE:  
OFFICE FO 3-0259  
HOME HU 2-0737

January 4, 1960

2-0183  
+ D-0151

Sub-Division Committee  
Wichita-Sedgwick County  
Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Date 1-5-60 By [Signature]  
1-5-60 [Signature]

Re: Proposed change of zoning of Weaver-Peacock  
property at 22nd and Hillside.

Gentlemen:

I have just learned that a proposal for the dedication of an alley-way at the rear of the above property is scheduled for hearing before your body on January 7, 1960. I represent the estate of Ema J. Weaver, deceased, who owned the property in question and have only recently been called into the matter as counsel. In view of the probable necessity of conferring with interested parties and department heads, it would facilitate the matter if your consideration of the proposal to dedicate be deferred for later consideration.

I therefore respectfully request a continuance of the matter for consideration at a later meeting with the view in mind of assisting in working out a possible satisfactory solution, and that I be notified of the later setting.

Respectfully yours,

of MALONE & MALONE  
702 Bitting Building

OFFICES OF  
**MALONE & MALONE**  
ATTORNEYS AT LAW  
BITTING BUILDING  
WICHITA, KANSAS

HAROLD H. MALONE  
H. B. "HAL" MALONE

TELEPHONES:  
OFFICE FO 3-0259  
HOME MU 2-0737

December 31, 1959

Sub-Division Committee  
Wichita-Sedgwick County  
Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Attn: W. W. Rutledge

Gentlemen:

I represent the estate of Emma J. Weaver, deceased, who owned the East 150 feet of Lot 11, Hillside Gardens. I was called upon yesterday to check into the proposed change of zoning of the area and learned that your sub-division committee has scheduled the matter for hearing before your committee for 1:45 P. M. today, December 31, 1959. This would afford me insufficient time or opportunity to deal with the matter properly.

I therefore request that the matter be continued at least until the next sitting of the committee to afford me an opportunity to make a study of its history and to confer with the heads of the various departments concerned with the purpose in view of assisting in working out a possible satisfactory solution.

Sincerely yours,

*Harold H. Malone*  
of MALONE & MALONE  
702 Bitting Building

HHM/blm

DECEMBER 28, 1959

MR. DON DAVIS  
5219 EAST FIRST STREET  
WICHITA, KANSAS

DEAR MR. DAVIS:

RE: Z-0183 AND D-0151

WE HAVE WITHDRAWN YOUR LETTER OF DECEMBER 19TH AS RE-  
QUESTED IN YOUR LETTER OF DECEMBER 26, 1959. THE LETTER  
OF THE 19TH IS ATTACHED AND RETURNED TO YOU FOR YOUR  
FILES.

VERY TRULY YOURS,

L. L. LITTLE  
DIRECTOR OF PLANNING

LLL:RAL:BER  
ATTACHMENT

DECEMBER 21, 1959 \

MR. DON DAVIS  
5219 EAST FIRST STREET  
WICHITA, KANSAS

DEAR MR. DAVIS:

RE: D-0151 AND Z-0183

OUR LETTER OF DECEMBER 18, 1959 ADVISED YOU THAT SUBJECT DEDICATION HAS BEEN SCHEDULED TO BE HEARD BY THE SUBDIVISION COMMITTEE AT THEIR NEXT REGULAR MEETING. OUR LETTER STATED THAT THE SUBDIVISION COMMITTEE WILL MEET ON DECEMBER 30, 1959. WE WOULD LIKE TO ADVISE YOU THAT THIS MEETING WILL BE HELD AT 1:45 P.M. ON DECEMBER 31, 1959.

IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL ON US.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:GOE:BER

DECEMBER 18, 1959

MR. DON DAVIS  
5219 EAST FIRST STREET  
WICHITA 8, KANSAS

RE: D-0151 AND Z-0183

DEAR MR. DAVIS:

THIS IS TO ADVISE YOU THAT AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON DECEMBER 17, 1959, THE PLANNING COMMISSION REFERRED SUBJECT DEDICATION, D-0151, TO THE SUBDIVISION COMMITTEE.

THIS MATTER WILL BE BEFORE THE SUBDIVISION COMMITTEE ON DECEMBER 30, 1959.

