

S/D 61-6

E 2

OSTEOPATHIC ADDITION

LOCATION ON NW CORNER OF CENTRAL AND McLEAN
BLVD.

ENGINEER CLYDE M. BAUGHMAN Co.

OWNER OSTEOPATHIC HOSPITAL OF WICHITA, KANS.

APPLICATION FILED 2-23-61

SKETCH PLAT FILED 2-23-61

PRELIMINARY FILED 2-23-61

S/D ACTION 3-9-61 ①

FINAL FILED 5-8-61

S/D ACTION 5-15-61 *approve*

MAPC ACTION 5-16-61 *approve*

BCC ACTION 5-31-61 *approve*, 11-14-61 *Reapprove*

RECORDED 12-1-61

REMARKS This area platted before as
J.G. Hinds Add. in preliminary form
① Referred to 3-30-61

S/D 61-6 - OSTEOPATHIC ADDITION -
GENERALLY LOCATED ON THE NW CORNER OF
CENTRAL AND McLEAN BOULEVARD.

Posted
2-27-60

ACTION

	DATE
S/D COMMITTEE	3-9-61
S/D Comm	3-30-61
M.A.P.C.	5-18-61
B.C.C. / B.O.D.C. / Reg. process	11-14-61

SUBDIVISION PROGRESS SHEET

MAP No. E2
 SEC. No. 13
 TWP. No. 27
 RANGE 1W

S/D No.: 61-5

NAME: OSTEOPATHIC ADDITION

GENERAL LOCATION: ON NW CORNER OF CENTRAL AND MCLEAN BLVD.

OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
 ADDRESS: 3557 E. DOUGLAS PHONE: NU 3-4624
 SUBDIVIDER: SAME
 ADDRESS: _____ PHONE: _____
 ENGINEER/SURVEYOR: CLYDE H. BAUGHMAN CO. PHONE: _____
 ADDRESS: 2522 E. KELLOGG PHONE: NU 3-7431

*APPLICATION RECEIVED 2-23-61 FINAL PLAT RECEIVED 5-8-61
 CONF. WITH APPLICANT _____ TRACING RECEIVED 5-8-61
 SKETCH PLAT RECEIVED 2-23-61 FINAL PLAT REVIEWED 5-8-61
 POSTED TO ATLAS 2-27-61 (2) S/D REPORT #2 PREPARED 5-8-61
 PRESENT ZONING AA
 PROPOSED ZONING LC *S/D COMM. ACTION 5-15-61 App.
 SKETCH PLAT REVIEWED _____
 LETTER OF INTENT _____
 S/D REPORT #2 MARKED 5-15-61
 DEPT. REPORT ON FINAL 5-16-61
 MARKED COPY SENT TO ENG. 5-16-61
 PREL. PLAT RECEIVED 2-23-61 *M.A.P.C. ACTION 5-18-61 App.
 PREL. PLAT REVIEWED 2-28-61
 S/D REPORT #1 PREPARED 3-1-61
 S/D REPORT #2 MARKED n/a
 DEPT. REPORT ON FINAL 5-25-61
 *S/D COMM. ACTION 3-9-61 (3) 3-30-61 App.
 S/D REPORT #1 MARKED Yes
 DEPT. REPORT ON PREL. 3-13-61
 MARKED COPY SENT TO ENG. 3-13-61
 LETTER ON IRONS RECEIVED 11-14-61
 TITLE OPINION RECEIVED 5-8-61
 TAXES OPINION RECEIVED 11-13-61
 TITLE & TAXES REVIEWED 11-17-61
 FINAL REVIEW _____
 LETTER TO B.C.C. 5-25-61
11-12-61
 *B.C.C. ACTION 5-31-61 App. & Re. App.
11-14-61
 RECORDED 12-1-61
 ANNEXED _____

COMMENTS: William I. Fisher HO 9-5167
3-9-61 (1) Refer for conference and consideration of plan as noted in letter of 3-28-61
5-8-61 (2) Staff comment to be distributed at meeting of S/D Comm.
5-31-61 BCC approved as recommended by MAPC. etc.
6-1-61 (1) Check control on Central title from F.H. Richmond to McLean
6-1-61 (2) Acquire Central title from McLean from N. to S. p. 1st plat title and tax data is speeded default the tracing can be released for recording
6-17-61 App. person obeyed McLean to date

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS



OSTEOPATHIC

filed for record on December 1, 1961

Rufus E. Deering
Register of Deeds

12-1-61

C. H. FUNK, CITY CLERK

NOVEMBER 17, 1961

ROBERT A. LAKIN, SENIOR PLANNER

OSTEOPATHIC HOSPITAL - CITY CLERK'S AGENDA ITEMS

WE HAVE THREE ITEMS WHICH MUST BE APPROVED BY THE BOARD OF CITY COMMISSIONERS IN ORDER TO COMPLETE THE NECESSARY TRANSACTIONS RELATIVE TO THE ZONING AND PLATTING OF THE OSTEOPATHIC HOSPITAL AREA. I WOULD SUGGEST THAT THESE ITEMS BE PLACED ON THE AGENDA IN THE FOLLOWING MANNER:

ITEM ____ INSTRUMENTS AND A RESOLUTION NECESSARY TO COMPLETE ACTION ON THE OSTEOPATHIC HOSPITAL AREA (CENTRAL AND McLEAN BOULEVARD)

- A. ZONING RESOLUTION No. 103. MAKING ZONING EFFECTIVE AS APPROVED BY THE CITY COMMISSION ON NOVEMBER 14, 1961, CASE No. Z-0309.

ACTION: ADOPT THE RESOLUTION.

- B. QUIT CLAIM DEED DISCLAIMING ANY INTEREST TO THE AREA WHICH IS KNOWN AS BLOCK 1 AND 2, OSTEOPATHIC ADDITION. THIS IS NECESSARY IN ORDER TO CLEAR TITLE PRIOR TO THE FILING WITH THE REGISTER OF DEEDS THE FINAL PLAT OF OSTEOPATHIC ADDITION.

ACTION: APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE THE QUIT CLAIM DEED ON BEHALF OF THE CITY OF WICHITA.

- C. CONTRACT OF PURCHASE. ACQUISITION OF CONTROLLED ACCESS FACILITIES PURSUANT TO THE TERMS OF THE RESOLUTION AND ORDINANCE NO. 26-105, ADOPTED NOVEMBER 7, 1961, DECLARING THE NECESSITY FOR THE IMPROVEMENT OF THAT PORTION OF McLEAN BOULEVARD FROM A POINT 300 FEET SOUTH OF THE SOUTH LINE OF NINSH STREET TO A POINT 400 FEET NORTH OF THE NORTH LINE OF CENTRAL AVENUE, BY ACQUISITION OF THE CONTROLLED ACCESS ALONG THE AREA OF THE MAJOR TRAFFICWAY AFORESAID. THE GOVERNING BODY HAVING, ON MAY 31, 1961, AGREED WITH THE LANDOWNER THAT THE VALUE OF SAID CONTROLLED ACCESS FACILITIES IS IN THE AMOUNT OF \$23,000, THE CITY ATTORNEY REPORTS FORMAL ACQUISITION PURSUANT TO AGREEMENT WITH THE OSTEOPATHIC HOSPITAL OF WICHITA IN THE AMOUNT OF \$22,391.45. THE DESIGNATION OF CONTROLLED ACCESS HAS BEEN MADE A PART OF THE PLAT OF OSTEOPATHIC ADDITION.

C. H. FUNK, CITY CLERK

- 2 -

NOVEMBER 17, 1961

ACTION: RATIFY CONTRACT OF PURCHASE IN LIEU OF CONDEMNATION AND AUTHORIZE PAYMENT OF THE SUM OF \$22,391.45 TO OSTEOPATHIC HOSPITAL OF WICHITA FOR ACQUISITION OF CONTROLLED ACCESS FACILITIES HEREIN DESCRIBED.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

CC: FRANK H. BACKSTROM, CITY MANAGER
T. J. SCARLON, EXECUTIVE ASSISTANT
EUGENE PIRTLE, ASSISTANT CITY ATTORNEY.

THE CITY OF WICHITA

OFFICE OF Assistant City Attorney

DATE November 15, 1961

File

TO Robert A. Lakin, Senior Planner

FROM Eugene L. Pirtle, Assistant City Attorney

SUBJECT Osteopathic Addition

Attached is our agenda item and purchase agreement in the above matter. Please place this item, along with the items you are preparing concerning the same on the commission agenda for the meeting of November 21, 1961.

Eugene L. Pirtle
Eugene L. Pirtle,
Assistant City Attorney

ELP:ka



THE CITY OF WICHITA

OFFICE OF Assistant City Attorney

DATE November 15, 1961

File

TO Dale Ridgeway, Administrative Assistant

FROM Eugene L. Pirtle, Assistant City Attorney

SUBJECT Agenda Item,
re: Osteopathic Addition

Please place the following item on the agenda for the City Commission meeting of November 21, 1961:

Acquisition of controlled access facilities pursuant to the terms of the resolution and ordinance no. 26-105, adopted November 7, 1961, declaring the necessity for the improvement of that portion of McLean Boulevard from a point 300 feet south of the south line of Ninth Street to a point 400 feet north of the north line of Central Avenue, by acquisition of the controlled access along the area of the major trafficway aforescribed. The governing body having, on May 31, 1961, agreed with the landowner that the value of said controlled access facilities is in the amount of \$23,000, the city attorney reports formal acquisition pursuant to agreement with the Osteopathic Hospital of Wichita in the amount of \$22,391.45. The designation of controlled access has been made a part of the plat of Osteopathic Addition.

ACTION: Ratify contract of purchase in lieu of condemnation and authorize payment of the sum of \$22,391.45 to Osteopathic Hospital of Wichita for acquisition of controlled access facilities herein described.

Eugene L. Pirtle
Eugene L. Pirtle,
Assistant City Attorney

ELP:ka

cc: Frank H. Backstrom, City Manager
Fred W. Aley, City Attorney
T. J. Scanlon, Executive Assistant

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO TO THE FILES

DATE NOVEMBER 17, 1961

FROM ROBERT A. LAKIN, SENIOR PLANNER

SUBJECT OSTEOPATHIC ADDITION

ONE OF THE CONDITIONS OF APPROVAL OF THE OSTEOPATHIC ADDITION WAS TO SHOW THE KG&E EASEMENT AT THE SOUTHWESTERLY CORNER OF BLOCK 1. A COPY OF THIS ORIGINAL EASEMENT IS IN THE FILE FOR REFERENCE. IT IS MY OPINION IN READING THE EASEMENT THAT THE AFFECT OF THE EASEMENT IS TO DESCRIBE A "BLANKET" AREA RATHER THAN A SPECIFIC AREA. ON THIS ASSUMPTION, I REQUESTED THE ENGINEER (FRED BONE) TO TRY TO OBTAIN A RELEASE FROM KG&E OF ALL OF THAT PORTION OF BLOCK 1 EXCEPT THAT NEEDED TO PROTECT THE EXISTING TWIN 60KV LINE.

HAROLD DAVIS (KG&E) WAS CONTACTED AND KG&E PREPARED AND EXECUTED A UNILATERAL RELEASE OF EASEMENT AS SUGGESTED. THIS RELEASE WAS FILED FOR RECORD BY KG&E. A COPY OF THIS RELEASE IS IN THE FILE FOR REFERENCE.

ROBERT NESMITH, THE ATTORNEY FOR THE PLATTOR, AND EUGENE PIRTLE, CHIEF ASSISTANT CITY ATTORNEY, DISAGREED ON THE POINT THAT THIS WAS A BLANKET EASEMENT AND FELT THAT THE RELEASE WAS UNNECESSARY AND IMPROPER. AS A COMPROMISE TO MEET THE PLANNING COMMISSION REQUIREMENT THAT THE EASEMENT BE SHOWN, A NOTATION AS TO THE EXISTENCE OF THE ORIGINAL EASEMENT WAS PLACED ON THE PLAT RATHER THAN TO SHOW THE AREA (OR LINE) ACTUALLY COVERED BY EASEMENT. THIS COMPROMISE APPEARS TO SATISFY ALL PARTIES CONCERNED, I.E. THE ATTORNEY FOR THE PLATTORS, THE CITY ATTORNEY'S OFFICE AND THE PLANNING DEPARTMENT. SINCE KG&E IN ANY EVENT, WHETHER WITH THE ORIGINAL EASEMENT OR WITH THE ORIGINAL EASEMENT AS MODIFIED BY THE RELEASE, IS PROTECTED, THEY WERE NOT CONTACTED AS TO THE LAST ARRANGEMENT.


ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO TO THE FILES
FROM ROBERT A. LAKIN, SENIOR PLANNER

DATE NOVEMBER 17, 1961

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ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

TO THE FILES

NOVEMBER 17, 1961

ROBERT A. LAKIN, SENIOR PLANNER

OSTEOPATHIC ADDITION

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ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

PARTIAL RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on the 14th day of April, 1946, a certain easement grant was executed by Mary Cooper Evans, D. J. W. Cooper, Mrs. Ralph N. Rounds and Ralph M. Rounds, as Grantor therein, to KANSAS GAS AND ELECTRIC COMPANY, a corporation, as Grantee therein, with respect to the following described land situated in the County of Sedgewick, State of Kansas, said easement grant being recorded in the office of the Register of Deeds in and for said County in Book K-365, at page 353, to-wit:

That property known as Lot 4 in Southeast quarter of Section 13 Township 27 South, Range 1 West which has as its west boundary a line established by Deeds filed in Book 308, Pages 110 and 242 between C. K. Whiting and S. W. Cooper. Said line beginning 1696.3 ft. east of the Southwest corner of Southeast quarter of Section 13 Township 27 Range 1 West, thence north 150 ft. thence west 25 ft. thence north to the north line of Southeast quarter of Section 13 Township 27 South Range 1 W. Pole line to enter approximately 60 ft. east of the southwest corner of property and proceed west at an angle of 60 plus or minus degrees north to a point 8 ft. east of the west property line, thence northerly to a point approximately 15 ft. east and 70 ft. south of the northwest corner of property. From last sforesaid point, 2 anchors to be installed 22 ft. and 26 ft. respectively north; one pole to be installed 10 ft. north and 10 ft. east; 2 anchors to be installed 10 ft. east and 32 ft. and 38 ft. respectively north and 2 anchors to be installed 10 ft. north and 32 ft. and 38 ft. respectively east.

\$10 per pole and/or anchor to be paid within 10 days after construction is completed.

AND WHEREAS, the said Grantee therein desires to release its said easement grant as to a certain portion or portions only of the land sforesaid,

NOW, THEREFORE, KANSAS GAS AND ELECTRIC COMPANY, a corporation, for and in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, does hereby release and relinquish its rights under said easement grant on all of the above described land except the following portion or portions thereof, to-wit:

Beginning at a point one thousand nine hundred sixty-eight and three tenths (1968.3) feet East and forty (40) feet North of Southwest corner, Southeast 1/4, Section 13, Township 27 South, Range 1 West, thence Northwestwardly to a point seventy (70) feet West and one hundred thirty-five (135) feet North of the point of beginning, thence in a Northerly direction approximately one thousand four hundred and seventeen (1417) feet to a point, which point is fifteen (15) feet East of the West line of said tract and approximately one thousand five hundred ninety-two (1592) feet North of the South line of said Southeast 1/4, Section 13, thence in a Northerly direction to a point, which point is forty (40) feet East of the West line of said tract and sixty (60) feet South of the North line of said tract, thence East thirty (30) feet, thence North sixty (60) feet to North line of said tract, thence West seventy (70) feet to the Northwest corner of said tract, thence South along West line of said tract for a distance of approximately two thousand three hundred seventy and seven hundredths (2370.07) feet, thence East twenty-five (25) feet, thence South twenty-five (25) feet, thence in a Southeastwardly direction to a point, which point is thirty (30) feet West of the point of beginning, thence East thirty (30) feet to point of beginning.

