

DR 70-29 - Resthaven Gardens of  
Memory - Request for additional  
access to U. S. 54 west of Maize  
Road

ACTION

DATE

COMMITTEE

M.A.P.C.

*Mape*

B.C.C./B. CO. C.

*Refer to general 10-2-2-70*

*Approval 11-12-70*

DR 70-29

KAMEN: Temporary doesn't give the applicant enough protection and the way the applicant wants it makes it too expensive for the public.

KAMEN moved approval with owner to buy back the access which had previously been taken by the State Highway Commission, at today's appraised price and with the right of the State to repurchase the access at some later date at the same price after the highway is improved.

BLAKEY seconded. Jackson voted in opposition.

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

October 21, 1970

**TO** Wichita-Sedgwick County Metropolitan  
Area Planning Commission

**FROM** Robert A. Lakin, Director of Planning

**SUBJECT** DR 70-29 - Access Control - West Kellogg at Maize Road

REQUEST

Resthaven Cemeteries, Inc. thru their attorney, have requested the recommendation of the Planning Commission to a request for release of access control to U. S. 54 on the northwest corner of Kellogg and Maize Road. Such release is in the hands of the State Highway Commission, together with the Bureau of Public Roads. However, they require the local responsible bodies to recommend on this before accepting the application.

KELLOGG AS A FREEWAY

It should be recognized that U. S. 54 has been established as a freeway by legislative act of the State. This does not mean that 54 must remain on Kellogg, but it is there and the chances of it remaining there seem very good. The adopted Transportation Plan of the MAPC, and concurred in by the governing bodies, proposes freeway standards for West Kellogg. In line with these adopted Federal plans, the State Highway Commission is currently negotiating with a consultant to do freeway locational studies on two segments of U. S. 54 (I-235 to Maize Road and Maize Road to east of Garden Plain). These studies are being initiated at the strong request of the City and County. However, no construction schedules have been provided for the section west of Maize Road.

As one reviews the condition of Kellogg from Maize Road to 119th Street West, one must conclude that from a highway developmental viewpoint, the product as it now exists contains many errors. Too many medial breaks, too many access points, incomplete service road systems, etc. The initial reaction is to recommend completing the service road system, establish the appropriate crossovers and allow access to the service roads; however, since the locational study for freeways is about to begin, it would not seem that this course of action holds much promise.

The request is for one access point opposite the first medial break west of Maize Road. In comparing similar tracts (southeast corner of 119th Street and Kellogg) and the condition on medial breaks and other access points within this mile, it is hard to hold the request unreasonable.

Page 2 - Metropolitan Area Planning Commission  
October 21, 1970

If it were known for a fact that Kellogg would be the freeway alignment, the request should be denied outright. However, this is not known. Further, if such fact were established, construction has not been programmed. It might be 5 to 10 years before construction or right-of-way could be purchased, although it is hoped this can be determined much quicker (3-4 years). Thus, the problem is to accommodate a request for an interim period of time and yet not jeopardize the possibilities of upgrading this area to freeway standards.

One way to do this is to grant a temporary permit until the locational study is done. If the study establishes another location, then the applicant's request can be finalized with the appropriate appraisals, etc. made to establish permanent access.

A less desirable but probably satisfactory approach would be to authorize permanent access based on before and after value appraisals, but to establish an option to repurchase the access control at the current (1970) appraisal price (same as would be paid to the State if this request is approved), if the locational study indicates Kellogg should be made a freeway. This option should be made binding on all heirs, assigns and lessees.

In summary, it is recommended that access be made available to the tract requested provided that the Commission has satisfied itself that it will not jeopardize the possibility of freeway construction.

RAL:ber

Attachment to Recommendation:

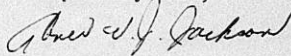
Regarding the opening of an access point on the North side of U. S. Highway 54 approximately 500 feet West of Maize Road, the Planning Commission felt that the State Highway Department should have taken full access in the three mile area and built access roads, and still feels that someday it will be necessary to do so.

However, since there are already so many entrances and medial breaks in this three mile area, and since there are two medial breaks and two entrances on the South side of U. S. 54 adjoining this land, one of which is at the point where this request is made, The Planning Commission voted at the November 12, 1970 meeting to recommend this request be granted so this land can be developed to the highest and best use for which it is zoned.

The Planning Commission also recommended that the State try to enter an agreement with the owner, wherein if the State condemns and closes all the medial breaks and entrances in this area, the damage to be paid for the closing of this entrance shall be the same as the damages paid by the applicant when it was opened.

Although, I am in favor of granting the access, I don't feel the State should have to enter an agreement to buy back the access at this time. I thought I should reply in writing, as to why I voted against the motion.

Respectfully Yours,



Abner V. J. Jackson  
Chairman, Metropolitan Planning



November 16, 1970

Earl E. Rush, Chairman, Board of County Commissioners

Robert A. Lakin, Director of Planning

DR 70-29 - Access Control - West Kellogg at Maize Road

Attached is a staff report and the corresponding action of the Metropolitan Area Planning Commission concerning the request of Resthaven, Inc. for access on West 54. It is the desire of the applicant to send this directly to the State Highway Commission. It may be that the State will also want the comments of the City (Re authority for subdivision control) and the County (zoning control) before acting, but their comments to the applicant did not directly specify this. If the State needs additional action, I will advise.