CASE No. Z-0183 HAS BEEN DEFERRED BY THE PLANNING COMMISSION UNTIL SUCH TIME AS CASE No. D-0151 IS AGAIN PRESENTED TO THE PLANNING COMMISSION. AT SUCH TIME, CASE No. D-0151 IS PRESENTED TO THE PLANNING COMMISSION CASE No. Z-0183 WILL BE SCHEDULED FOR FURTHER CONSIDERATION. IF YOU HAVE ANY QUESTIONS CONCERNING THESE TWO CASES, PLEASE FEEL FREE TO CALL.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:RAL:BR

METROPOLITAN PLANNING

DECEMBER 18, 1959

B. E. SMITH, CITY ENGINEER

LELAND R. EDMONDS, SENIOR PLANNER

D-0151

AT ITS REGULAR MEETING OF DECEMBER 17, 1959, THE METROPOLITAN AREA PLANNING COMMISSION REQUESTED THAT THE OFFICE OF THE CITY ENGINEER FURNISH SPECIFIC INFORMATION CONCERNING THE EFFECT OF SUBJECT ALLEY DEDICATION (EAST-WEST ALLEY OPENING ON HILLSIDE AVENUE) ON SURFACE DRAINAGE FROM HILLSIDE, AND LAND ADJACENT THERETO. THIS MATTER WAS REFERRED TO THE SUBDIVISION COMMITTEE FOR FURTHER HEARING. THIS MATTER WILL COME BEFORE THE SUBDIVISION COMMITTEE AT ITS MEETING OF DECEMBER 30, 1959.

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:RAL:BR

cc: E. N. SMITH, DIRECTOR OF PUBLIC WORKS  
JOHN EPPERSON, ASSISTANT CITY ENGINEER

DECEMBER 2, 1959

MR. DON DAVIS  
5219 EAST FIRST  
WICHITA 8, KANSAS

RE: Z-0183 AND D-0151

DEAR MR. DAVIS:

WE HAVE YOUR LETTER OF DECEMBER 1, 1959. IN THIS LETTER YOU INDICATED THAT APPROPRIATE ARRANGEMENTS HAVE BEEN MADE TO DEDICATE AN ALLEY OPENING ONTO HILLSIDE ACROSS LOTS 15 AND 16 OF HILLSIDE GARDENS ADDITION. YOU HAVE ALSO INDICATED THAT ARRANGEMENTS HAVE BEEN MADE TO COMPLY WITH THE REQUIREMENT OF THE KANSAS GAS & ELECTRIC COMPANY THAT THAT COMPANY BE REIMBURSED FOR RELOCATION OF ITS POLE LINE PRESENTLY EXISTING IN THIS LOCATION.

WE HAVE PREVIOUSLY ADVISED THAT THIS MATTER WOULD BE PRESENTED TO THE PLANNING COMMISSION ON DECEMBER 17, 1959, FOR REHEARING; AND THAT THE DEDICATION WOULD BE SUBMITTED TO THE SUBDIVISION COMMITTEE ON DECEMBER 10 FOR REHEARING. WHILE IT IS NOT ESSENTIAL THAT NEW DEDICATION FORMS BE COMPLETELY EXECUTED BEFORE THAT TIME, IT WOULD BE PROPER FOR YOU TO DO SO AND MIGHT, PERHAPS, STRENGTHEN YOUR CASE.

WE ARE ENCLOSING TWO COPIES OF A DEDICATION FORM PREPARED FOR SIGNATURES OF THE OWNERS OF THE EAST HALF OF LOT 11, AND LOTS 12 THROUGH 16 INCLUSIVE PROVIDING FOR THE DEDICATION SUGGESTED ON THE SKETCH ATTACHED TO YOUR LETTER.