By the acceptance and recording of this instrument, the owner or owners of the lands burdened by said easement grant, for themselves, their heirs, successors and assigns, acknowledge full satisfaction and discharge of all claims which they, or any of them, may have or claim to have against KANSAS GAS AND ELECTRIC COMPANY, a corporation, arising out of or in any way connected with said easement grant or the use of the premises thereunder, and further acknowledge and affirm that as to the land above described premises, KANSAS GAS AND ELECTRIC COMPANY, a corporation, has retained and does retain all of its rights, title and interest set out in the sforesaid original easement grant.

IN WITNESS WHEREOF, the undersigned corporation has caused this instrument to be executed by its duly authorized President, Vice President or Assistant to the President, with its common seal affixed, attested by its Secretary or Assistant Secretary, this 24th day of October, 1946.

KANSAS GAS AND ELECTRIC COMPANY

By S. J. SICKEL
President

ATTEST:

Chas. M. Wheeler
Secretary

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 24th day of October, 1946, before me, the undersigned, a notary public in and for the County and State sforesaid, came S. J. Sickel, President of KANSAS GAS AND ELECTRIC COMPANY, a corporation, who is personally known to me to be the same person who executed as such officer the foregoing instrument of writing, and he duly acknowledged the execution of the same as the free and voluntary act of said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

Chas. M. Wheeler
Notary Public

My commission expires August 6, 1945

CHAS. M. WHEELER
Notary Public
My Commission Expires Aug. 6, 1945

MISCELLANEOUS RECORD 234

Form 1802

RIGHT-OF-WAY EASEMENT

231

The undersigned do (es) hereby grant and convey to Kansas Gas and Electric Company, a corporation, its successors and assigns, the Right-of-Way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Sedgewick County, State of Kansas, to-wit: That property known as Lot 4 in Southeast quarter of Section 13 Township 27 South, Range 1 West which has as its west boundary a line established by Deeds filed in Book 308, Pages 110 and 112 between G. W. Whiting and G. J. Cooper. Said line beginning 1898: 9 ft. east of the Southwest corner of Southeast quarter of Section 13 Township 27 Range 1 West, thence north 150 ft. thence east 32 ft. thence north to the north line of Southeast quarter of Section 13 Township 27 Range 1 W. Pole line to enter approximately 60 ft. east of the southwest corner of property and proceed west at an angle of 60 plus or minus degrees north to a point 8 ft. east of the west property line, thence northerly to a point approximately 15 ft. east and 70 ft. south of the northeast corner of property. From last aforesaid point, 2 anchors to be installed 22 ft. and 28 ft. respectively north; one pole to be installed 10 ft. north and 10 ft. east; 2 anchors to be installed 10 ft. east and 32 ft. and 36 ft. respectively north and 2 anchors to be installed 10 ft. north and 32 ft. and 28 ft. respectively east.

\$10 per pole and/or anchor to be paid within 10 days after construction is completed.

with the right of ingress and egress to and from the same. The said grantor (s), heirs or assigns to fully use and enjoy the said premises except for and subject to the rights of grantees for the purposes hereinbefore granted to said grantees, its successors or assigns, who by its acceptance hereof and entry upon the premises for the use thereof hereby agrees to pay any damages which may be caused to crops and fences from the building, maintaining and operating of said lines, said damages, if not mutually agreed upon to be ascertained and determined by three disinterested persons; one of whom shall be selected by the said grantor (s), heirs or assigns, the second by the grantees, its successors or assigns, and the third by the two so appointed as aforesaid. The awards of such three persons to be final and conclusive.

Grantors agree that they will not locate any building, hay stack, straw stack, trees, structures, or any combustible material near enough to said poles, wires and fixtures to endanger the same or interfere with the operation thereof or to be likely to result in damage thereto if a fire should occur. Receipt of payment of one dollar and other good and valuable considerations herefor is hereby acknowledged.

Mary Cooper Evans
 D. J. M. Cooper
 Miss Ralphe M. Rowland
 Ralph W. Stouder

STATE OF KANSAS }
 Sedgewick COUNTY } ss.

I hereby certify that on this 14th day of June, A. D. 1948, before me,

undersigned, a Notary Public in and for the County and State aforesaid, came Mary Cooper Evans and D. J. M. Cooper, single, Ralph W. Stouder, Miss Ralphe M. Rowland, his wife to me personally known to be the same person (s) who signed and executed the foregoing instrument and they each duly acknowledged the execution of the same.

WITNESS my hand and Notarial Seal on the day and date last above written.

My commission expires: 5-19-49 J. P. [Signature] Notary Public



Willie Cass 100

STATE OF KANSAS) ss. This is to certify
 SEDGEWICK COUNTY)
 that the instrument was filed for record on the
 14th day of June, 1948, at 10:30
 A. M.
 in Book 234 of pages 231
 and 232.
 J. P. [Signature]
 RECORDER OF DEEDS
 COUNTY

11007

CLYDE M. BAUGHMAN
FRED J. DOANE
JOHN T. (JACK) REEVES

OFFICE OF
CLYDE M. BAUGHMAN CO.
Civil Engineer & Surveyors
Registered Professional Engineer

2522 EAST KELLOGG
WICHITA 11, KANSAS
PHONE MURRAY 3-7431



November 13, 1961

Planning Commission
City Hall Annex
Wichita, Kansas

Gentlemen:

This is to inform you that the irons have been set in Osteopathic Addition to Wichita, Kansas, according to the plat on file in your office.

Clyde M. Baughman
Surveyor

RESOLUTION

WHEREAS the governing body of the City of Wichita have required a restrictive covenant from the Osteopathic Hospital of Wichita, Inc., conditioned that a hospital will be erected on Block 1, Osteopathic Addition to Wichita, Kansas, in the event said property is zoned "light commercial".

NOW THEREFORE BE IT RESOLVED, that R. L. Wright, President, and Bess Cavanaugh, Secretary, of the Osteopathic Hospital of Wichita be and they are hereby authorized and directed to execute the restrictive covenant, a copy of which is attached hereto and made a part of the minutes of the Board of Directors of said hospital and deliver the same to the governing body of the City of Wichita.

CERTIFICATE

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

I, the undersigned, being the duly qualified and acting secretary of The Osteopathic Hospital of Wichita, Inc., a corporation, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and regularly adopted by the board of directors of said The Osteopathic Hospital of Wichita, Inc., a corporation, and that said resolution is in full force and effect at the time of this certificate, all as is shown by the official records of said corporation in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation, this 8th day of November, 1961.

Bess Cavanaugh
Secretary

RESOLUTION

WHEREAS the governing body of the City of Wichita have required a restrictive covenant from the Osteopathic Hospital of Wichita, Inc., conditioned that a hospital will be erected on Block 1, Osteopathic Addition to Wichita, Kansas, in the event said property is zoned "light commercial".

NOW THEREFORE BE IT RESOLVED, that R. L. Wright, President, and Bess Cavanaugh, Secretary, of the Osteopathic Hospital of Wichita be and they are hereby authorized and directed to execute the restrictive covenant, a copy of which is attached hereto and made a part of the minutes of the Board of Directors of said hospital and deliver the same to the governing body of the City of Wichita.

CERTIFICATE

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

I, the undersigned, being the duly qualified and acting secretary of The Osteopathic Hospital of Wichita, Inc., a corporation, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and regularly adopted by the board of directors of said The Osteopathic Hospital of Wichita, Inc., a corporation, and that said resolution is in full force and effect at the time of this certificate, all as is shown by the official records of said corporation in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said corporation, this 8th day of _____

November, 1961.

Bess Cavanaugh
Secretary

LAW OFFICES
NESMITH AND FUGATE
605-606 SCHWEITER BUILDING
WICHITA 2, KANSAS

ROBT. L. NESMITH
JUSTUS H. FUGATE

November 13, 1961

TELEPHONE HO 4-4636

Hon. Frank H. Backstrom
City Manager
301 City Building
Wichita, Kansas

Re: Property of the Osteopathic
Hospital on Central at McLean
Boulevard, Z-0309

Dear Mr. Backstrom:

This title opinion relates to the property described as:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 720.7 FEET MORE OR LESS TO A POINT 1898.3 FEET EAST OF THE WEST LINE OF THE SAID SOUTHEAST QUARTER SECTION; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION 150 FEET, THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION 25 FEET, THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION (BEING THE EAST LINE OF SIM PARK GARDENS) TO THE NORTH LINE OF THE SAID SOUTHEAST QUARTER, THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE RIGHT BANK OF THE ARKANSAS RIVER; THENCE SOUTHERLY ALONG THE RIGHT BANK OF SAID ARKANSAS RIVER, TO THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER, EXTENDED EAST; THENCE WEST TO PLACE OF BEGINNING, BEING A PART OF GOVERNMENT LOTS 2, 3 & 4 IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, EXCEPT THE NORTH 300 FEET OF

November 13, 1961
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THE REMAINDER THEREOF; AND ALL OF GOVERNMENT LOT 8, GREENLEAF ISLAND EXCEPT THE SOUTH 40 FEET IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 27 SOUTH, RANGE 1 EAST, GOVERNMENT SURVEY ISLAND 3 GREENLEAF ISLAND, SEDGWICK COUNTY, KANSAS.

The above described property is being platted and when the plat is filed of record, said property will be described as:

BLOCK 1 AND BLOCK 2, OSTEOPATHIC ADDITION TO WICHITA, KANSAS.

The abstract of title is last certified by The Security Abstract and Title Company, Inc., and from the examination of said abstract, assuming the same is complete and accurate, the undersigned is of the opinion that as of this date, title to said property is vested in

OSTEOPATHIC HOSPITAL OF WICHITA

subject to the following:

1. At entry No. 42 there appears a pole line easement executed in favor of The Kansas Gas and Electric Company with right of ingress and egress thereto as described and recorded in Miscellaneous record 234, page 231.

2. At entry No. 84 of the abstract there appears a dedication to the City of Wichita a tract of land for street purposes described as:

"Beginning at a point on the north line of the Southeast Quarter of Section 13, Township 27 South, Range 1 West of the 6th P.M., which point is located thirty (30) feet North and twenty-five (25) feet east of the northeast corner of Lot.1, Sim Park Gardens Addi-

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tion, Sedgwick County, Kansas; thence east thirty-five (35) feet on said north line; thence south and parallel to the east line of said Sim Park Gardens Addition to the North line of Elm Street, as platted in said Sim Park Gardens Addition and extended from the west; thence west thirty-five (35) feet; and thence north to point of beginning;"

3. At entry No. 85 of the abstract there appears a dedication to the City of Wichita a tract of land for street purposes described as:

"A strip of land two hundred (200) feet wide parallel to and adjoining on the west of the right bank of the Arkansas River extending from the north line of Central Avenue to the south line of 9th street:"

The Eastern most boundary of the 200 foot strip of land so dedicated has not been definitely ascertained by survey or otherwise, hence the Western boundary line of said dedication has not been determined, for this reason, Quit Claim Deed should be executed by the proper officials of the city releasing all claims to Block 1, Osteopathic Addition to Wichita, Kansas.

4. At entry No. 89 there appears a right-of-way easement executed to the city of Wichita for a sewer system recorded in Miscellaneous book 459, page 174, said easement described as:

"Beginning at a point on the east line of Edwards Avenue and ten (10) feet south of the south line of Lot 12, Sim Park Gardens extended; thence east parallel with said south line extended to the right bank of the Big Arkansas River; thence southerly along the right bank of the Big Arkansas River to a point twenty

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(20) feet south of the south line of said Lot 12 extended; thence west to the east line of Edwards Avenue; thence north ten (10) feet to point of beginning."

5. Taxes for 1961 and prior years are paid.

Respectfully,

NeSMITH and FUGATE


Robt. L. NeSmith

SUBDIVISION REPORT

PAGE
CITY MANAGER'S REPORT

RECOMMENDATION FROM THE METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS
FOR SUBDIVISION APPROVAL

S/D NUMBER: 61-6 NAME: OSTEOPATHIC ADDITION
APPLICATION FILED: 2-23-61 SKETCH FILED: 2-23-61
PRELIMINARY PLAT FILED: 2-23-61 APPROVED BY S/D: 3-30-61
FINAL PLAT FILED: 5-8-61 APPROVED BY S/D: 5-15-61
APPROVED BY METROPOLITAN AREA PLANNING COMMISSION: 5-18-61
APPROVED BY BOARD OF CITY COMMISSIONERS: 5-31-61

DESCRIPTION

GENERAL LOCATION: BETWEEN EDWARDS AVENUE AND MCLEAN BOULEVARD AND BETWEEN
9TH STREET AND CENTRAL
OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR OR ENGINEER: CLYDE M. BAUGHMAN COMPANY
ADDRESS: 2522 EAST KELLOGG

1. GROSS ACREAGE OF PLAT	20.9	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A)	60 R/W 133 $\frac{1}{2}$ FT.
RESIDENTIAL		(B)	20 R/W 925 $\frac{1}{2}$ FT.
COMMERCIAL		(C)	R/W 50 $\frac{1}{2}$ FT.
INDUSTRIAL		(D)	TOTAL 1,108 FT.
OTHER	2	8. TOTAL AREA OF NEW STREETS:	
TOTAL	2	R/W	28,230 sq. FT.
3. AVERAGE LOT FRONTAGE	NA	9. EXISTING ZONING	"AA"
4. MINIMUM LOT FRONTAGE	NA	10. LOT AREA REQUIRED BY	
5. AVERAGE LOT AREA	NA	ZONING	6,500 sq. FT.
6. MINIMUM LOT AREA	NA		

BOARD OF CITY COMMISSION ACTION - 5-31-61:

THE CITY COMMISSION APPROVED THIS PLAT SUBJECT TO THE FOLLOWING
CONDITIONS (SEE CONDITIONS ON NEXT PAGE):

THIS PLAT IS RETURNED FOR REAPPROVAL DUE TO THE PROVISION
REQUIRING RECORDING WITHIN 30 DAYS AFTER APPROVAL BY THE
BOARD OF CITY COMMISSIONERS.

VOTE OF PLANNING COMMISSION:

RESPECTFULLY SUBMITTED,

_____, SECRETARY

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

FORM PR-25 (REV-7/60)

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
2. INDICATE ON THE PLAT THE EXISTING EASEMENT IN FAVOR OF KANSAS GAS AND ELECTRIC AS FILED WITH THE REGISTER OF DEEDS IN MISCELLANEOUS BOOK 235, PAGE 231, UNDER THE DATE OF MAY 20, 1948.
3. THE WEST RIGHT-OF-WAY FOR McLEAN BOULEVARD BEING 15 FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF THE PLAT TO THE SOUTH LINE OF THE PLAT, EXCEPT AS MAY BE PROVIDED IN REQUIREMENT No. 7 BELOW.
4. THE PLANNING COMMISSION RECOMMENDING TO THE BOARD OF CITY COMMISSIONERS AS A FIRST ALTERNATIVE, THAT THE APPLICANT GRANT COMPLETE ACCESS CONTROL ALONG McLEAN BOULEVARD IN RETURN FOR THE CITY REFUNDING THE AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF McLEAN BOULEVARD.
5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH.

NOTE: THE MATTER OF ACCESS CONTROL FOR BOTH ITEMS 4 AND 5 SHALL BE SET FORTH IN THE WRITTEN TEXT OF THE PLAT.

6. THE PROVISION AND DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT-OF-WAY ON THE NORTH SIDE.
7. THAT RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-CENTRAL BE PROVIDED IN THE PLAT, DESCRIBED AS BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE), THENCE WEST TO THE POINT OF BEGINNING.
8. RECORD IN 30 DAYS AFTER CITY COMMISSION APPROVAL.