RAL:ber

cc: John D. McNeal, State Highway Engineer  
State Office Building  
Topeka, Kansas 66612

November 16, 1970

Mr. Richard Loyd  
Attorney  
200 East First Street  
Wichita, Kansas 67202

Re: DR 70-29 - Access Control -  
West Kellogg at Maize Road

Dear Mr. Loyd:

The Metropolitan Area Planning Commission, at its meeting of November 12, 1970, considered the request of your client concerning access on property located at the northwest corner of Maize Road and U. S. 54. At the request of the applicant, the matter was considered without you being present due to the conflict of the Planning Commission meeting and your appearance in court.

After a lengthy discussion, the Metropolitan Area Planning Commission, by a vote of 5-1, recommended that access control to a single opening as requested be granted by the State Highway Commission and Federal Highway Administration, subject to an option being given to the State to repurchase the access for the amount established by current appraisals (value of the tract with compared to without access).

Sincerely,

Robert A. Lakin  
Director of Planning

RAL:ber

cc: Resthaven Gardens of Memory  
11800 West Highway 54  
Wichita, Kansas 67209

October 23, 1970

Mr. Richard A. Loyd  
200 East First Street  
Wichita, Kansas 67202

Re: DR 70-29 - Access Control -  
West Kellogg at Maize Road

Dear Mr. Loyd:

Because of a lack of a quorum, the Planning Commission, at its regular meeting of October 22, 1970, deferred consideration of the above-captioned matter to its next regular meeting on November 12, 1970. Again, we will place this item at the beginning of the agenda.

If you have any question concerning this item, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

October 21, 1970

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Robert A. Lakin, Director of Planning

DR 70-29 - Access Control - West Kellogg at Maize Road

REQUEST

Resthaven Cemeteries, Inc. thru their attorney, have requested the recommendation of the Planning Commission to a request for release of access control to U. S. 54 on the northwest corner of Kellogg and Maize Road. Such release is in the hands of the State Highway Commission, together with the Bureau of Public Roads. However, they require the local responsible bodies to recommend on this before accepting the application.

KELLOGG AS A FREEWAY

It should be recognized that U. S. 54 has been established as a freeway by legislative act of the State. This does not mean that 54 must remain on Kellogg, but it is there and the chances of it remaining there seem very good. The adopted Transportation Plan of the MAPC, and concurred in by the governing bodies, proposes freeway standards for West Kellogg. In line with these adopted Federal plans, the State Highway Commission is currently negotiating with a consultant to do freeway locational studies on two segments of U. S. 54 (I-235 to Maize Road and Maize Road to east of Garden Plain). These studies are being initiated at the strong request of the City and County. However, no construction schedules have been provided for the section west of Maize Road.

As one reviews the condition of Kellogg from Maize Road to 119th Street West, one must conclude that from a highway developmental viewpoint, the product as it now exists contains many errors. Too many medial breaks, too many access points, incomplete service road systems, etc. The initial reaction is to recommend completing the service road system, establish the appropriate crossovers and allow access to the service roads; however, since the locational study for freeways is about to begin, it would not seem that this course of action holds much promise.

The request is for one access point opposite the first medial break west of Maize Road. In comparing similar tracts (southeast corner of 119th Street and Kellogg) and the condition on medial breaks and other access points within this mile, it is hard to hold the request unreasonable.

Page 2 - Metropolitan Area Planning Commission  
October 21, 1970

If it were known for a fact that Kellogg would be the freeway alignment, the request should be denied outright. However, this is not known. Further, if such fact were established, construction has not been programmed. It might be 5 to 10 years before construction or right-of-way could be purchased, although it is hoped this can be determined much quicker (3-4 years). Thus, the problem is to accommodate a request for an interim period of time and yet not jeopardize the possibilities of upgrading this area to freeway standards.

One way to do this is to grant a temporary permit until the locational study is done. If the study establishes another location, then the applicant's request can be finalized with the appropriate appraisals, etc. made to establish permanent access.

A less desirable but probably satisfactory approach would be to authorize permanent access based on before and after value appraisals, but to establish an option to repurchase the access control at the current (1970) appraisal price (same as would be paid to the State if this request is approved), if the locational study indicates Kellogg should be made a freeway. This option should be made binding on all heirs, assigns and lessees.

In summary, it is recommended that access be made available to the tract requested provided that the Commission has satisfied itself that it will not jeopardize the possibility of freeway construction.

RAL:ber

ROBERT B. DOCKING, Governor

## State Highway Commission of Kansas

JOHN D. MONTGOMERY, Director of Highways  
R. L. PEYTON, Assistant State Highway Director  
JOHN D. McNEAL, State Highway Engineer



ROBERT P. HAGEN  
Lawrence, Kansas  
BOB KENT  
Salina, Kansas  
HENRY SCHWALLER  
Hays, Kansas  
KARL A. BRUECK  
Topeka, Kansas  
GALE MOSS  
El Dorado, Kansas  
LOUIS KAMPSCHROEDER  
Garden City, Kansas

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612

October 6, 1970

Reference:  
US-54, Sedgwick County

Mr. Robert A. Lakin  
Director of Planning  
Wichita-Sedgwick County  
Metropolitan Area Planning Department  
City Building Annex  
104 South Main Street  
Wichita, Kansas 67202



Dear Mr. Lakin:

In response to your request, I am providing you with a file of correspondence which has reference to the request of Mr. H. D. Bledsoe for a break in the access control along US-54 in Sedgwick County.

I am also attaching a strip map of the area which was prepared in the Commission's Right of Way Department and relates to the information contained in the report to me from that department, dated February 6, 1970.

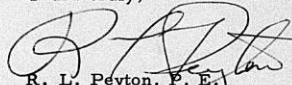
I am sure that you are aware of the fact that the State Highway Commission is in the process of developing plans to convert US-54 through this area to a freeway sometime in the future when funds become available.