IF YOU WISH TO PRESENT THIS FORM TO THE SUBDIVISION COMMITTEE ON DECEMBER 10 IT SHOULD BE COMPLETELY AND PROPERLY EXECUTED AND SUBMITTED TO THIS OFFICE PRIOR TO THAT DATE. IT COULD THEN BE PRESENTED TOGETHER WITH YOUR LETTER OF DECEMBER 1 TO INDICATE YOUR WILLINGNESS TO COMPLY WITH ALL REQUIREMENTS WHICH HAVE BEEN ESTABLISHED IN PRIOR HEARINGS.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:BR



NOVEMBER 24, 1959

MR. DON DAVIS  
5219 EAST FIRST STREET  
WICHITA, KANSAS

DEAR MR. DAVIS:

SUBJECT: Z-0183 AND D-0151

THIS WILL CONFIRM OUR TELEPHONE CONVERSATION OF NOVEMBER 20, 1959 CONCERNING A REHEARING OF SUBJECT MATTERS. WE ADVISED AT THAT TIME THAT THIS MATTER WOULD BE REHEARD BY THE PLANNING COMMISSION ON DECEMBER 17, 1959. THE CASE HAS BEEN SO SCHEDULED AND NOTICES WILL BE SENT FOR A HEARING ON THAT DATE.

THIS WILL ALSO ADVISE YOU OF THE RECEIPT OF A LETTER FROM MR. SAM BROLUND, DIVISION MANAGER, KANSAS GAS & ELECTRIC COMPANY, RELATIVE TO THE EASEMENT WHICH THE COMPANY NOW HOLDS OVER LOTS 15 AND 16, HILLSIDE GARDENS ADDITION. THIS LETTER, DATED NOVEMBER 20, 1959, READS AS FOLLOWS:

"WE HAVE AN EXISTING POLE LINE ON A RECORDED EASEMENT ALONG THE NORTH LINE OF LOT 16, HILLSIDE GARDENS ADDITION. IF THE PROPOSED ALLEY IS DEDICATED, IT WILL BE NECESSARY TO RELOCATE THIS POLE LINE.

"WE WILL RELOCATE THE POLE LINE AND RELEASE THAT PORTION OF THE EASEMENT WHICH CONFLICTS WITH THE PROPOSED ALLEY PROVIDING WE ARE REIMBURSED FOR THE COST OF OUR WORK."

THIS LETTER FROM MR. BROLUND WILL BE MADE A PART OF THE FILE OF D-0151 AND WILL BE CALLED TO THE ATTENTION OF THE SUBDIVISION COMMITTEE OF THE METROPOLITAN AREA PLANNING COMMISSION ON DECEMBER 10, 1959. THE DEDICATION AND THE ZONE CHANGE WILL BOTH THEN BE PRESENTED TO THE PLANNING COMMISSION ON DECEMBER 17 AS INDICATED ABOVE.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER OR THE SCHEDULING OF IT, PLEASE DO NOT HESITATE TO CALL ON US.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:BER



D-0151

KANSAS GAS AND ELECTRIC COMPANY

WICHITA 1, KANSAS

SAM BROLUND  
DIVISION MANAGER

November 20, 1959

Mr. L. L. Little  
Director of Planning  
City Building Annex  
104 South Main Street  
Wichita, Kansas

RE: Dedication of Alley Between  
Lots 14 and 16, Hillside  
Gardens Addition

Dear Mr. Little:

We have an existing pole line on a recorded easement along the north line of Lot 16, Hillside Gardens Addition. If the proposed alley is dedicated, it will be necessary to relocate this pole line.

We will relocate the pole line and release that portion of the easement which conflicts with the proposed alley providing we are reimbursed for the cost of our work.

Sincerely yours

Division Manager.

SBrolund/njp

cc - Mr. Donald S. Davis  
Mr. Harold B. Davis

50

NOVEMBER 12, 1959

MR. DON DAVIS  
5219 EAST FIRST STREET  
WICHITA, KANSAS

DEAR MR. DAVIS:

SUBJECT: Z-0183 AND  
D-0151

WE HAVE PREVIOUSLY ADVISED YOU THAT THE SUBJECT ZONING AND DEDICATION MATTERS WILL BE PRESENTED TO THE BOARD OF CITY COMMISSIONERS FOR CONSIDERATION ON NOVEMBER 17, 1959. AT THAT TIME THE RECOMMENDATIONS MADE BY THE PLANNING COMMISSION WILL BE EITHER ACCEPTED, ALTERED OR REJECTED BY THE CITY COMMISSION.