THE CITY OF WICHITA

OFFICE OF Assistant City Attorney

DATE September 1, 1961

TO Robert Lakin, Senior Planner
FROM Eugene L. Pirtle, Assistant City Attorney
SUBJECT Osteopathic Addition

In reviewing the agenda for procedure to complete the details on the Osteopathic Addition, Mr. McKee suggested that we obtain the opinion of real estate appraisers under item 2 (c) at the time of the improvement authorization and that the usage of the term, "refund of a special assessment" be discontinued in favor of "purchase of access control."

Eugene L. Pirtle

Eugene L. Pirtle,
Assistant City Attorney

ELP:ka

cc: Grover E. McKee, Director of Administration ✓
T. J. Scanlon, Executive Assistant to the City Manager



THE CITY OF WICHITA
OFFICE OF Assistant City Attorney

DATE August 29, 1961

TO T. J. Scanlon, Executive Assistant to the City Manager
FROM Eugene L. Pirtle, Assistant City Attorney
SUBJECT Osteopathic Addition

Robert Lakin has forwarded to this office and to the Manager a copy of procedure to complete Z-0309 and the Osteopathic Addition plat.

The procedure as outlined has been approved by the attorney for the landowners and the Department of Law. We trust that item by item execution of the procedure will avoid any future misunderstanding with the representatives of the Osteopathic Addition.

Item 2 (d), October 31, 1961, involves your processing of the purchase order for payment of the sum of \$22,141.45 to the owners of Osteopathic Addition.

The ordinance placed on first reading 8/8/61 should be adopted by the City Commission on 9/5/61. The Resolution declaring the necessity for and the intention of the City to improve McLean Boulevard and acquiring access control is attached for adoption by the Commission on 9/12/61. This Resolution should be published six times, beginning 9/14/61. After a thirty-day protest period ending October 19, 1961, and in the absence of protest, we may proceed with the next step, the ordinance authorizing the improvement.

Eugene L. Pirtle

Eugene L. Pirtle,
Assistant City Attorney

ELP:ka

cc: Robert Lakin ✓



RESOLUTION

A RESOLUTION DECLARING THE NECESSITY FOR AND THE INTENTION OF THE GOVERNING BODY TO IMPROVE AND REIMPROVE THAT PORTION OF McLEAN BOULEVARD FROM A POINT 300 FEET SOUTH OF THE SOUTH LINE OF NINTH STREET TO A POINT 400 FEET NORTH OF THE NORTH LINE OF CENTRAL AVENUE; DESCRIBING IN GENERAL TERMS THE IMPROVEMENT AND REIMPROVEMENT AND PROVIDING THAT THE COST THEREOF SHALL BE PAID BY THE CITY AT LARGE FROM THE GENERAL IMPROVEMENT FUND, GENERAL REVENUE FUND, INTERNAL IMPROVEMENT FUND, OR ANY OTHER FUND OR FUNDS AVAILABLE FOR SUCH PURPOSES, OR BY THE ISSUANCE OF GENERAL IMPROVEMENT BONDS.

WHEREAS, by Ordinance No. _____ the following street was designated as a main trafficway under the provisions of Chapter 71, Laws of 1959:

That portion of McLean Boulevard from a point 300 feet south of the south line of Ninth Street to a point 400 feet north of the north line of Central Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION I: That it is hereby declared necessary and the intention of the governing body of the City of Wichita to improve and reimprove:

That portion of McLean Boulevard from a point 300 feet south of the south line of Ninth Street to a point 400 feet north of the north line of Central Avenue.

SECTION II: That the general character of the improvement and reimprovement to be made in said streets shall be as follows:

The acquisition by purchase or condemnation of controlled access along the area of the major trafficway herein described for the purpose of assuring the movement of through traffic and to provide adequate connections with main trafficways and for the purpose of relieving traffic congestion at the intersection of McLean Boulevard and Central Avenue along said main trafficway.

SECTION III: That the estimated cost of such improvement and reimpovement is by agreement Twenty-three Thousand Dollars (\$23,000.00) to be borne by the city at large.

SECTION IV: The costs to be paid by the city at large shall be paid from the general improvement fund, general revenue fund, internal revenue fund, or any other fund or funds available for such purposes, or by the issuance of general improvement bonds.

SECTION V: That the City Clerk shall make proper publication of this Resolution which shall be published for six consecutive days in the official city paper and shall be effective from and after its sixth publication.

ADOPTED at Wichita, Kansas, this _____ day of _____, 1961.

MAYOR

ATTEST:

CITY CLERK

PROCEDURE TO COMPLETE Z-0309 AND OSTEOPATHIC ADDITION

1. 7-21-61
2. 8-1-61
3. 8-1-61
4. 8-1-61

INASMUCH AS THERE HAVE BEEN SOME MISUNDERSTANDINGS RELATIVE TO DETAILED PROCEDURES INVOLVING THE ABOVE CASES, IT IS SUGGESTED THAT BEFORE ANY ATTEMPT BE MADE TO COMPLETE THE OSTEOPATHIC ADDITION AND ASSOCIATED ZONING CASE, AN AGREEMENT BE REACHED AS TO SUBSTANCE OF AND THE TIME SCHEDULE OF EVENTS RELATING TO THE CASE. THE FOLLOWING ARE THE SUGGESTED ACTIONS AND TIME SEQUENCE TO COMPLETE THESE CASES:

<u>DATE</u>	<u>PROCEDURE</u>	<u>TO BE ACCOMPLISHED BY:</u>
8-22-61	1. PREPARE PLAT IN ACCORDANCE TO REQUIREMENTS OF THE METROPOLITAN AREA PLANNING COMMISSION AND BOARD OF CITY COMMISSIONERS. THESE REQUIREMENTS ARE AS FOLLOWS: A. SHOW THE CENTER LINE OF MCLEAN BOULEVARD. B. SHOW THE WEST LINE OF MCLEAN BOULEVARD 15 FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF THE PLAT TO THE SOUTH LINE OF THE PLAT, EXCEPT AS MAY BE PROVIDED IN D. BELOW. C. THE GRANTING OF COMPLETE ACCESS ALONG MCLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT. THIS IS TO BE INDICATED BY A NOTATION ON THE DRAWING OF THE SUBDIVISION; AND BY THE INCLUSION OF THE FOLLOWING OR SIMILAR STATEMENT IN THE TEXT OF THE PLAT: "COMPLETE ACCESS CONTROL FROM BLOCKS 1 AND 2, OSTEOPATHIC ADDITION TO MCLEAN BOULEVARD IS HEREBY GRANTED TO THE CITY OF WICHITA." FOR THE ACCESS CONTROL, THE CITY SHALL REFUND THE FULL AMOUNT (\$22,141.45) PAID AS A SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF MCLEAN BOULEVARD. A PROJECT TO GAIN BONDING AUTHORITY FOR SUCH A REFUND WAS INITIATED BY THE CITY COMMISSION ON AUGUST 8, 1961. (SEE ITEM 2 OF THIS PROCEDURE LIST.)	CITY OF WICHITA OR PLATTOR (DETERMINATION TO BE MADE BY CITY MANAGER).

9-5-61 2. BOND PROJECT TO PROVIDE MONEY
 A. ORDINANCE DESIGNATING McLEAN NORTH OF CENTRAL AS A MAJOR TRAFFICWAY.
 CHIEF ASSISTANT CITY ATTORNEY
 PREPARE BY 9-6-61

1ST READING 8-8-61
 ADOPT 9-5-61 (PUBLISH APPROXIMATELY 9-7-61)

9-12-61 B. RESOLUTION DECLARING NECESSITY FOR AND INTENTION OF CITY TO IMPROVE McLEAN BY ACQUIRING ACCESS CONTROL; ESTIMATED COST OF IMPROVEMENT (ACCESS AND COST OF PLATTING); METHOD OF FINANCING - 100% CITY AT LARGE;
 CHIEF ASSISTANT CITY ATTORNEY
 PREPARE BY 9-6-61

ADOPT 9-12-61 (PUBLISH 6 TIMES - START 9-14-61)
 30 DAY PROTEST PERIOD ENDS ON 14 OCT. 1961
 IF PROTEST, THEN BOND ELECTION. IF NO PROTEST PROCEED TO NEXT STEP.

10-17-61 C. ORDINANCE AUTHORIZING IMPROVEMENT. RECITE CON- TENTS OF RESOLUTION AND AUTHORIZE IMPROVEMENT. DIRECT CITY MANAGER TO ACQUIRE ACCESS CONTROL BY PURCHASE, CONDEMNATION, ETC.
 CHIEF ASSISTANT CITY ATTORNEY
 PREPARE BY 10-11-61

10-31-61 D. MANAGER SUBMITS PURCHASE CONTRACT IN AMOUNT OF \$22,141.45 TO CITY COMMISSION FOR APPROVAL. CITY COMMISSION AUTHORIZES MANAGER TO PURCHASE.
 CHIEF ASSISTANT CITY ATTORNEY AND EXECUTIVE ASSISTANT TO CITY MANAGER

E. PURCHASE ORDER. AFTER THE CITY MANAGER IS AUTHORIZED TO PURCHASE ACCESS, PREPARE A PURCHASE ORDER. HAVE PLATTORS SIGN AND RETURN PURCHASE ORDER. PREPARE CHECK (HOLD BY CITY TREASURER).
 SCANLON, PURCHASING AGENT AND CITY AUDITOR

11-7-61 3. SUBMIT PLAT TO CITY COMMISSION FOR REAPPROVAL. REASON: THE CITY COMMISSION LAST APPROVED THE PLAT SUBJECT TO, AMONG OTHER ITEMS, RECORDING WITHIN 30 DAYS OF APPROVAL BY THE CITY COMMISSION. THE CITY COMMISSION WOULD AGAIN APPROVE SUBJECT TO RECORDING WITHIN 30 DAYS.
 PLANNING DEPARTMENT

11-7-61	4.	ZONING CASE ON AGENDA FOR REAPPROVAL. THE COVENANTS SHOULD BE REVIEWED BY THE CITY MANAGER, CITY ATTORNEY, AND COUNSEL FOR THE APPLICANTS. THE COVENANTS AGREED ON SHALL BE EXECUTED AND IN THE HANDS OF THE CITY MANAGER BY MEETING TIME.	PLANNING DEPARTMENT, CITY MANAGER, CITY ATTORNEY AND CHIEF ASSISTANT CITY ATTORNEY (REVIEW NO LATER THAN NOVEMBER 2.)
11-2-61		IF SATISFACTORY, REAPPROVE THE ZONE CASE AND ADOPT ZONING RESOLUTION No. _____. Do not publish. See item 6.	APPLICANT TO PLANNING DEPARTMENT
	A.	TITLE OPINION FROM ATTORNEY OF PLATTOR. Do not submit before 11-1-61 so that it will be current.	APPLICANT TO PLANNING DEPARTMENT
	B.	PROOF THAT CURRENT YEARS TAXES ARE PAID. Do not submit before 11-1-61 so that it will be current for filing of plat.	ENGINEER FOR PLATTOR
9-21-61 TO 11-2-61	C.	LETTER FROM ENGINEER THAT IRONS HAVE BEEN RESET OR THAT NEW IRONS ARE SET.	PLANNING DEPARTMENT
11-1-61	D.	PLANNING COMMISSION CHAIRMAN AND SECRETARY TO SIGN PLAT.	PLANNING DEPARTMENT
11-7-61	E.	MAYOR AND CITY CLERK TO SIGN PLAT.	PLANNING DEPARTMENT
11-8-61	5.	OBTAIN COPIES OF FULLY EXECUTED PLAT.	PLANNING DEPARTMENT
11-9-61 OR 11-10-61	6.	AGENT OF CITY ACCOMPANY PLATTOR TO COURT HOUSE TO RECORD PLAT. ALSO RECORD COVENANTS RELATIVE TO LAND USE. WHEN RECORDED, TURN OVER CHECK. GO DIRECTLY TO WICHITA EAGLE AND PROVIDE FOR PUBLICATION OF ZONING RESOLUTION No. _____. CITY AUDITOR SUBMITS A STATEMENT OF COST TO CITY COMMISSION TO BE USED IN BOND TRANSCRIPT.	PLANNING DEPARTMENT CITY AUDITOR
11-14-61	7.		

D. SHOW RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-WEST CENTRAL AVENUE DESCRIBED AS:

BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXISTS) AS EXTENDED TO THE NORTH, THEN ~~SOUTH~~ WESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL, THENCE WEST TO THE POINT OF BEGINNING.

E. DEDICATE SUFFICIENT RIGHT-OF-WAY TO PROVIDE FOR 50 FOOT RIGHT-OF-WAY NORTH OF THE SECTION LINE.

F. THE GRANTING OF COMPLETE ACCESS CONTROL ALONG CENTRAL AVENUE FROM THE WEST LINE OF McLEAN TO THE EAST LINE OF RICHMOND EXTENDED TO THE NORTH. THIS IS TO BE INDICATED BY A NOTATION ON THE DRAWING OF THE SUBDIVISION; AND BY THE INCLUSION OF THE FOLLOWING OR SIMILAR STATEMENT IN THE TEXT OF THE PLAT:

"COMPLETE ACCESS CONTROL FROM THAT PORTION OF BLOCK 1, OSTEOPATHIC ADDITION EXTENDING FROM THE WEST LINE OF McLEAN TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH, TO CENTRAL IS HEREBY GRANTED TO THE CITY OF WICHITA."

G. THE EXISTING RECORDED EASEMENT (MISCELLANEOUS BOOK 234, PAGE 231, DATED MAY 20, 1948) IN FAVOR OF KANSAS GAS AND ELECTRIC COMPANY IS TO BE SHOWN ON THE FACE OF THE PLAT.

H. PLAT SIGNED BY PLATTORS AND ENGINEER.

I. FIVE PRINTS OF PLAT TO BE SUBMITTED AND CHECKED BY PLANNING DEPARTMENT, CITY ENGINEER, LEGAL DEPARTMENT, AND KANSAS GAS AND ELECTRIC.

J. PLAT TO BE KEPT IN PLANNING DEPARTMENT OFFICE.

MEMORANDUM

Re: Osteopathic Addition and
Access Control in connection
with McLean-Meridian-Central
Traffic Complex.

In making requirements for platting of Osteopathic Addition, the problem of access control along Central and McLean Boulevard has been variously recommended from 350 feet of controlled access from the intersection, to complete control of access along McLean and on Central to Richmond.

The need for controlled access along the Osteopathic Addition area is now directly related to a separate governmental process under Ordinance 25-919, in which condemnation proceedings have been instituted for the purpose of widening Central from the west line of Edwards to the west line of McLean Boulevard and McLean Boulevard from the east line of St. Clair to a point 400 feet more or less north of the north line of Central Avenue, and Meridian Avenue from Newell Avenue to Central Avenue and McLean Boulevard.

The effectiveness of this complex may be diminished and the expense of controlling left turns off McLean on to Central may be somewhat relieved by the use of controlled access along the proposed Osteopathic Addition.

G. S. 1959 Supplement 12-685 authorizes the designation and establishment by ordinance of a boulevard, avenue, or part thereof within the City, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the City or between such areas, may be designated as a major trafficway.

12-686 provides that by resolution the necessity to provide adequate connections between main trafficways may be legislated and the governing body is in power to establish by ordinance certain portions of existing streets, boulevards, avenues, as traffic connections, or to acquire by purchase or condemnation the necessary right of way for such purposes and to designate and establish the same as trafficway connections and to connect any street, boulevard, avenue, with any of the main trafficways.

12-688 provides that before any such improvements shall be made, a resolution shall be published declaring the necessity for and the intention of the governing body to improve such main trafficway or trafficway connection and shall describe in general terms the improvement or reimprovement to be made and state the estimated cost thereof.

The resolution shall be published for six consecutive days. A thirty day protest period is established in which ten per cent of the qualified electors at the last City election may protest the improvement and require an election.