The Commission's staff currently has authority to negotiate with consulting engineers for the preparation of a location study from Tyler Street west to the end of the four-lane freeway in the Goddard area. Authority also has been granted to the staff to negotiate for the design of a proposed freeway on US-54 from I-235 west to Tyler Street. Since the US-54 corridor through Sedgwick County and the City of Wichita has been designated by the State Legislature as a part of the state freeway system, it can be anticipated that these activities will continue, although firm schedules for any construction have not yet been established because of lack of financing.

-2-

I hope that this information will be helpful to you and the Planning Department in considering Mr. Bledsoe's application for a break in the access control on US-54.

Yours truly,



R. L. Peyton, P. E.  
Asst. State Highway Director

RLP/us

Att.

CC: Mr. John D. Montgomery

U.S. 54  
(Sedgwick Co.)

June 1, 1970

Mr. H. D. Bledsoe, President  
Resthaven Gardens of Memory  
Highway 54 & Clearwater Road  
Wichita, Kansas 67209

Dear Hap:

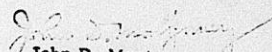
Reference: US-54, Sedgwick County

This will acknowledge your recent letter, concerning your proposed permit for an additional entrance on US-54 near Maise Road. Your note indicated that you were forwarding an application through the district office, and your letter was accompanied by an unexecuted copy of the proposed permit, which we assume was for informational purposes only.

You are referred to previous correspondence on this matter from Mr. Peyton, relative to the regulations concerning any proposal for breaking access control. Your proposed permit application should be favorably endorsed by any governing body in the vicinity having zoning jurisdiction with respect to the property involved. It also should be accompanied by a letter agreement from the landowner, stating that the cost of appraisal will be borne by the landowner and further that the landowner will agree to reimburse the state and Federal government for the difference in value of the property involved before and after access control is broken, as may be indicated by the appraisal.

Your letter did not indicate that all of these things had been accomplished; however, we are assuming that they have or will be since you were previously advised of these requirements.

Sincerely,

  
John D. Montgomery  
Director of Highways

CC: Mr. Gale Moss  
Mr. A. A. Holmquist  
Mr. John D. McNeal

JDM:RLP:us



# Resthaven GARDENS OF MEMORY

Highway 54 and Clearwater Rd. · Office: 11800 West Highway 54 · Phone: Salina 2-2100 · Wichita, Kansas 67225

May 20, 1970

Mr. John D. Montgomery  
State Highway Commission of Kansas  
State Office Building  
Topeka, Kansas

Gentlemen:

I herewith enclose an application for an entrance to our property on the north side of Highway 54, at a point approximately 550 feet west of the center line of Maize Road, the point known on your plans as 224+00. I submit the following reasons for which we feel the opening should be granted.

In September of 1963, these 15 1/2 acres were zoned for commercial development as their highest and best use. Needless to say, no owner would have agreed to a settlement on this 1/4 mile of access without an entrance in the center, had they any indication one could have been granted.

The State Highway Department changed its policy and plans after the settlement on our case and granted several openings and crossovers along this three-mile area, one of which is the point where we are now requesting an entrance.

Gentlemen, there are already two entrances and two crossovers on the south side of the highway along the frontage of this property, and to open this point of access per our request would not adversely affect the flow of traffic and would allow us to develop our land as it was originally intended.

Should you wish any additional information or reasons for granting this request, I would be most happy to appear in person or meet with you at your convenience.

Very sincerely yours,

H. D. Bledsoe  
President

HDB/be

Enc

*A series of Religious Gardens · With Guaranteed Perpetual Care*

U.S. 54  
(Sedgwick Co)

March 31, 1970

54-87 K 5093 (2)  
Sedgwick County

Mr. H. D. Bledsoe, President  
Resthaven Gardens of Memory  
11800 West Highway 54  
Wichita, Kansas 67209

Dear Mr. Bledsoe:

This will acknowledge your letter of March 25, indicating your desire to request an additional opening in the access control for an entrance on the north side of US-54 at approximate station 224 + 00.

I do not believe that you completely understood the final paragraph of my letter dated February 9, wherein it is stated that "if a formal application for additional breaks in the existing access control is made it would be considered on the basis of the current appraised value of the property with and without access control, the difference being a matter of consideration for repayment to the Commission." This requirement has nothing to do with the amount of damages previously paid to the property owner when access control was taken.

The procedure to apply for a break in the access control for an additional entrance is as follows:

1. The standard permit form must be filled out by the applicant. The permit form may be secured from the Division Engineer of the Commission at Hutchinson, Kansas.
2. The request as contained in the proposed permit must be endorsed with approval by the City of Wichita if the property involved is within the city. If it is not in the city, the request must be endorsed with approval by any public body having zoning authority or planning control in the area. In this case I believe it would be the Wichita-Sedgwick County Metropolitan Area Planning Department.

3. The property must be appraised by a competent real estate appraiser to determine the present value with and without the access control. The property owner must agree in writing when the permit request is submitted that he will pay the cost of the appraisal.

4. Once the appraisal is available, the property owner must agree in writing to repay to the State Highway Commission the amount indicated by the appraisal as the difference between the value of the property with the access control and with the new opening in the access control and the proposed entrance.

5. When all of this information is available to the Commission the proposal must be approved by the State Highway Commission and then submitted to the Federal Bureau of Public Roads for its approval.

Your attention is directed to the fact that the property owner must be prepared to accommodate the cost of the appraisal if the concurrence of the governing bodies is secured on the proposal without any guarantee on the part of the Commission or the Bureau of Public Roads that the request will be granted.