YOU WILL RECALL THAT THE RECOMMENDATION OF THE PLANNING COMMISSION WITH RESPECT TO THE OFFER OF DEDICATION WAS THAT THE NORTH-SOUTH ALLEY PORTION BE ACCEPTED AND THE EAST-WEST ALLEY PORTION BE REJECTED. YOU WILL FURTHER RECALL THAT THE RECOMMENDATION OF THE PLANNING COMMISSION WITH RESPECT TO THE ZONING REQUEST WAS THAT THE EAST 150 FEET OF EACH OF THE SEVERAL LOTS INVOLVED BE APPROVED FOR A CHANGE TO LIGHT COMMERCIAL.

IN THE EVENT THE RECOMMENDATIONS OF THE PLANNING COMMISSION ARE ACCEPTED WITHOUT CHANGE BY THE BOARD OF CITY COMMISSIONERS, IT WILL BE NECESSARY TO REVISE THE OFFER OF DEDICATION. ADVICE OF OUR LEGAL COUNSEL INDICATES TO US THAT WE DO NOT HAVE THE RIGHT TO ALTER THE OFFER OF DEDICATION AS SIGNED AND SUBMITTED BY THE SEVERAL LAND OWNERS INVOLVED. OUR LEGAL COUNSEL ADVISES THAT THIS IS TRUE EVEN IN THIS CIRCUMSTANCE IN WHICH LESS WOULD BE OFFERED FOR DEDICATION BY THE AMENDMENT THAN THAT PREVIOUSLY AGREED TO BY THE PRESENT OWNERS.

THE DEPARTMENT WOULD SUGGEST THAT NO ATTEMPT BE MADE TO SECURE ADDITIONAL SIGNATURES OR REVISE THE LATEST OFFER OF DEDICATION UNTIL SUCH TIME AS THE CITY COMMISSION HAS ACTED FINALLY ON THE RECOMMENDATION OF THE PLANNING COMMISSION AND UPON YOUR REQUEST. IF, AFTER CITY COMMISSION HEARING, THE DEDICATION HAS BEEN ACCEPTED AND THE REVISION IS NEEDED, IT WOULD APPEAR THAT SUCH REVISION COULD APPROPRIATELY BE MADE AT THAT TIME. THIS WOULD ELIMINATE THE POSSIBILITY OF THE ADDITIONAL WORK AND EXPENSE IN PREPARING A NEW OFFER OF DEDICATION BEFORE THE CITY COMMISSION HAS INDICATED ITS WILLINGNESS TO ACCEPT THE OFFER.

PAGE 2 - DON DAVIS  
NOVEMBER 12, 1959

YOU WILL BE ADVISED SUBSEQUENT TO THE MEETING OF THE BOARD OF  
CITY COMMISSIONERSON NOVEMBER 17, 1959, AS TO THE STEPS WHICH  
ARE THEN NECESSARY FOR YOU TO TAKE IN THIS MATTER.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:BER

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

NOVEMBER 12, 1959

BOARD OF CITY COMMISSIONERS  
CITY BUILDING  
WICHITA, KANSAS

GENTLEMEN:

RE: D-0151 - DEDICATION FOR NORTH-SOUTH AND EAST-WEST ALLEYS IN THE BLOCK BETWEEN HILLSIDE AND LORRAINE, 21ST AND 22ND STREETS

*cc  
11-17-59  
refer for drainage  
access*

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON NOVEMBER 5, 1959, THE ABOVE OFFER OF DEDICATION WAS CONSIDERED. SUCH OFFER OF DEDICATION IS SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 148 FEET WEST OF NORTHEAST CORNER OF LOT 11, HILLSIDE GARDENS ADDITION, THENCE SOUTH ALONG A LINE PARALLEL TO AND 148 FEET WEST OF THE WEST LINE OF HILLSIDE AVENUE TO THE NORTH LINE OF LOT 16, IN SAID ADDITION, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 16 TO THE EAST LINE OF LORRAINE AVENUE, THENCE NORTH 20 FEET, THENCE EAST ALONG A LINE PARALLEL TO AND 20 FEET NORTH OF NORTH LINE OF SAID LOT 16 TO A POINT 82 FEET EAST OF EAST LINE OF LORRAINE AVENUE, THENCE TO LEFT ALONG A CURVE WITH A RADIUS OF 25 FEET TO POINT 290 FEET SOUTH AND 20 FEET WEST OF POINT OF BEGINNING, THENCE NORTH ALONG A LINE PARALLEL TO AND 168 FEET WEST OF WEST LINE OF HILLSIDE TO THE SOUTH LINE OF 22ND STREET, THENCE EAST 20 FEET TO POINT OF BEGINNING.