12-689 provides that all costs of such improvement, including acquisition of right of way and all other costs properly attributable to such projects shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purposes, or by the issuance of general improvement bonds.

It is suggested that the departments involved should determine the need for controlled access along the Osteopathic Addition in its relationship to the traffic complex being established at McLean, Meridian and Central, and that the alternative be determined as regards the cost of establishing adequate traffic controls without the use of access control.

If controlled access is the better method of promoting the flow of traffic in a safe manner at the intersection, the cost of acquiring a controlled access should be estimated by an appraiser.

Following the appraisal, it should be determined whether or not purchase of the controlled access from the Osteopathic Addition owners may be arranged or negotiated, or whether it will be necessary to contend the controlled area.

Eugene L. Pirtle

PROCEDURAL MEMORANDA

The Osteopathic Hospital of Wichita being the owner of the real property described in the plat entitled "The Osteopathic Addition to Wichita, Kansas," prepared by Clyde M. Baughman, surveyor.

The City of Wichita desiring to purchase from the hospital, and the hospital desiring to sell to the city a strip of land 15 feet in width immediate adjacent to the West curb line of McLean Boulevard from Central Avenue to the North end of the above described property; and a strip of land along the South side of said property 10 feet in width from the center line of Meridian extended North, to the West line of the above described property, and the city desires to purchase from the hospital all that part or parcel of land lying East of the center line of Meridian Avenue extended North to a point where the same intersects the West curb line of McLean Boulevard.

It is the desire of the city and the hospital to have the plat of the hospital property indicate:

- ✓a. The center line of McLean Boulevard.
- b. Existing easement in favor of the Kansas Gas & Electric Company.
- ✓c. The West right-of-way from McLean Boulevard 15 feet from the West curb line from the North line of the plat to the South line of the plat except as may be provided in requirement "d" hereof.

✓d. Right-of-way for the proposed intersection of
McLean-Meridian-West Central Avenue described as:

Beginning 50 feet north of the south line of Section 13, Township 27 South, Range 1 West, and 115 feet east of the center line of Meridian Avenue (as now exist) as extended to the north then northwesterly at an approximate angle 105° to the left 350 feet where said line intersects with the proposed west right-of-way line for McLean Boulevard (curb line plus 15 feet thence southeasterly and south along said proposed west right-of-way line of McLean to the north line of Central, 50 feet north of the section line), thence west to the point of beginning.

✓e. Dedication of sufficient right-of-way for West Central taking a full 50 feet as right-of-way on the North side of said street.

✓f. Showing the city to have complete access control along McLean Boulevard from West Central to the North end of the hospital property; and complete access control on West Central Avenue from McLean Boulevard to the East line of Richmond Avenue as extended North which shall be set forth in the written text of the plat.

The city shall pay for the dedications, which are to be shown on the plat as hereinbefore described, to the hospital the sum of \$23,000.00 and execute and deliver such instrument or instruments as may be necessary releasing to the hospital any and all claims to the hospital property as shown by the plat on final completion thereof. The city will pay the expense of having the plat amended to include and indicate the above requirements.

g. Murdock Avenue not to be extended.

\$22,141.45

10/17/54
Mc 4463



The City of Wichita, Kansas

DEPARTMENT OF LAW

OFFICE OF CITY ATTORNEY

June 28, 1961

Mr. Frank H. Backstrom
City Manager
301 City Building
Wichita, Kansas

Re: Restrictive Covenants,
Osteopathic Addition,
Z-0309.

Dear Mr. Backstrom:

Submitted herewith are suggestions relative to the solution of the problems arising from the platting and rezoning of Osteopathic Addition.

A photocopy of the original restrictive covenant is also attached, together with an amendment submitted by Judge Nesmith, wherein the paragraph relating to controlled access has been omitted. Also attached are copies of my opinions, one of which suggests that the landowner record a restrictive covenant which simply states that the subject land shall be used solely for the purpose of an Osteopathic Hospital with auxiliary buildings. The other opinion is a lengthy summary of what I find to be the law on conditional zoning. If not enlightening, the latter brief at least indicates the complexities that arise from the avoidance of or a departure from procedural steps required by statute in the rezoning process.

Reduced to its minimum, it appears that the Osteopathic Hospital people have two primary objectives:

- (1) To build an Osteopathic Hospital at McLean Boulevard and Central.
- (2) To obtain two and one-half million dollars in finances for that purpose.

The City Commission minutes of June 13, 1961, describe the statement of Mr. Fisher that the requirement for "LC" zoning "was strictly for financial reasons in securing

Frank H. Bastron
June 28, 1961
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the necessary funds to build the building," and that he only knew that when a large loan is applied for, one of the first questions asked is whether the property is zoned "LC". This is not a grounds for zoning reclassification.

The presentation of the landowners relative to the necessity for "LC" zoning as a prerequisite to large scale financing to date has been largely a matter of opinion on the part of the applicant. It has not been made clear that the prospective lending agency would make a sizable loan in the event "LC" zoning were limited by conditions such as the City has considered and recommended. It would appear to be an avoidance of reality for the applicant for a loan to rationalize a "conditional LC" to be as extensive in use or land value as an ordinary, unconditional "LC" zoning. If the applicant, by restrictive covenant or any other type of limitation, is limited to the construction of a hospital with auxiliary facilities, the designation of such land use as "LC" would appear to be unrelated to the actual facts.

The references by the applicant to federal financing are becoming less frequent. Personal investigation as of June 16, 1961, indicates that only a letter of inquiry has been submitted to the state office administering Hill-Burton funds and that no formal application has been made for federal funds for the construction of a hospital.

The state statute requires that recipients of Hill-Burton funds must meet local standards which, in this case, would require only a "B" classification in zoning.

If the Commission is satisfied that "LC" zoning is essential to this project and the zoning application, the change in zoning will be accomplished in a manner in no way related to zoning procedures and will be burdened by the uncertainty of a private contract with a governmental agency which has no place in the zoning plan. If the rezoning must be accomplished and the addition replatted on the basis indicated to date, the following might be considered effective:

- (1) Revise the restrictive covenants to provide for reversion from "LC" to "AA" in the event applicant is unable to obtain both public and private financing for the hospital project. If the Planning Commission wishes to evaluate the reasonable use of the area under a "B" or "BB" zoning classification it should be on the basis of

Frank H. B. Strom
June 28, 1961
Page 3

a separate application for that purpose and not related to a contractual reversion from "LC" to "BB" upon an original application related solely to financing. The use of this condition might prompt the applicants to be more explicit in their proposed use of the land in the event the hospital is not "pursued to a successful completion."

- (2) The acquisition of controlled access and additional right of way for enlargement of the intersection for the sum of \$23,000 might conceivably be obtained by the establishment of a separate eminent domain proceedings which could conceivably be compromised or settled by the landowners' payment of the access facilities and right of way to the city and by a subsequent journalization of the eminent domain proceedings on the basis of a purchase or settlement.

Very truly yours,

Eugene L. Pirtle,
Assistant City Attorney

ELP:ks

Att: 4

cc: Fred W. Aley, City Attorney

SUBDIVISION REPORT

PAGE 4
CITY MANAGER'S REPORT
May 31, 1961

5. RECOMMENDATION FROM THE METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS FOR SUBDIVISION APPROVAL

S/D NUMBER: 61-6 NAME: OSTEOPATHIC ADDITION
APPLICATION FILED: 2-23-61 SKETCH FILED: 2-23-61
PRELIMINARY PLAT FILED: 2-23-61 APPROVED BY S/D: 3-30-61
FINAL PLAT FILED: 5-8-61 APPROVED BY S/D: 5-15-61
APPROVED BY METROPOLITAN AREA PLANNING COMMISSION: 5-18-61

DESCRIPTION

GENERAL LOCATION: BETWEEN EDWARDS AVENUE AND McLEAN BOULEVARD AND BETWEEN 9TH STREET AND CENTRAL

OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR OR ENGINEER: CLYDE M. BAUGHMAN COMPANY
ADDRESS: 2522 EAST KELLOGG

- | | | |
|--------------------------|------------|--------------------------------|
| 1. GROSS ACREAGE OF PLAT | 20.9 | 7. LINEAL FEET OF NEW STREETS: |
| 2. NUMBER OF LOTS: | | (A) 60 R/W 133' FT. |
| RESIDENTIAL | | (B) 20 R/W 925' FT. |
| COMMERCIAL | 1 | (C) R/W 50' FT. |
| INDUSTRIAL | | (D) TOTAL 1,108 FT. |
| OTHER | 2 | 8. TOTAL AREA OF NEW STREETS: |
| TOTAL | 2 | R/W 28,230 SQ. FT. |
| 3. AVERAGE LOT FRONTAGE | NA FT. | 9. EXISTING ZONING "AA" |
| 4. MINIMUM LOT FRONTAGE | NA FT. | 10. LOT AREA REQUIRED BY |
| 5. AVERAGE LOT AREA | NA SQ. FT. | ZONING 6,500 SQ. FT. |
| 6. MINIMUM LOT AREA | NA SQ. FT. | |

PLANNING COMMISSION RECOMMENDATION:

IT WAS MOVED AND SECONDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS PLAT BE APPROVED SUBJECT TO: (SEE CONDITIONS SET FORTH IN MOTION IN ATTACHED MINUTES); AND

AMEND- { FURTHER THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF CITY COMMISSIONERS SERIOUSLY CONSIDER THAT FULL ACCESS CONTROL BE ACQUIRED FOR McLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT.

VOTE OF PLANNING COMMISSION: ON AMENDMENT: 3 IN FAVOR AND 1 OPPOSED
VOTE OF PLANNING COMMISSION ON MOTION AS AMENDED: UNANIMOUS

RESPECTFULLY SUBMITTED,

Ad Little, SECRETARY

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 18, 1961:

- *7. S/D 61-6 - FINAL PLAT OF OSTEOPATHIC ADDITION,
GENERALLY LOCATED ON THE NORTHWEST CORNER OF CENTRAL
AND McLEAN BOULEVARD.

W. I. FISHER, ARCHITECT, APPEARED ON BEHALF OF THE OSTEOPATHIC
HOSPITAL.

MR. KESSLER, CHAIRMAN OF THE SUBDIVISION COMMITTEE, SUBMITTED
THAT COMMITTEE'S RECOMMENDATION THAT THIS FINAL PLAT BE AP-
PROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON
THE PLAT.
2. INDICATE THE EXISTING EASEMENT IN FAVOR OF KANSAS
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DEEDS IN MISCELLANEOUS BOOK 235, PAGE 231, UNDER THE
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BE PROVIDED IN REQUIREMENT No. 7, AS STATED HEREIN.
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THE AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL
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5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON
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NOTE: IT IS THE UNDERSTANDING OF THE PLANNING
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WILL BE CONTAINED IN THE WRITTEN TEXT OF THE PLAT
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BE PAID FOR BY THE CITY AT LARGE. THE RIGHT-OF-
WAY NEEDED IS DESCRIBED AS BEGINNING 50 FEET NORTH

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Mc 21,000
Cost 15,000
under

3. THE ADOPTION OF THE ATTACHED AGREEMENT TO THE LEGAL COUNSEL OF THE CITY FOR ADVICE AS TO THE LEGALITY AND SUBSTANCE OF THE PROPOSALS CONTAINED IN THE CONTRACT, AND IN PARTICULAR AN EXAMINATION OF THE AGREEMENT AS TO WHETHER ACTS PERFORMED UNDER ITS PROVISIONS WOULD BE "ULTRA VIRES".

THE DIRECTOR OF PLANNING REPORTED THAT SINCE THE SUBDIVISION COMMITTEE MEETING, IT IS THE EXPRESS DESIRE OF THE CITY MANAGER AND HE HAS SO ORDERED, THAT THE DEPARTMENT OF PUBLIC WORKS PREPARE AND HAVE READY FOR THE CITY COMMISSION AGENDA OF MAY 31, 1961, AN INITIATING RESOLUTION PROVIDING FOR THE IMPROVEMENT OF THE MERIDIAN-McLEAN-CENTRAL INTERSECTION TO BE PAID FOR BY THE CITY-AT-LARGE. THIS RESOLUTION WILL BE CONSIDERED TOGETHER WITH OR PRECEDING THE PLAT SO THAT THERE WILL BE NO QUESTION THAT SUCH IMPROVEMENT WOULD BE INITIATED AND PAID FOR BY THE CITY AT LARGE. IT IS RECOMMENDED THAT THE RIGHT-OF-WAY FOR THE INTERSECTION, AS SET FORTH IN REQUIREMENT 7, BE PLACED ON THE FACE OF THE PLAT.

L. L. LITTLE, PLANNING DIRECTOR, STATED THAT AFTER CONSULTATION WITH THE DEPARTMENT OF LAW, IT IS RECOMMENDED THAT ALL REQUIREMENTS MADE BY THE SUBDIVISION COMMITTEE AND PLANNING COMMISSION BE SET FORTH ON THE FACE OF THE PLAT RATHER THAN BEING INCLUDED IN ANY SEPARATE AGREEMENT OR CONTRACT.

MR. MC SMITH, ATTORNEY FOR THE PLATTOR, STATED THAT HE WAS NOT PREVIOUSLY AWARE OF THE COMMENTS MADE BY THE DIRECTOR OF PLANNING RELATIVE TO NOT USING AN AGREEMENT OR CONTRACT, AND COULD NOT PASS ON THE ACCEPTANCE OR REJECTION OF THE SUGGESTION AT THIS TIME, BUT THAT THIS IS PROPERLY A DECISION FOR THE HOSPITAL BOARD.

MOTION: IT WAS MOVED AND SECONDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS PLAT BE APPROVED SUBJECT TO:

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
2. INDICATE ON THE PLAT THE EXISTING EASEMENT IN FAVOR OF KANSAS GAS AND ELECTRIC AS FILED WITH THE REGISTER OF DEEDS IN MISCELLANEOUS BOOK 235, PAGE 231, UNDER THE DATE OF MAY 20, 1948.
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Approved

[Handwritten scribbles and signatures]

5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH; ~~OR IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH LINE TO THE NORTH LINE OF THE PLAT THEN IT IS RECOMMENDED THAT ACCESS CONTROL FOR CENTRAL WILL BE REQUIRED ONLY ON THAT PORTION FROM McLEAN TO THE WEST LINE OF MERIDIAN (AS NOW EXISTING) EXTENDED TO THE NORTH.~~

*to E L
Richmond*

NOTE: THE MATTER OF ACCESS CONTROL FOR BOTH ITEMS 4 AND 5. SHALL BE SET FORTH IN THE WRITTEN TEXT OF THE PLAT.

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*3
Horizontal
of 100 to Center*

AMENDED MOTION: AN AMENDMENT TO THE MOTION WAS MADE AS FOLLOWS: THAT THE PLANNING COMMISSION FURTHER RECOMMEND TO THE CITY COMMISSION THAT IT SERIOUSLY CONSIDER THAT FULL ACCESS CONTROL BE ACQUIRED FOR McLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT. THE AMENDMENT CARRIED BY A VOTE OF 3 IN FAVOR AND 1 OPPOSED.

THE MOTION AS AMENDED WAS CARRIED UNANIMOUSLY.