I re-direct your attention to the statement in my letter of February 9 that the Commission's position is that the access control should be maintained as it now exists. I can also advise you that a recent similar request previously approved by the City of Wichita and the State Highway Commission has been denied by the Bureau of Public Roads.

I hope that this information will clarify the entire situation for you so that you may make whatever decision you wish on this matter.

Yours truly,

R. L. Peyton, P. E.  
Asst. State Highway Director

RLP/us

CC: Mr. John D. Montgomery  
Mr. Gale Moss  
Mr. A. A. Holmquist  
Right of Way Department,  
Attention, Mr. John S. Schafer



# Resthaven GARDENS OF MEMORY

*Highway 54 and Clearwater Rd. - Office: 11800 West Highway 54 - Phone: Robinson 2-2100 - Wichita, Kansas*

March 25, 1970

Mr. R. L. Peyton, P. E.  
Assistant State Highway Director  
State Highway Commission  
State Office Building  
Topeka, Kansas

Dear Mr. Peyton:

As per your letter of February 9, 1970, please consider this a formal request for an opening on the north side of U. S. Highway 54 @ point 224+00. This location is per your drawing on my aerial view.

I am aware that the opening of this entrance will necessitate my repayment of that portion of damages paid by the State, which is satisfactory with me. However, the damages paid on this entire quarter section was in the amount of \$10,000.00 approximately.

If there is some type of form or application for a request such as this, rather than a letter, please send it to my office and I will complete it and return it to you.

Thank you kindly for your cooperation in this matter.

Sincerely,

H. D. Biedsoe  
President

HDB/sr

cc: Mr. John Montgomery  
Mr. Gale Moss  
Mr. John Shafer  
Mr. Harry Wiles

*A series of Religious Gardens - With Guaranteed Perpetual Care*

U.S. 54  
(Sedgwick Co.)

February 9, 1970

54-87 K 5093 (2)  
Sedgwick County

Mr. Hap Bledsoe  
11800 West Highway 54  
Wichita, Kansas

Dear Mr. Bledsoe:

In response to your request, I have investigated the access control acquisitions of the State Highway Commission on US-54 west of Wichita in the area shown on the aerial photographic map which you left with me. Station numbers which are referred to below have been incorporated on the map, which is being returned to you with this letter.

The entrance and cross-over at Station 193+07 were provided as a result of settling appeals resulting from the access control settlements for both the Ebersole property on the south and the motel property on the north. The entrance on the north side is a double entrance which provides access to your property.

The cross-over at Station 202+12 was added as a safety measure to provide safe exit for traffic from the entrance to the west. The entrance on the left or north side of the center line was closed by the taking of access control.

The entrances and cross-overs on the south side of the highway at Stations 219+92 and 224+00 were provided at the time the access control negotiations took place, and the original entrance at Station 221+93 was deleted.

The Commission paid substantial amounts to the former owners of the tract in which you are now interested for the access control and also for other tracts along that side of the highway. It is the Commission's position that the access control should be maintained as it now exists.

-2-

In any event, if a formal application for additional breaks in the existing access control is made it would be considered on the basis of the current appraised value of the property with and without access control, the difference being a matter of consideration for repayment to the Commission.

Yours truly,

R. L. Peyton, P. E.  
Asst. State Highway Director

RLP/us  
CC: Mr. Gale Moss  
Commissioner

Right of Way Department  
Attention, Mr. John S. Schafer

*copy to Mrs. Montgomery  
4-2-76  
b*

## State Highway Commission of Kansas

February 6, 1970

Right of Way  
Sedgwick County  
54-87 K 5093 (2)

MEMORANDUM TO: R. L. PEYTON, ASSISTANT STATE HIGHWAY DIRECTOR

I have reviewed the revision in access control and the location of the crossovers which were made after the initial acquisition of right of way and access control on the above project. These revisions are as follows.

An entrance was added right and left of Station 193+06.88. Also a crossover was constructed at this point. The entrance left of centerline was a joint entrance to provide a second access to the motel and an entrance to Mr. H. D. Bledsoe's to the tract of land which was virtually landlocked. This entrance was primarily for the motel since a large portion of their clientele are truck drivers and it was impossible for the trucks to turn around in the parking area in front of the motel. The entrance right of centerline at this point was to provide access to the Leo D. Ebersole tract. The additional entrance to the motel and to the Ebersole tract were in settlement of appeals.

At Station 202+12, a crossover was added to provide safety to the traveling public. The original entrance left of centerline at this location was closed by our taking of access control.

At the time of the acquisition of right of way from Gene Miles, the entrances were adjusted to provide better access to the tract and also crossovers were authorized to be constructed. Entrances were shown at Station 219+92 and Station 224+00. The access originally shown approximately Station 221+93 was deleted.

At the time of the acquisition of the right of way, Neffets Investment Company owned the land left of Station 217+08 to Station 230+30. The only access to this tract was at the east and west sides of the tract. The Highway Commission paid Neffets Investment Company \$11,704.00 for this access control. As an indication of the value of access on this portion of the highway, we paid Mr. Bledsoe \$28,000.00 for access over two tracts. The total length of this access control was 966 feet. This was the tract to the west of the cemetery which had access to the north-south road and was the tract on which the joint entrance was constructed which served the Bledsoe tract and the motel.