SUBJECT OFFER OF DEDICATION WAS CONSIDERED IN ASSOCIATION WITH Z-0183. A PROPERTY OWNER AT 2222 NORTH CHAUTAUQUA, WHO ALSO OWNS PROPERTY ON LORRAINE AVENUE, WAS OPPOSED TO THE EAST-WEST ALLEY BEING OFFERED FOR DEDICATION ON THE GROUNDS THAT IT WOULD TEND TO MAKE LORRAINE A COMMERCIAL STREET RATHER THAN A RESIDENTIAL STREET AS IT IS AT PRESENT.

AFTER A CAREFUL CONSIDERATION OF THIS MATTER, IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THAT PORTION OF THE DEDICATION REFERRING TO THE NORTH-SOUTH ALLEY BE ACCEPTED AND THAT THE BALANCE BE REJECTED. THE LEGAL DESCRIPTION OF THAT PORTION FOR WHICH ACCEPTANCE IS RECOMMENDED IS AS FOLLOWS:

PAGE 2 - BOARD OF CITY COMMISSIONERS  
NOVEMBER 12, 1959

BEGINNING AT A POINT ONE HUNDRED FORTY-EIGHT (148) FEET WEST OF NORTHEAST CORNER OF LOT ELEVEN (11), HILLSIDE GARDENS ADDITION, THENCE SOUTH ALONG A LINE PARALLEL TO AND ONE HUNDRED FORTY-EIGHT (148) FEET WEST OF THE WEST LINE OF HILLSIDE AVENUE TO THE NORTH LINE OF LOT SIXTEEN (16), IN SAID ADDITION, THENCE WEST TWENTY (20) FEET ALONG THE NORTH LINE OF SAID LOT SIXTEEN (16), THENCE NORTH ALONG A LINE PARALLEL TO AND ONE HUNDRED SIXTY-EIGHT (168) FEET WEST OF WEST LINE OF HILLSIDE TO THE SOUTH LINE OF 22ND STREET, THENCE EAST TWENTY (20) FEET TO POINT OF BEGINNING.

RESPECTFULLY SUBMITTED,

*lll*  
for L. L. LITTLE  
DIRECTOR OF PLANNING

LLL:LRE:BER

METROPOLITAN PLANNING

NOVEMBER 10, 1959

THE FILES

LELAND R. EDMONDS, SENIOR PLANNER

D-0151

IN A TELEPHONE CALL TO MR. CURFMAN, ASSISTANT CITY ATTORNEY, ON NOVEMBER 10, 1959, WE RAISED THE QUESTION AS TO THE RIGHTS OF THIS OR ANOTHER DEPARTMENT TO ALTER THE DESCRIPTION ON AN OFFER TO DEDICATE LAND SO THAT THE DEDICATION MIGHT BE MADE TO FIT THE RECOMMENDATION OF THE PLANNING COMMISSION. SPECIFICALLY, IN THIS INSTANCE, THE EFFECT WOULD BE TO REDUCE THE AMOUNT OF LAND DEDICATED BELOW THAT ORIGINALLY OFFERED.

MR. CURFMAN ADVISES THAT ADMINISTRATIVE OFFICIALS HAVE NO RIGHT TO ALTER AN OFFER TO DEDICATE AND HAVE NO RIGHT TO PRESUME THAT AN INDIVIDUAL WOULD BE WILLING TO DEDICATE LESS THAN OFFERED.