*more of same
subj to condition
on 6
#4 modified
Record 30 days*

5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH; ~~OR IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH LINE TO THE NORTH LINE OF THE PLAT, THEN IT IS RECOMMENDED THAT ACCESS CONTROL FOR CENTRAL WILL BE REQUIRED ONLY ON THAT PORTION FROM McLEAN TO THE WEST LINE OF MERIDIAN (AS NOW EXISTING) EXTENDED TO THE NORTH.~~

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*7
Highway
4/12/61 C.H.*

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5. RECOMMENDATION FROM THE METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS FOR SUBDIVISION APPROVAL

S/D NUMBER: 61-6 NAME: OSTEOPATHIC ADDITION
APPLICATION FILED: 2-23-61 SKETCH FILED: 2-23-61
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APPROVED BY METROPOLITAN AREA PLANNING COMMISSION: 5-18-61
C C 5-31-61

DESCRIPTION

GENERAL LOCATION: BETWEEN EDWARDS AVENUE AND McLEAN BOULEVARD AND BETWEEN 9TH STREET AND CENTRAL
OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR OR ENGINEER: CLYDE M. BAUGHMAN COMPANY
ADDRESS: 2522 EAST KELLOGG

- | | | | |
|--------------------------|------|--------------------------------|---------|
| 1. GROSS ACREAGE OF PLAT | 20.9 | 7. LINEAL FEET OF NEW STREETS: | |
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| OTHER | 2 | 8. TOTAL AREA OF NEW STREETS: | |
| TOTAL | 2 | R/W 28,230 | SQ. FT. |
| 3. AVERAGE LOT FRONTAGE | NA | 9. EXISTING ZONING "AA" | |
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PLANNING COMMISSION RECOMMENDATION:

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VOTE OF PLANNING COMMISSION: ON AMENDMENT: 3 IN FAVOR AND 1 OPPOSED
VOTE OF PLANNING COMMISSION ON MOTION AS AMENDED: UNANIMOUS

RESPECTFULLY SUBMITTED,

BCC approve
as marked on Plat 7
Baugman

S. D. Little, SECRETARY

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 18, 1961:

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Bd CC
5-31-61
g/hone

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6. THE PROVISION AND DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT-OF-WAY ON THE NORTH SIDE.
7. THAT RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-CENTRAL BE PROVIDED IN THE PLAT, DESCRIBED AS BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE), THENCE WEST TO THE POINT OF BEGINNING.

AMENDED MOTION: AN AMENDMENT TO THE MOTION WAS MADE AS FOLLOWS: THAT THE PLANNING COMMISSION FURTHER RECOMMEND TO THE CITY COMMISSION THAT IT SERIOUSLY CONSIDER THAT FULL ACCESS CONTROL BE ACQUIRED FOR McLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT. THE AMENDMENT CARRIED BY A VOTE OF 3 IN FAVOR AND 1 OPPOSED.

THE MOTION AS AMENDED WAS CARRIED UNANIMOUSLY.

BC
5-31-61
CCH

2

S/D

SUBDIVISION REPORT

PAGE
CITY MANAGER'S REPORT

RECOMMENDATION FROM THE METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS
FOR SUBDIVISION APPROVAL

S/D NUMBER: 61-6 NAME: OSTEOPATHIC ADDITION
 APPLICATION FILED: 2-23-61 SKETCH FILED: 2-23-61
 PRELIMINARY PLAT FILED: 2-23-61 APPROVED BY S/D: 3-30-61
 FINAL PLAT FILED: 5-8-61 APPROVED BY S/C: 5-15-61
 APPROVED BY METROPOLITAN AREA PLANNING COMMISSION: 5-18-61

DESCRIPTION

GENERAL LOCATION: BETWEEN EDWARDS AVENUE AND McLEAN BOULEVARD AND BETWEEN
9TH STREET AND CENTRAL
 OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
 SURVEYOR OR ENGINEER: CLYDE M. BAUGHMAN COMPANY
 ADDRESS: 2522 EAST KELLOGG

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. GROSS ACREAGE OF PLAT <u>20.9</u></p> <p>2. NUMBER OF LOTS:
 RESIDENTIAL _____
 COMMERCIAL _____
 INDUSTRIAL _____
 OTHER <u>2</u>
 TOTAL <u>2</u></p> <p>3. AVERAGE LOT FRONTAGE <u>NA</u> FT.</p> <p>4. MINIMUM LOT FRONTAGE <u>NA</u> FT.</p> <p>5. AVERAGE LOT AREA <u>NA</u> SQ. FT.</p> <p>6. MINIMUM LOT AREA <u>NA</u> SQ. FT.</p> | <p>7. LINEAL FEET OF NEW STREETS:
 (A) <u>60</u> R/W <u>133</u> FT.
 (B) <u>20</u> R/W <u>925</u> FT.
 (C) _____ R/W <u>50</u> FT.
 (D) TOTAL <u>1,108</u> FT.</p> <p>8. TOTAL AREA OF NEW STREETS:
 R/W <u>28,230</u> SQ. FT.</p> <p>9. EXISTING ZONING <u>"AA"</u></p> <p>10. LOT AREA REQUIRED BY
 ZONING <u>6,500</u> SQ. FT.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PLANNING COMMISSION RECOMMENDATION:

IT WAS MOVED AND SECONDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS PLAT BE APPROVED SUBJECT TO: (SEE CONDITIONS SET FORTH IN MOTION IN ATTACHED MINUTES); AND

Amendment } FURTHER THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF CITY COMMISSIONERS SERIOUSLY CONSIDER THAT FULL ACCESS CONTROL BE ACQUIRED FOR McLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT.

VOTE OF PLANNING COMMISSION: ON AMENDMENT: 3 IN FAVOR AND 1 OPPOSED
 VOTE OF PLANNING COMMISSION ON MOTION AS AMENDED: UNANIMOUS

RESPECTFULLY SUBMITTED,

_____, SECRETARY

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 18, 1961:

- "7. S/D 61-6 - FINAL PLAT OF OSTEOPATHIC ADDITION,
GENERALLY LOCATED ON THE NORTHWEST CORNER OF CENTRAL
AND McLEAN BOULEVARD.

W. I. FISHER, ARCHITECT, APPEARED ON BEHALF OF THE OSTEOPATHIC
HOSPITAL.

MR. KESSLER, CHAIRMAN OF THE SUBDIVISION COMMITTEE, SUBMITTED
THAT COMMITTEE'S RECOMMENDATION THAT THIS FINAL PLAT BE AP-
PROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON
THE PLAT.
2. INDICATE THE EXISTING EASEMENT IN FAVOR OF KANSAS
GAS AND ELECTRIC AS FILED WITH THE REGISTER OF
DEEDS IN MISCELLANEOUS BOOK 235, PAGE 231, UNDER THE
DATE OF MAY 20, 1948.
3. THE WEST RIGHT-OF-WAY FOR McLEAN BOULEVARD BEING 15
FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF
THE PLAT TO THE SOUTH LINE OF THE PLAT, EXCEPT AS MAY
BE PROVIDED IN REQUIREMENT No. 7, AS STATED HEREIN.
4. THE PLANNING COMMISSION RECOMMENDING TO THE BOARD
OF CITY COMMISSIONERS AS A FIRST ALTERNATIVE, THAT
THE APPLICANT GRANT COMPLETE ACCESS CONTROL ALONG
McLEAN BOULEVARD IN RETURN FOR THE CITY REFUNDING
THE AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL
ASSESSMENT FOR THE CONSTRUCTION OF McLEAN BOULE-
VARD; OR IN THE EVENT THIS IS NOT SATISFACTORY,
THEN THE APPLICANT SHALL BE REQUIRED TO GRANT
COMPLETE ACCESS CONTROL ON McLEAN FROM THE NORTH LINE
OF CENTRAL (AS PROPOSED - 50 FEET NORTH FROM THE
SECTION LINE) TO A POINT 500 FEET NORTH AS MEASURED
ALONG THE RIGHT-OF-WAY LINE FOR McLEAN.
5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON
CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST
LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH;
OR IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE
ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH
LINE TO THE NORTH LINE OF THE PLAT, THEN IT IS
RECOMMENDED THAT ACCESS CONTROL FOR CENTRAL WILL
BE REQUIRED ONLY ON THAT PORTION FROM McLEAN TO THE
WEST LINE OF MERIDIAN (AS NOW EXISTING) EXTENDED TO
THE NORTH.

NOTE: IT IS THE UNDERSTANDING OF THE PLANNING
DEPARTMENT THAT THE MATTER OF ACCESS CONTROL
WILL BE CONTAINED IN THE WRITTEN TEXT OF THE PLAT
INSTEAD OF BEING CONTAINED IN ANY SEPARATE INSTRUMENT.

6. THE DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR
CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT-OF-WAY
ON THE NORTH SIDE. (THE SUBDIVISION COMMITTEE
POINTED OUT THAT THIS WAS A MINIMUM REQUIREMENT
OF THE SUBDIVISION RULES AND REGULATIONS.) FOR
REQUIREMENT, SEE SECTION VII.A, SUBDIVISION RULES
AND REGULATIONS.
7. THAT RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION
OF McLEAN-MERIDIAN-CENTRAL BE PROVIDED FOR, EITHER
IN THE PLAT OR BY THE TERMS OF AN AGREEMENT TO THE
EFFECT THAT THE HOSPITAL WILL DEDICATE SUCH PRO-
POSED RIGHT-OF-WAY TO THE CITY WITHOUT COST, UPON
REQUEST FROM THE CITY, AND THAT THE COST OF IMPROV-
ING THE INTERSECTION PART OF THE RIGHT-OF-WAY WILL
BE PAID FOR BY THE CITY AT LARGE. THE RIGHT-OF-
WAY NEEDED IS DESCRIBED AS BEGINNING 50 FEET NORTH

OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE), THENCE WEST TO THE POINT OF BEGINNING.

8. THE REFERRAL OF THE ATTACHED AGREEMENT TO THE LEGAL COUNSEL OF THE CITY FOR ADVICE AS TO THE LEGALITY AND SUBSTANCE OF THE PROPOSALS CONTAINED IN THE CONTRACT, AND IN PARTICULAR AN EXAMINATION OF THE AGREEMENT AS TO WHETHER ACTS PERFORMED UNDER ITS PROVISIONS WOULD BE "ULTRA VIRES".

THE DIRECTOR OF PLANNING REPORTED THAT SINCE THE SUBDIVISION COMMITTEE MEETING, IT IS THE EXPRESS DESIRE OF THE CITY MANAGER AND HE HAS SO ORDERED, THAT THE DEPARTMENT OF PUBLIC WORKS PREPARE AND HAVE READY FOR THE CITY COMMISSION AGENDA OF MAY 31, 1951, AN INITIATING RESOLUTION PROVIDING FOR THE IMPROVEMENT OF THE MERIDIAN-McLEAN-CENTRAL INTERSECTION TO BE PAID FOR BY THE CITY-AT-LARGE. THIS RESOLUTION WILL BE CONSIDERED TOGETHER WITH OR PRECEEDING THE PLAT SO THAT THERE WILL BE NO QUESTION THAT SUCH IMPROVEMENT WOULD BE INITIATED AND PAID FOR BY THE CITY AT LARGE. IT IS RECOMMENDED THAT THE RIGHT-OF-WAY FOR THE INTERSECTION, AS SET FORTH IN REQUIREMENT 7, BE PLACED ON THE FACE OF THE PLAT.

L. L. LITTLE, PLANNING DIRECTOR, STATED THAT AFTER CONSULTATION WITH THE DEPARTMENT OF LAW, IT IS RECOMMENDED THAT ALL REQUIREMENTS MADE BY THE SUBDIVISION COMMITTEE AND PLANNING COMMISSION BE SET FORTH ON THE FACE OF THE PLAT RATHER THAN BEING INCLUDED IN ANY SEPARATE AGREEMENT OR CONTRACT.

MR. NE SMITH, ATTORNEY FOR THE PLATTOR, STATED THAT HE WAS NOT PREVIOUSLY AWARE OF THE COMMENTS MADE BY THE DIRECTOR OF PLANNING RELATIVE TO NOT USING AN AGREEMENT OR CONTRACT, AND COULD NOT PASS ON THE ACCEPTANCE OR REJECTION OF THE SUGGESTION AT THIS TIME, BUT THAT THIS IS PROPERLY A DECISION FOR THE HOSPITAL BOARD.

MOTION: IT WAS MOVED AND SECONDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS PLAT BE APPROVED SUBJECT TO:

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
2. INDICATE ON THE PLAT THE EXISTING EASEMENT IN FAVOR OF KANSAS GAS AND ELECTRIC AS FILED WITH THE REGISTER OF DEEDS IN MISCELLANEOUS BOOK 235, PAGE 231, UNDER THE DATE OF MAY 20, 1948.
3. THE WEST RIGHT-OF-WAY FOR McLEAN BOULEVARD BEING 15 FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF THE PLAT TO THE SOUTH LINE OF THE PLAT, EXCEPT AS MAY BE PROVIDED IN REQUIREMENT NO. 7 BELOW.
4. THE PLANNING COMMISSION RECOMMENDING TO THE BOARD OF CITY COMMISSIONERS AS A FIRST ALTERNATIVE, THAT THE APPLICANT GRANT COMPLETE ACCESS CONTROL ALONG McLEAN BOULEVARD IN RETURN FOR THE CITY REFUNDING THE AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF McLEAN BOULEVARD; OR IN THE EVENT THIS IS NOT SATISFACTORY, THEN THE APPLICANT SHALL BE REQUIRED TO GRANT COMPLETE ACCESS CONTROL ON McLEAN FROM THE NORTH LINE OF CENTRAL (AS PROPOSED - 50 FEET NORTH FROM THE SECTION LINE) TO A POINT 600 FEET NORTH AS MEASURED ALONG THE RIGHT-OF-WAY LINE FOR McLEAN.

5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH; OR IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH LINE TO THE NORTH LINE OF THE PLAT, THEN IT IS RECOMMENDED THAT ACCESS CONTROL FOR CENTRAL WILL BE REQUIRED ONLY ON THAT PORTION FROM McLEAN TO THE WEST LINE OF MERIDIAN (AS NOW EXISTING) EXTENDED TO THE NORTH.

NOTE: THE MATTER OF ACCESS CONTROL FOR BOTH ITEMS 4 AND 5 SHALL BE SET FORTH IN THE WRITTEN TEXT OF THE PLAT.

6. THE PROVISION AND DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT-OF-WAY ON THE NORTH SIDE.
7. THAT RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-CENTRAL BE PROVIDED IN THE PLAT, DESCRIBED AS BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE), THENCE WEST TO THE POINT OF BEGINNING.

AMENDED MOTION: AN AMENDMENT TO THE MOTION WAS MADE AS FOLLOWS: THAT THE PLANNING COMMISSION FURTHER RECOMMEND TO THE CITY COMMISSION THAT IT SERIOUSLY CONSIDER THAT FULL ACCESS CONTROL BE ACQUIRED FOR McLEAN BOULEVARD FROM THE NORTH LINE TO THE SOUTH LINE OF THE PLAT. THE AMENDMENT CARRIED BY A VOTE OF 3 IN FAVOR AND 1 OPPOSED.

THE MOTION AS AMENDED WAS CARRIED UNANIMOUSLY.

MAY 24, 1961

MR. ROBERT NESMITH
ATTORNEY
SCHWEITER BUILDING
WICHITA, KANSAS

DEAR MR. NESMITH:

RE: FINAL PLAT OF OSTEOPATHIC
ADDITION

ATTACHED IS THE EXCERPT FROM THE PLANNING COMMISSION MINUTES OF MAY 18, 1961, RELATIVE TO THE FINAL PLAT APPROVAL OF OSTEOPATHIC ADDITION. THESE MINUTES WILL BE FORWARDED TO THE BOARD OF CITY COMMISSIONERS FOR ITS CONSIDERATION AT ITS MEETING OF WEDNESDAY, MAY 31, 1961. ACCOMPANYING THIS MATTER ON THE CITY COMMISSION AGENDA WILL BE THE ITEM OF THE McLEAN-CENTRAL-MERIDIAN INTERSECTION AND THE ZONING CASE (Z-0309) ASSOCIATED WITH THE OSTEOPATHIC PLAT.

ALSO ATTACHED IS A PRINT PREPARED BY THE ENGINEERING DEPARTMENT SHOWING THE PROPOSED DEVELOPMENT FOR THE McLEAN-MERIDIAN-CENTRAL INTERSECTION.