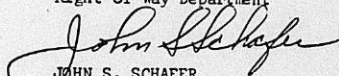
Mr. R. L. Peyton  
February 6, 1970  
Page 2

The tract just west of the Neffets Investment tract left Station 210+47.8 to Station 217+08 was acquired from Anna Frass. The only point of access is the joint entrance at Station 217+08. We paid Anna Frass \$5,704.00 for this access. This acquisition was in 1966 and land values have increased considerable since this time. It is granted that these tracts will be more valuable with additional access. If any release of access was granted, it should be on the basis of difference in value with and without access at present value.

Since Mr. Bledsoe's purchased the tract on which he is requesting a break in access after the access was acquired and he knew the points of access at the time of purchase, the Right of Way Department recommends that Mr. Bledsoe's request be denied.

Respectfully Submitted,

HARRY G. WILES, CHIEF  
Right of Way Department

  
JOHN S. SCHAFER  
Right of Way Engineer

JSS:hr

October 7, 1970

Mr. Richard A. Loyd  
200 East First Street  
Wichita, Kansas 67202

Subject: Resthaven Gardens of  
Memory - Request for additional  
access west of Maize Road

Dear Mr. Loyd:

I am in receipt of your letter to Bob Lakin, Director of Planning relative to the above captioned matter. Since Bob is out of town this week he asked that I advise you that we have written the Department of Public Works and the County Engineer advising them of your request and have also written the State Highway Department for additional information.

I have tentatively scheduled this matter for the Planning Commission Agenda on October 22, 1970 and upon Bob's return to the City he will confirm this date.

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

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ls

October 9, 1970

G. C. McLure, County Engineer

Jack H. Galbraith, Chief Planner

DR 70-29 - Request for Additional Access  
Project No. 54-87E 5093 (2)  
Station 224+00  
Northwest Corner of U. S. Highway 54 and Maize Road

Bob Lakin asked that I advise you that Resthaven Gardens of Memory, Inc. - H. D. Bledsoe - has applied to the State Highway Director for an additional right of access at the above location and as indicated on the attached aerial photograph. The State Highway Director has informed Mr. Bledsoe that the concurrence of the Metropolitan Area Planning Commission is required before right of access can be granted. Subject property is approximately 15 acres in size and is zoned "C" General Commercial District. The State Highway Commission is in the process of developing a plan to convert U. S. 54 through this area to a freeway sometime in the future when funds become available.

We have tentatively scheduled this matter on the agenda of the Planning Commission for October 22, 1970. Although this is provided for your information, we would appreciate any comments you might have regarding this request for additional access to U. S. 54.

JHG:ber

Attachment

October 9, 1970

Ray Bruggeman, Director of Public Works

Jack H. Galbraith, Chief Planner

DR 70-29 - Request for Additional Access  
Project No. 54-87E 5093 (2)  
Station 224/00  
Northwest Corner of U. S. Highway 54 and Maize Road

Bob Lakin asked that I advise you that Resthaven Gardens of Memory, Inc. - H. D. Bledsoe - has applied to the State Highway Director for an additional right of access at the above location and as indicated on the attached aerial photograph. The State Highway Director has informed Mr. Bledsoe that the concurrence of the Metropolitan Area Planning Commission is required before right of access can be granted. Subject property is approximately 15 acres in size and is zoned "C" General Commercial District. The State Highway Commission is in the process of developing a plan to convert U. S. 54 through this area to a freeway sometime in the future when funds become available.

We have tentatively scheduled this matter on the agenda of the Planning Commission for October 22, 1970. Although this is provided for your information, we would appreciate any comments you might have regarding this request for additional access to U. S. 54.

JHG:ber

Attachment

cc: B. E. Smith  
City Engineer

Dick Linn  
Design Chief Engineer

EMMET A. BLAES  
ROETZEL JOCHEMS  
ROBERT G. BRADEN  
JAMES W. SARGENT  
STAN E. WISDOM  
BRUCE W. ZUERCHER  
L.D. KLENDIA  
CHARLES H. CLINE  
RICHARD A. LOYD

PAUL H. HUMANN  
LAWRENCE MEDONOUGH  
TERRY G. PAUP  
GERALD D. HAAG  
ROBERT L. HEATH  
TIMOTHY E. MCKEE

**JOCHEMS, SARGENT & BLAES**

**ATTORNEYS AT LAW**

FARMERS & BANKERS BUILDING

200 EAST FIRST STREET

POST OFFICE BOX 2134

**WICHITA, KANSAS 67201**

(316)262-8443

W. O. JOCHEMS  
(1886-1960)  
J. WIRTH SARGENT  
(1894-1966)

J. FRANCIS HESSE  
HARRY L. HOBSON  
LEONARD A. LEVAND  
COUNSEL

October 2, 1970

Director of Planning  
Metropolitan Area Planning Commission  
104 South Main  
Wichita, Kansas 67202

Re: Additional access  
Project No. 54-87E 5093 (2)  
Station 224700  
Northwest corner of U.S. Highway 54  
and Maize Road

Dear Sir:

Resthaven Gardens of Memory, Inc., has applied to the State Highway Director for an additional right of access at the above location. The State Highway Director has advised the applicant that the concurrence of the Metropolitan Area Planning Commission is required before this right of access can be granted.

In the original condemnation action concerning this three-mile area, information was given to the owners of this land that no additional crossovers or entrances would be given other than those indicated on the original plans. Under the original plans, some of the existing access points and crossovers would be eliminated.

Based upon the information given to the owners of this property, the award by the State's own appraisers was accepted, and the owners of this property accepted the plans. Under the original plans, no access was granted for this property.

Later, the State of Kansas changed its policies and plans and granted additional crossovers and access points, two of which are adjacent to this property.