LELAND R. EDMONDS  
SENIOR PLANNER

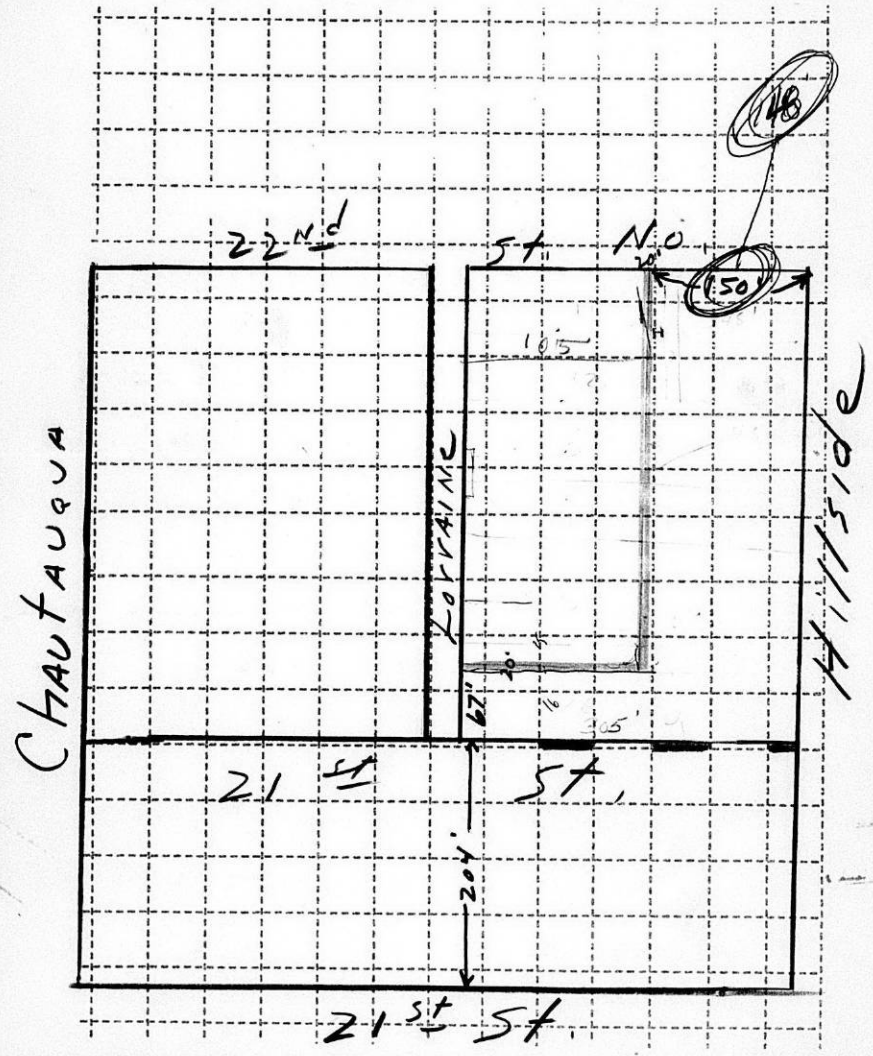
LRE:BER

Sec 3 Twp 27  
R. 1 E

SE cor of 1/4

Case Number D-0151 Map Number C-6 Change requested SE 1/4

S/D Meeting Date 10-29-59 Date Pictures taken \_\_\_\_\_ Planner \_\_\_\_\_



Deed file no.

2790

West 16 ft of the E 155.5 ft. of  
Lots 8-9 - Hillside Gardens.

2794

Lot 10.

2792

Lot 7

2791

Lot 1

2586

Point pt 460' W and 661.81 N of center  
of Sec 3 Twp 27S R1E then N 11 with  
 $\frac{1}{2}$  Sec. Line to NE of W $\frac{1}{2}$  of S $\frac{1}{2}$  of NW $\frac{1}{4}$ .

and a strip of ground as follows: N 30' of  
E 460' of N $\frac{1}{2}$  of S $\frac{1}{2}$  of NW $\frac{1}{4}$ .

E 16' of the W 144.5 ft of Lot 79 - Hillside Gardens

Lots 81 + 82

80

Vol. 3 Dist 13

SS No. 12

W. B. Carter April 14, 1934

BK. No K-19

Project No 277-45

Line 5

11

12

13

14

15

16