IF YOU HAVE ANY QUESTIONS, PLEASE LET ME KNOW AND I WILL BE HAPPY TO REVIEW THEM WITH YOU.

INCERELY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

ATTACHMENTS - 2
MINUTES
INTERSECTION PRINT

CC. W. I. Fisher (-print)

MAY 16, 1961

MR. ROBERT L. NESMITH
SCHWEITER BUILDING
WICHITA, KANSAS

DEAR MR. NESMITH:

SUBJECT: S/D 61-9
OSTEOPATHIC ADDITION

THE SUBDIVISION COMMITTEE, AT ITS MEETING OF MAY 15 (RECESSED FROM MAY 11, 1961), CONSIDERED THE FINAL PLAT OF OSTEOPATHIC ADDITION (S/D 61-9) AND RECOMMENDED APPROVAL SUBJECT TO:

1. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
2. INDICATE THE EXISTING EASEMENT IN FAVOR OF K&E AS FILED WITH THE REGISTER OF DEEDS IN MISCELLANEOUS BOOK 234, PAGE 231, UNDER THE DATE OF MAY 20, 1948.
3. THE WEST RIGHT OF WAY FOR McLEAN BOULEVARD BEING 15 FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF THE PLAT TO THE SOUTH LINE OF THE PLAT EXCEPT AS MAY BE PROVIDED IN REQUIREMENT NO. 7, AS STATED HEREIN.
4. THE PLANNING COMMISSION RECOMMENDING TO THE BOARD OF CITY COMMISSIONERS AS A FIRST ALTERNATIVE THAT THE APPLICANT GRANT COMPLETE ACCESS CONTROL ALONG McLEAN BOULEVARD IN RETURN FOR THE CITY REFUNDING THE AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF McLEAN BOULEVARD; OR IN THE EVENT THIS IS NOT SATISFACTORY, THEN THE APPLICANT SHALL BE REQUIRED TO GRANT COMPLETE ACCESS CONTROL ON McLEAN FROM THE NORTH LINE OF CENTRAL (AS PROPOSED - 50 FEET NORTH FROM THE SECTION LINE) TO A POINT 500 FEET NORTH AS MEASURED ALONG THE RIGHT-OF-WAY LINE FOR McLEAN.

MAY 16, 1961

5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH; OR IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH LINE TO THE NORTH LINE OF THE PLAT, THEN IT IS RECOMMENDED THAT ACCESS CONTROL FOR CENTRAL WILL BE REQUIRED ONLY ON THAT PORTION FROM McLEAN TO THE WEST LINE OF MERIDIAN (AS NOW EXISTING) EXTENDED TO THE NORTH.

NOTE: IT IS THE UNDERSTANDING OF THE PLANNING DEPARTMENT THAT THE MATTER OF ACCESS CONTROL WILL BE CONTAINED IN THE WRITTEN TEXT OF THE PLAT INSTEAD OF BEING CONTAINED IN ANY SEPARATE INSTRUMENT.

6. THE DEDICATION OF SUFFICIENT RIGHT OF WAY FOR CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT OF WAY ON THE NORTH SIDE. (THE SUBDIVISION COMMITTEE POINTED OUT THAT THIS WAS A MINIMUM REQUIREMENT OF THE SUBDIVISION RULES AND REGULATIONS.) FOR REQUIREMENT, SEE SECTION VIIA, SUBDIVISION RULES AND REGULATIONS.
7. THAT RIGHT OF WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-CENTRAL BE PROVIDED FOR EITHER IN THE PLAT OR BY THE TERMS OF AN AGREEMENT TO THE EFFECT THAT THE HOSPITAL WILL DEDICATE SUCH PROPOSED RIGHT OF WAY TO THE CITY WITHOUT COST UPON REQUEST FROM THE CITY AND THAT THE COST OF IMPROVING THE INTERSECTION PART OF THE RIGHT OF WAY WILL BE PAID FOR BY THE CITY AT LARGE. THE RIGHT OF WAY NEEDED IS DESCRIBED AS BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT OF WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT OF WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE) THENCE WEST TO THE POINT OF BEGINNING.

MR. ROBERT L. NESHITH

- 3 -

MAY 16, 1961

8. THE REFERRAL OF THE ATTACHED AGREEMENT TO THE LEGAL COUNSEL OF THE CITY FOR ADVISE AS TO THE LEGALITY AND SUBSTANCE OF THE PROPOSALS CONTAINED IN THE CONTRACT, AND IN PARTICULAR AN EXAMINATION OF THE AGREEMENT AS TO WHETHER ACTS PERFORMED UNDER ITS PROVISIONS WOULD BE "ULTRA VIRES".

THIS MATTER IS ON THE PLANNING COMMISSION AGENDA FOR ITS CONSIDERATION AT ITS MEETING OF MAY 18, 1961. IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE CALL.

SINCERELY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:MM

cc: W. I. FISHER
FRANK BACKSTROM
FRED ALEY
LAWRENCE CURFMAN
E. N. SMITH
D. E. SMITH
PAUL GRAYES
CLYDE M. BAUGHMAN

ATTACHMENT: 1

FINAL PLAT
SUBDIVISION REPORT REVISED

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 61-6 NAME OSTEOPATHIC ADDITION
DATE APPLICATION REC'D 2-23-61 PRELIMINARY APPROVAL 3-9-61

DESCRIPTION

GENERAL LOCATION BETWEEN EDWARDS AND McLEAN AND BETWEEN CENTRAL
AND 9TH STREET
OWNER OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR/ENGINEER CLYDE M. BAUGHMAN
ADDRESS 2522 EAST KELLOGG

1. GROSS ACREAGE OF PLAT	<u>20.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) <u>60</u> R/W <u>133⁺</u> FT.	
RESIDENTIAL	<u>----</u>	(B) <u>20</u> R/W <u>925⁺</u> FT.	
COMMERCIAL	<u>----</u>	(C) <u>35</u> R/W <u>50⁺</u> FT.	
INDUSTRIAL	<u>----</u>	(D) TOTAL <u>1108[±]</u> FT.	
OTHER	<u>2</u>	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>2</u>	R/W <u>28,230</u> SQ.FT.	
3. AVERAGE LOT FRONTAGE	<u>NA</u> FT.	9. EXISTING ZONING	<u>"AA"</u>
4. MINIMUM LOT FRONTAGE	<u>NA</u> FT.	10. PROPOSED ZONING	<u>"LC"</u>
5. AVERAGE LOT AREA	<u>NA</u> SQ.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>NA</u> SQ.FT.	ZONING	<u>6,500</u> SQ.FT.

REQUIREMENT OF S/D COMMITTEE:

1. McLEAN BOULEVARD

- A. RIGHT-OF-WAY: 40 FEET FROM CENTER LINE OF PAVEMENT (18[±] FEET ON THE WESTERLY CURB LINE) EXCEPT THAT ADDITIONAL RIGHT-OF-WAY NEEDED TO CONSTRUCT THE McLEAN-CENTRAL-MERIDIAN INTERSECTION. SUCH RIGHT-OF-WAY AT THE INTERSECTION LOCATION SHALL BE DETERMINED BY THE CITY ENGINEER. THE GENERAL DESCRIPTION IS: BEGINNING 50 FEET NORTH OF THE CENTER LINE OF CENTRAL AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AS EXTENDED TO THE NORTH, THENCE NORTHWESTERLY 350 FEET MORE OR LESS AT AN ANGLE OF 105[±]° TO THE LEFT TO A POINT WHERE SAID LINE INTERSECTS WITH A LINE PARALLEL TO AND 40 FEET WEST OF THE CENTER LINE OF McLEAN.

STAFF COMMENT:

THIS CONDITION HAS NOT BEEN COMPLIED WITH IN THAT:

1. THE WEST RIGHT-OF-WAY LINE OF McLEAN IS ONLY 27.5[±] FEET FROM THE CENTER LINE OF PAVEMENT INSTEAD OF THE REQUIRED 40 FEET BETWEEN THE NORTH LINE OF THE SUBDIVISION AND THE SOUTH LINE OF MURDOCK AS PLATTED.
2. THE WEST RIGHT-OF-WAY LINE OF McLEAN IS ONLY 32.5[±] FEET FROM THE CENTER LINE OF PAVEMENT INSTEAD OF THE REQUIRED 40 FEET BETWEEN THE SOUTH LINE OF MURDOCK AND A POINT 600 FEET NORTH OF THE REQUIRED NORTH RIGHT-OF-WAY LINE OF CENTRAL.
3. THE REQUIRED RIGHT-OF-WAY FOR CONSTRUCTION OF THE McLEAN-CENTRAL-MERIDIAN INTERSECTION HAS NOT BEEN PLATTED.

(RIGHT-OF-WAY DATA IS FROM THE CITY ENGINEER.)

REQUIREMENT OF S/D COMMITTEE:

- 1.B. DIRECT VEHICULAR ACCESS TO McLEAN SHALL BE DENIED FROM CENTRAL TO A POINT 600 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AS MEASURED ALONG THE PROPOSED RIGHT-OF-WAY LINE OF McLEAN.

STAFF COMMENT:

THIS REQUIREMENT HAS NOT BEEN COMPLIED WITH.

REQUIREMENT OF S/D COMMITTEE:

- 1.c. PLATTORS WILL VOLUNTARILY SUBMIT RESTRICTIVE COVENANTS SATISFACTORY TO THE APPROVING BODIES OF THE CITY, RUNNING WITH THE LAND PROVIDING FOR THE REGULATION OF ACCESS AND EGRESS POINTS, THROUGH DRIVES, AND OTHER PHYSICAL FEATURES RELATING TO THE GENERAL DEVELOPMENT OF THE LAND. THE PLATTORS WILL ALSO AGREE TO FILE RESTRICTIVE COVENANTS RUNNING WITH THE LAND TO PROVIDE, WITHOUT COST TO THE CITY, FOR THE FUTURE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR McLEAN BOULEVARD WHICH MAY BE NEEDED TO PROVIDE FOR CONSTRUCTION OF MEDIALS, STORAGE SPACE, TURN AREAS, AND OTHER TRAFFIC CONTROL MEASURES THAT MAY BE REQUIRED TO SERVE THE PLATTORS PROPERLY. THE CITY SHALL NOT TAKE A POSITION ON THE METHOD OF FINANCING SUCH IMPROVEMENTS TO McLEAN AT THIS TIME, BUT SHALL RECOGNIZE AT LEAST A PORTION OF THE CONSTRUCTION MAY BE CHARGED TO ABUTTING PROPERTY OWNERS.

STAFF COMMENT:

THE REQUIREMENT HAS NOT BEEN COMPLIED WITH.

REQUIREMENT OF S/D COMMITTEE:

2. EDWARDS

- A. FULL RIGHT-OF-WAY FOR THE EXTENSION OF EDWARDS FROM ELM TO CENTRAL (TO ALIGN WITH EDWARDS SOUTH OF CENTRAL) SHALL BE REQUIRED UNLESS THE DEVELOPERS AND PLATTORS OFFER A PLAN OF ADEQUATE ON-SITE TRAFFIC CIRCULATION.

STAFF COMMENT:

ON SITE TRAFFIC CIRCULATION PLAN HAS NOT BEEN SUBMITTED NOR HAS ALTERNATE RIGHT-OF-WAY FOR EDWARDS BEEN OFFERED.

REQUIREMENT OF S/D COMMITTEE:

- 2.B. REQUIRE 35 FOOT RIGHT-OF-WAY FOR EDWARDS FROM THE NORTH LINE OF ELM TO THE SOUTH LINE OF ELM EVEN IF EDWARDS IS NOT OPEN THROUGH TO CENTRAL.

STAFF COMMENT:

REQUIRED DEDICATION HAS BEEN SHOWN.

REQUIREMENT OF S/D COMMITTEE:

3. MURDOCK

- A. DEVELOPERS SHALL BE GIVEN CHOICE OF HAVING MURDOCK OPENED THROUGH FROM EDWARDS TO McLEAN OR OF HAVING THE NORTHERLY DIAGONAL DRIVE BETWEEN McLEAN AND EDWARDS AS SHOWN ON THEIR SUBMITTED "PLOT PLAN". HOWEVER, IF EDWARDS IS NOT DEDICATED FROM ELM TO CENTRAL, THEN MURDOCK SHALL BE OPENED AND THE PRIVATE DIAGONAL DRIVE NOT BE ALLOWED.

PAGE 3
FINAL PLAT
SUBDIVISION REPORT REVISED

STAFF COMMENTS:

MURDOCK HAS BEEN PLATTED SO THAT THE OPENING OF EDWARDS TO CENTRAL IS NOT REQUIRED AND THE DIAGONAL DRIVE OF THE PLOT PLAN WILL NOT BE ALLOWED.

REQUIREMENT OF S/D COMMITTEE:

4. CENTRAL

- A. DEDICATION OF 20 FEET SO THAT THERE WILL BE 50 FEET OF HALF RIGHT-OF-WAY FOR A SECTION LINE ROAD. (REQUIRED BY SUBDIVISION RULES AND REGULATIONS.)

STAFF COMMENTS:

ONLY 10 FEET HAS BEEN DEDICATED FOR ADDITIONAL RIGHT-OF-WAY FOR CENTRAL INSTEAD OF THE REQUIRED 20 FEET.

REQUIREMENT OF S/D COMMITTEE:

- 4.B. DIRECT VEHICULAR ACCESS SHALL BE DENIED TO CENTRAL BETWEEN MCLEAN AND THE EAST LINE OF RICHMOND.

STAFF COMMENTS:

NO STATEMENT ON THE PLAT PROHIBITS VEHICULAR ACCESS TO CENTRAL BETWEEN THE WEST LINE OF MCLEAN AND THE EAST LINE OF RICHMOND AS PROJECTED FROM THE SOUTH.

OSTEOPATHIC ADDITION - CONDITIONS FOR APPROVAL

1. GRANTING OF RIGHT-OF-WAY FOR CENTRAL AVENUE IN SUCH AMOUNT AS TO PROVIDE FOR 50 FEET HALF RIGHT-OF-WAY NORTH OF THE SECTION LINE.
2. DEDICATION OF RIGHT-OF-WAY FOR THE INTERSECTION OF McLEAN-CENTRAL AND MERIDIAN DESCRIBED AS BEGINNING 50 FEET NORTH OF THE SECTION LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE EXTENDED TO THE NORTH; THENCE NORTHWESTERLY AT AN APPROXIMATE ANGLE OF 105°, TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD. (CURB LINE PLUS 15 FEET.) THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE); THENCE WEST TO THE POINT OF BEGINNING.
3. RIGHT-OF-WAY FOR McLEAN SHALL BE 15 FEET WEST OF THE WEST CURB LINE OF McLEAN BOULEVARD EXCEPT AS PROVIDED IN ITEM 2 ABOVE.
4. INDICATING THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
5. INDICATE THE EXISTING EASEMENT IN FAVOR OF KG&E AS FILED WITH THE REGISTER OF DEEDS IN MISCELLANEOUS BOOK 234, PAGE 231, UNDER THE DATE OF MAY 20, 1948. THAT FULL ACCESS CONTROL BE GRANTED ALONG McLEAN BOULEVARD IN RETURN FOR THE CITY COMMISSION REFUNDING THE FULL AMOUNT PAID BY THE APPLICANT FOR ANY SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF McLEAN BOULEVARD; OR THE GRANTING OF COMPLETE ACCESS CONTROL ON McLEAN FROM THE NORTH LINE OF CENTRAL (AS PROPOSED) TO A POINT 600 FEET NORTH AS MEASURED ALONG THE RIGHT-OF-WAY OF McLEAN.
6. THE APPLICANT GRANT COMPLETE ACCESS CONTROL ON CENTRAL FROM McLEAN TO THE EAST LINE OF RICHMOND AS EXTENDED TO THE NORTH; OR, IN THE EVENT THE CITY ELECTS TO TAKE COMPLETE ACCESS CONTROL FOR ALL OF McLEAN FROM THE SOUTH LINE TO THE NORTH LINE OF THE PLAT, THEN ACCESS CONTROL SHALL BE GRANTED ONLY FROM McLEAN TO THE WEST LINE OF MERIDIAN, AS EXTENDED TO THE NORTH.