JOCHEMS, SARGENT & BLAES

Director of Planning  
Metropolitan Area Planning Commission  
October 2, 1970  
Page -2-

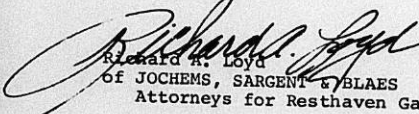
This property contains 15-1/2 acres of prime land, presently zoned light commercial. It has 1,320 feet of frontage on U.S. Highway 54. The City of Wichita will want to hold back a portion of the access on Maize Road when the property is platted. To best develop this property for the highest and best possible use under its present light commercial zoning, the applicant is asking for one additional entrance at the existing crossover. The existing crossover was not on the original plans, but was added later.

This request is required both for the highest and best use of the land and also for the purpose of developing the land with a good traffic flow.

The applicant has been advised by the State Highway Director that if the access entrance is granted, the State Highway Commission will reappraise the land and assess an amount which the applicant must refund to the State Highway Department. The applicant understands and agrees to this procedure.

The applicant requests a hearing at your earliest convenience.

Very truly yours,

  
Richard W. Loyd  
of JOCHEMS, SARGENT & BLAES  
Attorneys for Resthaven Gardens of Memory, Inc.

RAL:bw

Scale 1"=500'

1247827 Sec Line

Horton Cross  
West 60 A. of SE 1/4  
Sec. 26-T275-R2W

Geo. Cross  
East 1/2 SW 1/4, SE 1/4, SE 1/4  
Sec. 26-T275-R2W

Westinghouse Credit Corp. SW 1/4 less tracts  
Sec. 25-T275-R2W

Behlen Mfg Co  
app 10 ac.

Keney S. Stevens  
1507947 1/4 Sec

Ruth Hornecker M<sup>s</sup> Bratney  
Part of SE 1/4  
Sec. 25-T275-R2W

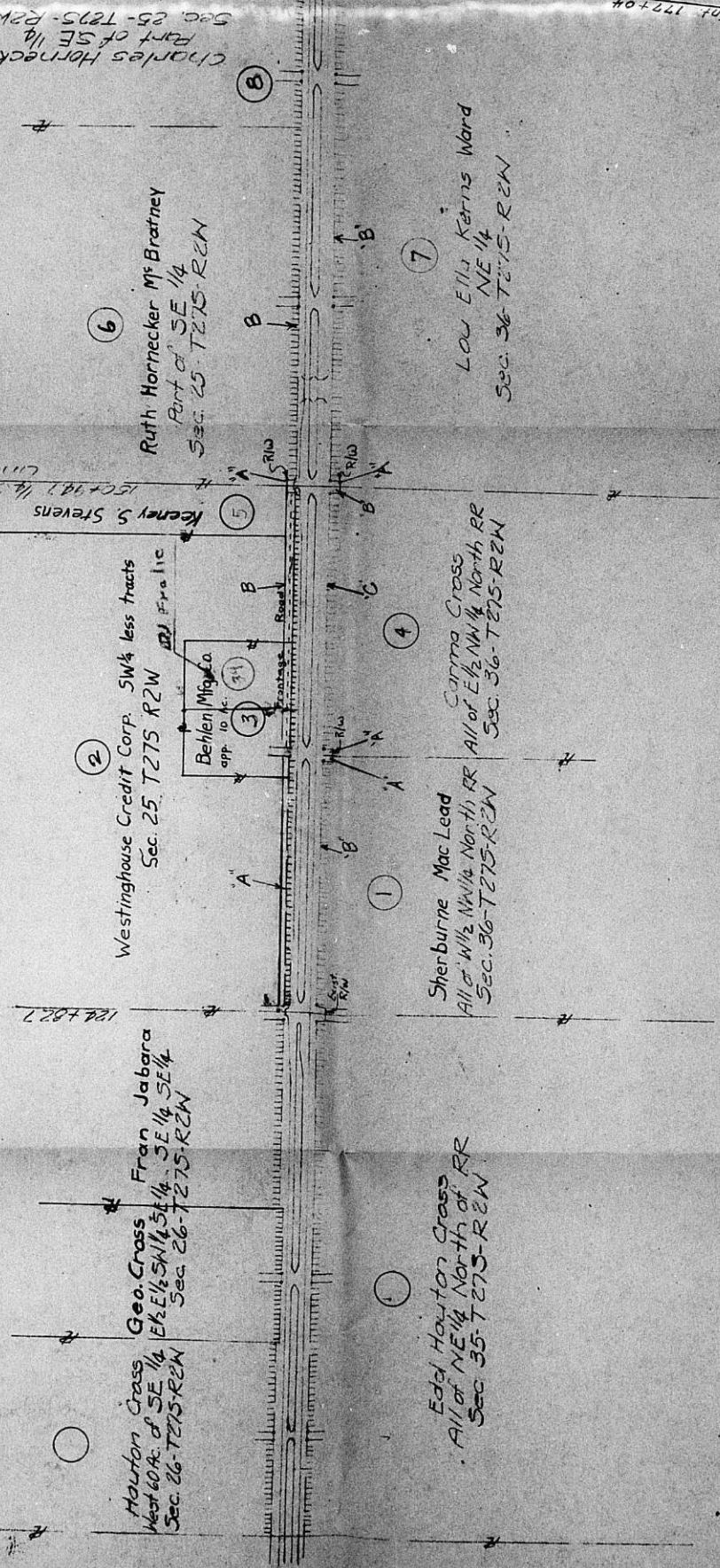
Charles Hornecker, Jr  
Part of SE 1/4  
Sec. 25-T275-R2W

Eddy Hayton Cross  
All of NE 1/4 North of RR  
Sec. 35-T275-R2W

Sherburne Mac Lead  
All of NW 1/2 NW 1/4 North RR  
Sec. 36-T275-R2W

Carma Cross  
All of E 1/2 NW 1/4 North RR  
Sec. 36-T275-R2W

Low E. L. Kerns Ward  
NE 1/4  
Sec. 36-T275-R2W



Ent. 177+04 Charles Hornecker, Jr Part of SE 1/4 Sec. 25-T275-R2W 177+04.3 Sec. Line

Ent. 177+03 Harry D. Bledsoe

Ent. 184+59 Allen & Jones Inc. 1/2 of NW 1/4 Sec. 31-T275-R1W

Ent. 189+78 Resthaven Garden of Memory Inc.