AGREEMENT

This agreement entered into this the ____ day of _____, 1961, by and between the City of Wichita, Kansas, a municipal corporation hereinafter called "the city" and the Osteopathic Hospital of Wichita, hereinafter called "the hospital".

WHEREAS the Hospital is the owner of the following described property in Wichita, Sedgwick County, Kansas:

Beginning 40 feet north and 1898.3 feet east of the S.W. Corner of the S.E. 1/4 of Section 13, Twp. 27-S: R-1-W; thence north parallel with the west line of said 1/4 Section 110 feet; thence west parallel with the south line of said 1/4 Section 25.0 feet; thence north parallel with the west line of said 1/4 Section 2040.07 feet to a point 330 feet south of the north line of said 1/4 Section; thence east parallel with the north line of said 1/4 Section 215.3 feet to the intersection of a curve having a radius of 797.77 feet; thence southerly 173.04 feet and through a central angle of $122^{\circ}25'40''$ to the point of tangency of said curve; thence along tangent to said curve 70.25 feet to the point of curvature of a curve to the left having a radius of 1324.59 feet; thence along said curve and through a central angle of $162^{\circ}13'13''$, 374.99 feet; thence westerly and radial to said curve 5.0 feet to the intersection of a curve having a radius of 1329.59 feet; thence southerly along said curve and through a central angle of $22^{\circ}02'47''$, a distance of 511.59 feet to the point of tangency of said curve; thence along tangent to said curve 657.56 feet to the point of curvature of a curve to the left having a central angle of $2^{\circ}53'00''$ and a radius of 7981.2 feet; thence along said curve a distance of 401.64 feet to the point of curvature of a curve to the right having a central angle of $34^{\circ}09'00''$ and a radius of 288.72 feet; thence along said curve 172.09 feet to the point of tangency of said curve; thence west 925.22 feet to the place of beginning.

and WHEREAS the Metropolitan Area Planning Commission has recommended to the governing body of the city that the above described property be zoned light commercial, subject to agreement between the city and the hospital upon a plat for the said real property.

I

NOW THEREFORE it is mutually agreed that if, as and when the city desires, and requires a right-of-way for the purpose of widening West Central, and is ready to widen West Central westward, from the intersection of McLean Boulevard, to a width of 100 feet, the hospital will make available to the city a strip 10 feet in width off the South side of the above described property, the hospital reserving the option of dedicating to the city said strip of land without cost to the city and paying no part of the cost and expense of grading and paving or the widening of said street; or, of requiring the city to buy or condemn said 10 foot strip of land and the city assessing against the hospital property no more for the cost and expense of widening and grading and paving said street than is charged against the owners South and immediately opposite the hospital property for a comparable amount of land for widening, grading and paving said street.

II

It is further agreed that the hospital shall have the same obligation to make available to the city a portion of its property not to exceed 100 feet in width adjacent to McLean Boulevard and not to exceed 300 feet North of the North line of West Central for the purpose of improving and widening the intersection at McLean and West Central and the hospital shall the same option as provided in the preceeding paragraph, that is, of dedicating without cost to the city and the hospital having no tax assessment for improving said street or of permitting the city to buy or condemn said 100 foot strip and the hospital being assessed in the normal manner provided by law for the street improvement work.

III

It is further agreed that the hospital will dedicate to the public a strip of land beginning at a point on the present North line of West Central 10 feet West of the most western curb line of McLean Boulevard extending in a Northwesterly direction parallel to said curb line to the South line of Murdock extended East; and beginning at a point on the North line of Murdock Street extended East and 5 feet West of the most western curb line of McLean Boulevard, thence in a northerly direction parallel to said curb line to a point 300 feet South of the present South line of 9th Street; the hospital will dedicate, without cost to the city of Wichita, that part or parcel of its land necessary for the extension of the 35 foot easement from 9th Street to the South line of Elm Street extended East.

IV

It is further agreed that the city shall immediately upon the execution of this agreement, execute and deliver to the hospital such instrument or instruments as the hospital shall require conveying to it all of the city's right, title and interest in and to the property above described except; the dedications described in paragraph III hereof.

The hospital shall at the request of the city dedicate to the public a parcel or strip of land 60 feet in width extending Murdock Avenue East to the McLean Boulevard. No part of the cost and expense of grading and paving thereof shall be charged to the hospital unless the grading and paving thereof is requested by the hospital.

Access off McLean Boulevard to the hospital property shall be denied from the South line of the hospital property

to a point 600 feet North thereof measured along the Boulevard; and access shall be denied off Central Avenue to the hospital property East of the East line of Richmond Avenue extended North.

V

The city further agrees not to erect or permit or suffer the erection of any billboard, signs or other obstructions along McLean Boulevard right-of-way between the North line of Central and the North end of the hospital property which would in any way mar or obstruct the view from the hospital property without the written consent of the governing body of the hospital, but this limitation shall not prevent the planting of trees and shrubs or the erection of standard traffic control signs.

The terms and conditions of this agreement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties hereto have set their respective hands and official seals as of the day and year first above written.

CITY OF WICHITA, KANSAS

By _____
Mayor

ATTEST:

Clerk

THE OSTEOPATHIC HOSPITAL OF
WICHITA, A Corporation

By _____
President

ATTEST:

Secretary

COMMENTS RELATIVE TO THE AGREEMENT SUBMITTED BY
ROBERT L. NESMITH ON THE OSTEOPATHIC HOSPITAL

1. IN THE COVER LETTER MR. NESMITH REFERS TO THE DOCUMENT AS THE PLAT-CONTRACT. SINCE THE ZONING IS ALSO A PART AND PARCEL OF THE WHOLE DEVELOPMENT, IT WOULD BE PREFERABLE TO KEEP THE WORD "CONTRACT" OUT OF THE PROCEEDINGS. IT SHOULD BE REMEMBERED THAT MR. CURFMAN HAS APPROVED THE AGREEMENT AS TO FORM ONLY AND NOT AS TO SUBSTANCE.
2. ON PAGE ONE, IN THE SECOND "WHEREAS", THERE IS REFERENCE TO THE RECOMMENDATION ON ZONING BY THE PLANNING COMMISSION TO THE CITY COMMISSION, SUCH ZONING TO BE SUBJECT TO AGREEMENT BETWEEN THE CITY AND THE HOSPITAL UPON A PLAT FOR THE PROPERTY. THIS AGAIN MAY APPEAR TO THE COURTS AS ZONING BY CONTRACT. HOWEVER, IF THIS IS TO BE ACCEPTED, THE PLANNING COMMISSION MAY WISH TO BE A PARTY TO THE AGREEMENT AS IT RELATES TO SUBDIVISION CONTROL. THE STATUTES MAKE THE PLANNING COMMISSION RESPONSIBLE FOR APPROVAL OF PLATS TOGETHER WITH THE CITY COMMISSION. THIS MIGHT BE IMPORTANT IF THE AGREEMENT WERE TO BE AMENDED LATER AND NO REFERRAL MADE TO THE PLANNING COMMISSION.

NOTE: THERE IS NO PROVISION IN THE AGREEMENT FOR ITS AMENDMENT.

3. THE NORMAL HALF RIGHT-OF-WAY FOR CENTRAL IS STILL NOT DEDICATED IN THE PLAT. SECTION 1 OF THE AGREEMENT READS THAT THE STREET WOULD HAVE TO BE WIDENED TO 100 FEET (THE PAVING?) BEFORE THE RIGHT-OF-WAY (EXTRA 10 FEET) WOULD BE MADE AVAILABLE. IF ANY COSTS ARE TO BE ASSESSED FOR THE WIDENING OR PAVING, THEN THE CITY IS REQUIRED TO BUY OR CONDEMN. LIKEWISE, IF THE WHOLE BLOCK GOES COMMERCIAL A STRUCTURE COULD BE BUILT ON THE TEN FEET (AS NO SETBACK WOULD BE REQUIRED) AND THE CITY WOULD HAVE TO BUY BUILDINGS. IF THE CITY HAS TO BUY OR CONDEMN AN OPTION PRICE SHOULD BE PROVIDED FOR, AND A PROVISION INCLUDED THAT NO STRUCTURE SHALL BE BUILT ON THIS TEN FEET.

THE AGREEMENT ALSO PROVIDES THAT NO MORE CHARGE SHALL BE MADE ON THE NORTH THAN ON THE SOUTH OF CENTRAL IF AN ASSESSMENT FOR PAVING IS MADE. THIS WE CANNOT DO SINCE THE APPRAISAL VALUE FOR ASSESSMENTS ARE MADE BY APPRAISERS AND ARE USUALLY ON THE BASIS OF ZONING. THEY MIGHT BE ON A 10 OR 20 TO 1 RATIO. THE STATE STATUTES ARE CONTROLLING IN THIS MATTER.

4. THE SAME COMMENTS AS IN THREE ABOVE APPLY TO THE LAND NEEDED FOR THE MCLEAN-CENTRAL-MERIDIAN INTERSECTION. THE AREA STATED AS BEING AVAILABLE IS NOT CLEARLY DEFINED.

5. RIGHT-OF-WAY FOR McLEAN ON THE PLAT IS ONLY 32½ FEET FROM CENTER LINE. THE REQUIREMENT WAS FOR 40 FEET FROM CENTER LINE. THE HOSPITAL AGREES TO DEDICATE* BUT DOES NOT SPECIFY WHEN. THEY DO AGREE TO DO SO WITHOUT COST TO THE CITY.

*ONLY 10 FEET FROM CURB LINE FROM CENTRAL TO MURDOCK, AND 5 FEET FROM CURB LINE NORTH OF MURDOCK. (THE PLAT INDICATES SLIGHTLY MORE).

6. THEY AGREE TO DEDICATE MURDOCK FROM EDWARDS TO McLEAN (IT IS ALREADY INCLUDED IN THE PLAT). HOWEVER, THEY ASK THE CITY TO ABROGATE ITS RIGHT TO ORDER PAVING IN REGARDLESS OF PROTEST IF DEEMED NECESSARY; AND TO PAVE IT ONLY AT THEIR REQUEST UNLESS THE CITY WILL PAY FOR IT 100% AT LARGE.
7. THE MATTER OF ACCESS SHOULD BE CLEARED UP IN THE AGREEMENT BY SPECIFYING "NO DIRECT VEHICULAR ACCESS" INSTEAD OF JUST "ACCESS".
8. THE CITY WOULD AGREE TO NOT ERECT OR PERMIT OR SUFFER THE ERECTION OF ANY BILLBOARD, SIGNS OR OTHER OBSTRUCTIONS ALONG McLEAN WHICH WOULD IN ANY WAY MAR OR OBSTRUCT THE VIEW FROM THE HOSPITAL PROPERTY WITHOUT WRITTEN CONSENT OF THE GOVERNING BODY OF THE HOSPITAL, NOT TO EXCLUDE TREES, SHRUBS OR STANDARD TRAFFIC CONTROL SIGNS. ARE THE 10 X 5 (APPROXIMATE) GREEN LUMINOUS DIRECTIONAL SIGNS "STANDARD"? WHAT IS STANDARD? WHAT CONSTITUTES A MARRING OR AN OBSTRUCTION OF VIEW?

FINAL PLAT
SUBDIVISION REPORT REVISED

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 61-6 NAME OSTEOPATHIC ADDITION
DATE APPLICATION REC'D 2-23-61 PRELIMINARY APPROVAL 3-9-61

DESCRIPTION

GENERAL LOCATION BETWEEN EDWARDS AND McLEAN AND BETWEEN CENTRAL
AND 9TH STREET

OWNER OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR/ENGINEER CLYDE M. BAUGHMAN
ADDRESS 2522 EAST KELLOGG

1. GROSS ACREAGE OF PLAT	<u>20.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A)	<u>60</u> R/W <u>133[±]</u> FT.
RESIDENTIAL	<u>----</u>	(B)	<u>20</u> R/W <u>925[±]</u> FT.
COMMERCIAL	<u>----</u>	(C)	<u>35</u> R/W <u>50[±]</u> FT.
INDUSTRIAL	<u>----</u>	(D)	TOTAL <u>1108[±]</u> FT.
OTHER	<u>2</u>	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>2</u>	R/W	<u>28,230</u> SQ.FT.
3. AVERAGE LOT FRONTAGE	<u>NA</u> FT.	9. EXISTING ZONING	<u>"AA"</u>
4. MINIMUM LOT FRONTAGE	<u>NA</u> FT.	10. PROPOSED ZONING	<u>"LC"</u>
5. AVERAGE LOT AREA	<u>NA</u> SQ.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>NA</u> SQ.FT.	ZONING	<u>6,500</u> SQ.FT.

REQUIREMENT OF S/D COMMITTEE:

1. McLEAN BOULEVARD
 - A. RIGHT-OF-WAY: 40 FEET FROM CENTER LINE OF PAVEMENT (18[±] FEET ON THE WESTERLY CURB LINE) EXCEPT THAT ADDITIONAL RIGHT-OF-WAY NEEDED TO CONSTRUCT THE McLEAN-CENTRAL-MERIDIAN INTERSECTION. SUCH RIGHT-OF-WAY AT THE INTERSECTION LOCATION SHALL BE DETERMINED BY THE CITY ENGINEER. THE GENERAL DESCRIPTION IS: BEGINNING 50 FEET NORTH OF THE CENTER LINE OF CENTRAL AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AS EXTENDED TO THE NORTH, THENCE NORTHWESTERLY 350 FEET MORE OR LESS AT AN ANGLE OF 105[±] TO THE LEFT TO A POINT WHERE SAID LINE INTERSECTS WITH A LINE PARALLEL TO AND 40 FEET WEST OF THE CENTER LINE OF McLEAN.

STAFF COMMENT:

THIS CONDITION HAS NOT BEEN COMPLIED WITH IN THAT:

1. THE WEST RIGHT-OF-WAY LINE OF McLEAN IS ONLY 27.5[±] FEET FROM THE CENTER LINE OF PAVEMENT INSTEAD OF THE REQUIRED 40 FEET BETWEEN THE NORTH LINE OF THE SUBDIVISION AND THE SOUTH LINE OF MURDOCK AS PLATTED.
2. THE WEST RIGHT-OF-WAY LINE OF McLEAN IS ONLY 32.5[±] FEET FROM THE CENTER LINE OF PAVEMENT INSTEAD OF THE REQUIRED 40 FEET BETWEEN THE SOUTH LINE OF MURDOCK AND A POINT 600 FEET NORTH OF THE REQUIRED NORTH RIGHT-OF-WAY LINE OF CENTRAL.
3. THE REQUIRED RIGHT-OF-WAY FOR CONSTRUCTION OF THE McLEAN-CENTRAL-MERIDIAN INTERSECTION HAS NOT BEEN PLATTED.

(RIGHT-OF-WAY DATA IS FROM THE CITY ENGINEER.)

REQUIREMENT OF S/D COMMITTEE:

- 1.B. DIRECT VEHICULAR ACCESS TO McLEAN SHALL BE DENIED FROM CENTRAL TO A POINT 600 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AS MEASURED ALONG THE PROPOSED RIGHT-OF-WAY LINE OF McLEAN.

STAFF COMMENT:

THIS REQUIREMENT HAS NOT BEEN COMPLIED WITH.