Ent. 193+06.88 D. Bledsoe

Ent. 194+43 A.M. Gilchrist

Ent. 196+27

Ent. 197+63

Ent. 203+87.8 Joseph J. Brady

Ent. 209+25 Entertainment Enterprises Inc. 1/2 of NW 1/4 Sec. 30-T275-R1W

Ent. 217+08 Anna Frass 1/2 of W 1/2 of SE 1/4 Sec. 30-T275-R1W

Ent. 219+47 Lofland Soil-Craft Inc. Fred H. Boushough

Ent. 219+92 Gene Miles

Ent. 220+00 Ritchie Bros. Inc.

Ent. 229+36 Jewel Hurst

Ent. 236+12

Ent. 251+85

Ent. 236+100

Ent. 236+12

Ent. 236+12

Ent. 236+12

Ent. 236+12

Ent. 177+04

Ent. 177+03

Ent. 184+59

Ent. 189+78

Ent. 193+06.88

Ent. 194+43

Ent. 196+27

Ent. 197+63

Ent. 203+87.8

Ent. 209+25

Ent. 217+08

Ent. 219+47

Ent. 219+92

Ent. 220+00

Ent. 229+36

Ent. 236+100

Old E. Martinson Part of SW 1/4 North of Sec. 29-T275-R1W

Emmett L. Carter

Netets Investment Co. Inc. 50% of SE 1/4 Sec. 30-T275-R1W

Anna Frass 1/2 of W 1/2 of SE 1/4 Sec. 30-T275-R1W

Entertainment Enterprises Inc. 1/2 of NW 1/4 Sec. 30-T275-R1W

Joseph J. Brady 1/2 of NW 1/4 Sec. 30-T275-R1W

A.M. Gilchrist

D. Bledsoe

Harry D. Bledsoe

Charles Hornecker, Jr Part of SE 1/4 Sec. 25-T275-R2W

Emmett L. Carter

Jewel Hurst

Ritchie Bros. Inc.

Gene Miles

Lofland Soil-Craft Inc. Fred H. Boushough

Anna Frass

Entertainment Enterprises Inc.

Joseph J. Brady

A.M. Gilchrist

D. Bledsoe

Harry D. Bledsoe

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

Charles Hornecker, Jr

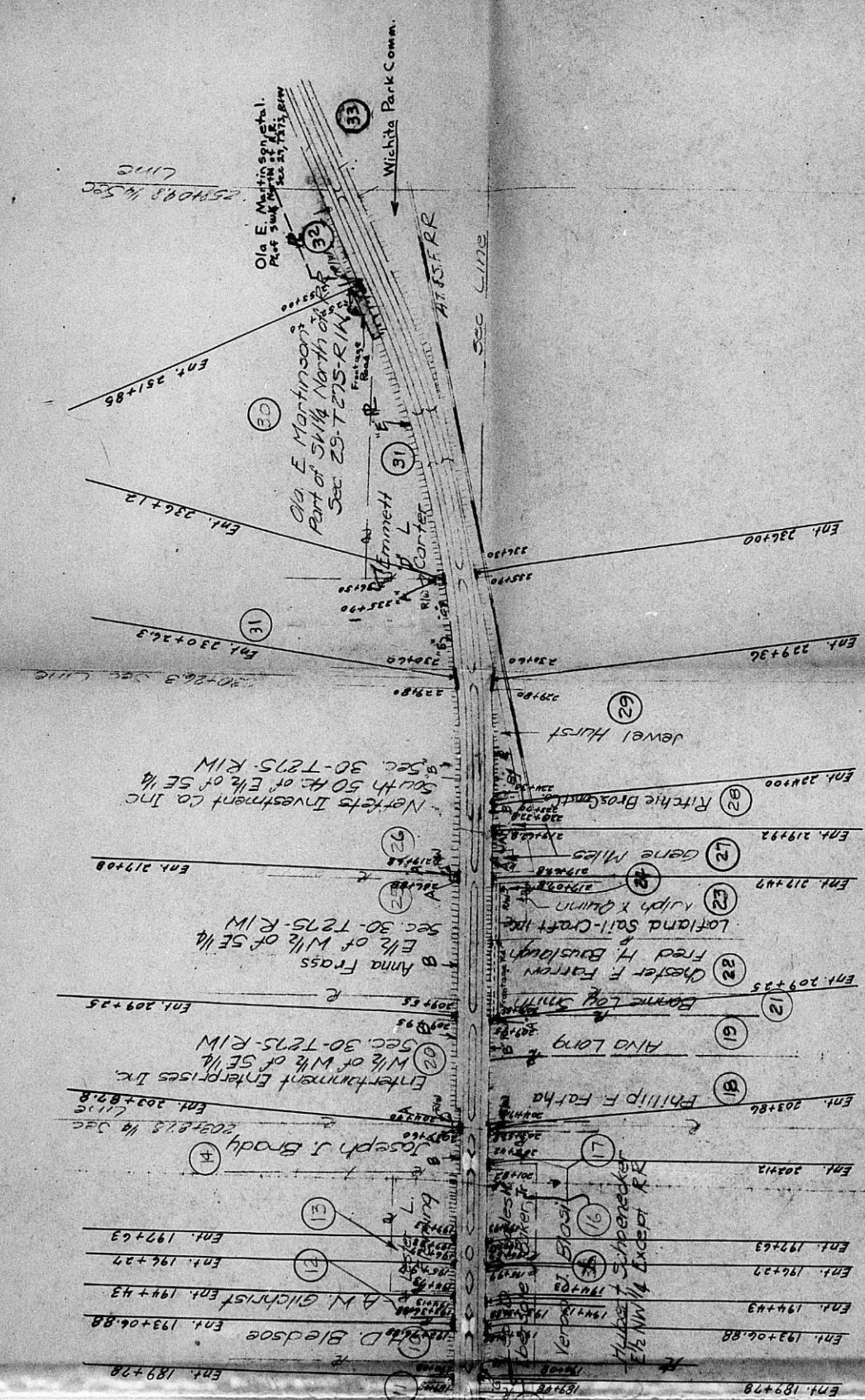
Section Line  
 Township Line  
 Grant Line  
 Corporate Limits  
 Access Control  
 Right of Way Lin  
 Traveled Way  
 Tract Index Num

Access restricted  
 from abutting prop

Access not restri  
 road from abutti

Existing R/W show

2-2-67	AS
3	1-3-67
2	12-1-66
1	9-15-66
No	Date



Section Line

Access restricted

Existing R/W show

No	Date
----	------

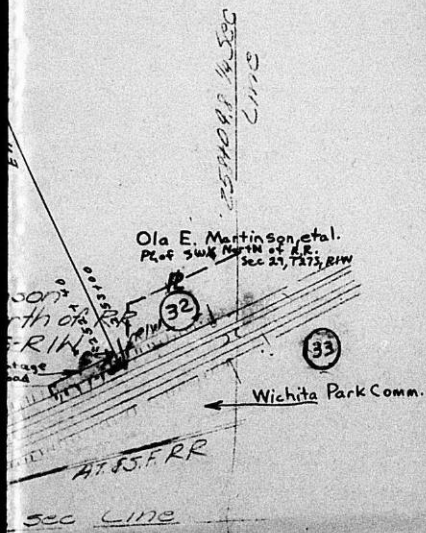
12-2-66  
 11-20-66

# LEGEND

- State or National Line .....
- County Line .....
- Section Line .....
- Township Line .....
- Grant Line .....
- Corporate Limits .....
- Access Control .....
- Right of Way Line .....
- Traveled Way .....
- Tract Index Number .....

- Access restricted to highway from abutting property ..... A
- Access not restricted to frontage road from abutting property ..... B

Existing R/W shown in .....



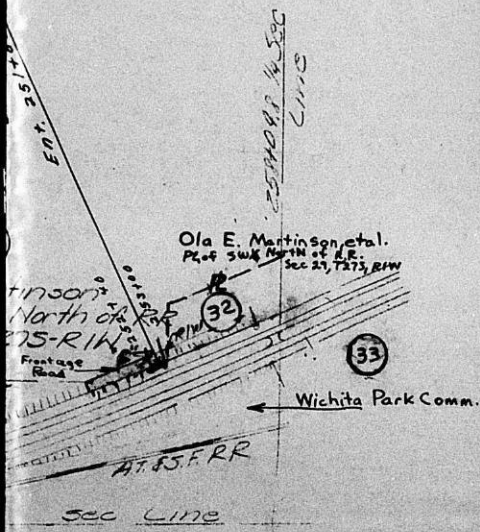
2-2-67 additional # 9

No	Date	Revisions	By	App'd
3	1-3-67	Frontage Road Remove #32, Spring 28th	LLR	LLR
2	12-1-66	Frontage Road added #30 & #32	LLR	LLR
1	9-15-66	Frontage Rd. #27 & 28 Deleted	LLR	LLR

corrected 4-21-66 names, R/W Frontage Road

STATE HIGHWAY COMMISSION OF KANSAS  
 RIGHT OF WAY DEPT.  
 PROPERTY OWNERSHIP MAP

State or National Line .....  
 County Line .....  
 Section Line .....  
 Township Line .....  
 Grant Line .....  
 Corporate Limits .....  
 Access Control .....  
 Right of Way Line .....  
 Traveled Way .....  
 Tract Index Number ..... 5



Access restricted to highway from abutting property ..... A

Access not restricted to frontage road from abutting property ..... B

Existing R/W shown in .....

2-2-67 additional R #9

No	Date	Revisions	By	App'd
3	1-3-67	Frontage Road Removal #32 Original 280' W	LLR	LLR
2	12-1-66	Frontage Road added #30 & #32	LLR	LLR
1	9-15-66	Frontage Rd #27 & 28 Deleted and #30 added	LLR	LLR

corrected 4-21-66 names, R. & Frontage Road LLR

**STATE HIGHWAY COMMISSION OF KANSAS**  
**RIGHT OF WAY DEPT.**  
**PROPERTY OWNERSHIP MAP**

COUNTY SEDEWICK CO.

PROJECT 54-BTK0023(2)

SHEET \_\_\_\_\_ OF \_\_\_\_\_ SHEETS

Traced By \_\_\_\_\_

Checked By \_\_\_\_\_

This file contained  
aerial map number

4746