REQUIREMENT OF S/D COMMITTEE:

- I.C. PLATTORS WILL VOLUNTARILY SUBMIT RESTRICTIVE COVENANTS SATISFACTORY TO THE APPROVING BODIES OF THE CITY, RUNNING WITH THE LAND PROVIDING FOR THE REGULATION OF ACCESS AND EGRESS POINTS, THROUGH DRIVES, AND OTHER PHYSICAL FEATURES RELATING TO THE GENERAL DEVELOPMENT OF THE LAND. THE PLATTORS WILL ALSO AGREE TO FILE RESTRICTIVE COVENANTS RUNNING WITH THE LAND TO PROVIDE, WITHOUT COST TO THE CITY, FOR THE FUTURE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR McLEAN BOULEVARD WHICH MAY BE NEEDED TO PROVIDE FOR CONSTRUCTION OF MEDIALS, STORAGE SPACE, TURN AREAS, AND OTHER TRAFFIC CONTROL MEASURES THAT MAY BE REQUIRED TO SERVE THE PLATTORS PROPERLY. THE CITY SHALL NOT TAKE A POSITION ON THE METHOD OF FINANCING SUCH IMPROVEMENTS TO McLEAN AT THIS TIME, BUT SHALL RECOGNIZE AT LEAST A PORTION OF THE CONSTRUCTION MAY BE CHARGED TO ABUTTING PROPERTY OWNERS.

STAFF COMMENT:

THE REQUIREMENT HAS NOT BEEN COMPLIED WITH.

REQUIREMENT OF S/D COMMITTEE:

2. EDWARDS

- A. FULL RIGHT-OF-WAY FOR THE EXTENSION OF EDWARDS FROM ELM TO CENTRAL (TO ALIGN WITH EDWARDS SOUTH OF CENTRAL) SHALL BE REQUIRED UNLESS THE DEVELOPERS AND PLATTORS OFFER A PLAN OF ADEQUATE ON-SITE TRAFFIC CIRCULATION.

STAFF COMMENT:

ON SITE TRAFFIC CIRCULATION PLAN HAS NOT BEEN SUBMITTED NOR HAS ALTERNATE RIGHT-OF-WAY FOR EDWARDS BEEN OFFERED.

REQUIREMENT OF S/D COMMITTEE:

- 2.B. REQUIRE 35 FOOT RIGHT-OF-WAY FOR EDWARDS FROM THE NORTH LINE OF ELM TO THE SOUTH LINE OF ELM EVEN IF EDWARDS IS NOT OPEN THROUGH TO CENTRAL.

STAFF COMMENT:

REQUIRED DEDICATION HAS BEEN SHOWN.

REQUIREMENT OF S/D COMMITTEE:

3. MURDOCK

- A. DEVELOPERS SHALL BE GIVEN CHOICE OF HAVING MURDOCK OPENED THROUGH FROM EDWARDS TO McLEAN OR OF HAVING THE NORTHERLY DIAGONAL DRIVE BETWEEN McLEAN AND EDWARDS AS SHOWN ON THEIR SUBMITTED "PLOT PLAN". HOWEVER, IF EDWARDS IS NOT DEDICATED FROM ELM TO CENTRAL, THEN MURDOCK SHALL BE OPENED AND THE PRIVATE DIAGONAL DRIVE NOT BE ALLOWED.

PAGE 3
FINAL PLAT
SUBDIVISION REPORT REVISED

STAFF COMMENTS:

MURDOCK HAS BEEN PLATTED SO THAT THE OPENING OF EDWARDS TO CENTRAL IS NOT REQUIRED AND THE DIAGONAL DRIVE OF THE PLOT PLAN WILL NOT BE ALLOWED.

REQUIREMENT OF S/D COMMITTEE:

4. CENTRAL

- A. DEDICATION OF 20 FEET SO THAT THERE WILL BE 50 FEET OF HALF RIGHT-OF-WAY FOR A SECTION LINE ROAD. (REQUIRED BY SUBDIVISION RULES AND REGULATIONS.)

STAFF COMMENTS:

ONLY 10 FEET HAS BEEN DEDICATED FOR ADDITIONAL RIGHT-OF-WAY FOR CENTRAL INSTEAD OF THE REQUIRED 20 FEET.

REQUIREMENT OF S/D COMMITTEE:

- 4.B. DIRECT VEHICULAR ACCESS SHALL BE DENIED TO CENTRAL BETWEEN McLEAN AND THE EAST LINE OF RICHMOND.

STAFF COMMENTS:

NO STATEMENT ON THE PLAT PROHIBITS VEHICULAR ACCESS TO CENTRAL BETWEEN THE WEST LINE OF McLEAN AND THE EAST LINE OF RICHMOND AS PROJECTED FROM THE SOUTH.

LAW OFFICES
NeSMITH, FUGATE AND GRANT
608-606 SCHWEITER BLDG.
WICHITA 2, KANSAS

TELEPHONE HO 4-4636

ROBT. L. NESMITH
JUSTUS H. FUGATE
JAMES B. GRANT

May 8, 1961

Mr. Frank Kessler
Kessler Lumber & Supply Co.
1905 Southwest Boulevard
Wichita, Kansas

Re: Osteopathic Hospital
plat-contract

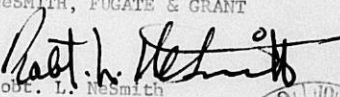
Dear Mr. Kessler:

Enclosed herewith is a copy and original agreement which reflects the new description of the Osteopathic Hospital property at West Central and McLean Boulevard, and the agreement which your committee and the hospital agree should be executed by the hospital and the city.

If the Metropolitan Area Planning Commission approves the plat and the contract, and the City Commission approves, we would appreciate it if you would cause the original contract to be submitted to the Mayor and the Clerk of the city for their signatures, and have it returned to this office, and I will secure the signatures of the officials of the hospital. The initials on the copy of the agreement indicates Mr. Curfman's approval of the agreement as to form.

Very truly yours,

NeSMITH, FUGATE & GRANT


Robt. L. Nesmith

RLN/jrv
Enc.

CC: W. I. Fisher & Co.
301 South Main
Wichita, Kansas



- ① Adequate if measured from the west R/W line of McLean
- ② Must be 350' measured at right angle to E Central and measured from the proposed R/W line of Central (40' 1/2 R/W) or 340' if measured in the same way from the R/W line (50' 1/2 R/W) required by S/D Committee
- ③ These points are commented on in the S/D Report Revised.
- ④ A part of the submitted final plat and dedicate thereon
- ⑤ These points are commented on in the S/D Report Revised.

L. E. C.
May 8, '61

AGREEMENT

This agreement entered into this the ___ day of _____, 1961, by and between the City of Wichita, Kansas, a municipal corporation hereinafter called "the city" and the Osteopathic Hospital of Wichita, hereinafter called "the hospital".

WHEREAS the Hospital is the owner of the following described property in Wichita, Sedgwick County, Kansas:

Beginning 40 feet north and 1898.3 feet east of the S.W. Corner of the S.E. 1/4 of Section 13, Twp. 27-8: R-1-W; thence north parallel with the west line of said 1/4 Section 110 feet; thence west parallel with the south line of said 1/4 Section 25.0 feet; thence north parallel with the west line of said 1/4 Section 2040.07 feet to a point 330 feet south of the north line of said 1/4 Section; thence east parallel with the north line of said 1/4 Section 215.8 feet to the intersection of a curve having a radius of 797.77 feet; thence southerly 173.04 feet and through a central angle of $12^{\circ}25'40''$ to the point of tangency of said curve; thence along tangent to said curve 70.25 feet to the point of curvature of a curve to the left having a radius of 1324.59 feet; thence along said curve and through a central angle of $16^{\circ}13'13''$, 374.99 feet; thence westerly and radial to said curve 5.0 feet to the intersection of a curve having a radius of 1329.59 feet; thence southerly along said curve and through a central angle of $22^{\circ}02'47''$, a distance of 511.59 feet to the point of tangency of said curve; thence along tangent to said curve 657.56 feet to the point of curvature of a curve to the left having a central angle of $2^{\circ}53'00''$ and a radius of 7981.2 feet; thence along said curve a distance of 401.64 feet to the point of curvature of a curve to the right having a central angle of $34^{\circ}09'00''$ and a radius of 288.72 feet; thence along said curve 172.09 feet to the point of tangency of said curve; thence west 925.22 feet to the place of beginning.

and WHEREAS the Metropolitan Area Planning Commission has recommended to the governing body of the city that the above described property be zoned light commercial, subject to agreement between the city and the hospital upon a plat for the said real property.

I

NOW THEREFORE it is mutually agreed that if, as and when the city desires, and requires a right-of-way for the purpose of widening West Central, and is ready to widen West Central westward, from the intersection of McLean Boulevard, to a width of 100 feet, the hospital will make available to the city a strip 10 feet in width off the South side of the above described property, the hospital reserving the option of dedicating to the city said strip of land without cost to the city and paying no part of the cost and expense of grading and paving or the widening of said street; or, of requiring the city to buy or condemn said 10 foot strip of land and the city assessing against the hospital property no more for the cost and expense of widening and grading and paving said street than is charged against the owners South and immediately opposite the hospital property for a comparable amount of land for widening, grading and paving said street.

II

It is further agreed that the hospital shall have the same obligation to make available to the city a portion of its property not to exceed 100 feet in width adjacent to McLean Boulevard and not to exceed 300 feet North of the North line of West Central for the purpose of improving and widening the intersection at McLean and West Central and the hospital shall the same option as provided in the preceding paragraph, that is, of dedicating without cost to the city and the hospital having no tax assessment for improving said street or of permitting the city to buy or condemn said 100 foot strip and the hospital being assessed in the normal manner provided by law for the street improvement work.

③ III

It is further agreed that the hospital will dedicate to the public a strip of land beginning at a point on the present North line of West Central 10 feet West of the most western curb line of McLean Boulevard extending in a Northwesterly direction parallel to said curb line to the South line of Murdock extended East; and beginning at a point on the North line of Murdock Street extended East and 5 feet West of the most western curb line of McLean Boulevard, thence in a northerly direction parallel to said curb line to a point 300 feet South of the present South line of 9th Street; the hospital will dedicate, without cost to the city of Wichita, that part or parcel of its land necessary for the extension of the 35 foot easement from 9th Street to the South line of Elm Street extended East.

IV

It is further agreed that the city shall immediately upon the execution of this agreement, execute and deliver to the hospital such instrument or instruments as the hospital shall require conveying to it all of the city's right, title and interest in and to the property above described except; the dedications described in paragraph III hereof.

④ The hospital shall at the request of the city dedicate to the public a parcel or strip of land 60 feet in width extending Murdock Avenue East to the McLean Boulevard. No part of the cost and expense of grading and paving thereof shall be charged to the hospital unless the grading and paving thereof is requested by the hospital.

⑤ Access off McLean Boulevard to the hospital property shall be denied from the South line of the hospital property

to a point 600 feet North thereof measured along the Boulevard,
and access shall be denied off Central Avenue to the hospital
property East of the East line of Richmond Avenue extended
North.

V

The city further agrees not to erect or permit or
suffer the erection of any billboard, signs or other obstruc-
tions along McLean Boulevard right-of-way between the North
line of Central and the North end of the hospital property
which would in any way mar or obstruct the view from the
hospital property without the written consent of the governing
body of the hospital, but this limitation shall not prevent
the planting of trees and shrubs or the erection of standard
traffic control signs.

The terms and conditions of this agreement shall be
binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties hereto have set
their respective hands and official seals as of the day and
year first above written.

CITY OF WICHITA, KANSAS

By _____
Mayor

ATTEST:

Clerk

THE OSTEOPATHIC HOSPITAL OF
WICHITA, A Corporation

By _____
President

ATTEST:

Secretary

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 61-6 NAME OSTEOPATHIC ADDITION
DATE APPLICATION REC'D 2-23-61 PRELIMINARY APPROVAL 3-9-61

DESCRIPTION

GENERAL LOCATION BETWEEN EDWARDS AND McLEAN AND BETWEEN CENTRAL
AND 9TH STREET

OWNER OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR/ENGINEER CLYDE M. BAUGHMAN
ADDRESS 2522 EAST KELLOGG

1. GROSS ACREAGE OF PLAT	<u>20.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A)	<u>60</u> R/W <u>133+</u> FT.
RESIDENTIAL	<u>----</u>	(B)	<u>20</u> R/W <u>925+</u> FT.
COMMERCIAL	<u>----</u>	(C)	<u>----</u> R/W <u>----</u> FT.
INDUSTRIAL	<u>----</u>	(D)	TOTAL <u>1058++</u> FT.
OTHER	<u>2</u>	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>2</u>	R/W	<u>26,480</u> SQ.FT.
3. AVERAGE LOT FRONTAGE	<u>NA</u> FT.	9. EXISTING ZONING	<u>"AA"</u>
4. MINIMUM LOT FRONTAGE	<u>NA</u> FT.	10. PROPOSED ZONING	<u>"C"</u>
5. AVERAGE LOT AREA	<u>NA</u> SQ.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>NA</u> SQ.FT.	ZONING	<u>6,500</u> SQ.FT.

STAFF COMMENTS:

TO BE PRESENTED AT SUBDIVISION COMMITTEE MEETING.

SUBDIVISION COMMITTEE ACTION: _____ (DATE)
THE SUBDIVISION COMMITTEE RECOMMENDS:

M. A. P. C. ACTION: _____ (DATE)
THE METROPOLITAN AREA PLANNING COMMISSION:

CLYDE M. BAUGHMAN
FRED J. DOANE
JOHN T. (JACK) REEVES

OFFICE OF
CLYDE M. BAUGHMAN CO.
Civil Engineer & Surveyors
Registered Professional Engineer

2522 EAST KELLOGG
WICHITA 11, KANSAS
PHONE MURRAY 3-7431



Planning Commission
City Hall Annex
Wichita, Kansas

Gentlemen:

This is to inform you that the irons have been set in OSTEOPATHIC ADDITION to Wichita, Kansas, according to the plat on file in your office.

Clyde M. Baughman
Surveyor



FRANK H. BACKSTROM, CITY MANAGER

MAY 4, 1961

JERROLD A. MOORE, ASSISTANT PLANNING DIRECTOR

S/D61-6 - STATUS OF OSTEOPATHIC ADDITION PLAT

ON MARCH 30 THE SUBDIVISION COMMITTEE CONSIDERED THE PRELIMINARY PLAT OF OSTEOPATHIC ADDITION. THE SUBDIVISION COMMITTEE APPROVED IT FOR PREPARATION OF THE FINAL PLAT SUBJECT TO SEVERAL CONDITIONS. THESE CONDITIONS WERE STATED IN A LETTER TO MR. NESMITH, DATED APRIL 3, 1961, A COPY OF WHICH WAS FORWARDED TO YOU.

THE NEXT STEP WILL BE FOR THE PLATTORS OF OSTEOPATHIC ADDITION TO SUBMIT A FINAL PLAT OF OSTEOPATHIC ADDITION FOR CONSIDERATION BY THE SUBDIVISION COMMITTEE. UPON RECEIPT OF THIS FINAL PLAT, THE PLANNING DEPARTMENT WILL PLACE IT ON THE EARLIEST POSSIBLE AGENDA FOR CONSIDERATION BY THE SUBDIVISION COMMITTEE.

FOLLOWING CONSIDERATION BY THE SUBDIVISION COMMITTEE, THE FINAL PLAT WILL BE FORWARDED TO THE METROPOLITAN AREA PLANNING COMMISSION FOR ITS ACTION. AFTER THE CONDITIONS, IF ANY, ESTABLISHED BY THE METROPOLITAN AREA PLANNING COMMISSION HAVE BEEN MET, THE PLAT WILL BE FORWARDED TO THE CITY COMMISSION.

JERROLD A. MOORE
ASSISTANT PLANNING DIRECTOR

JAM:BR

APRIL 3, 1961

MR. ROBERT L. NESMITH
606 SCHWEITER BUILDING
WICHITA, KANSAS

File

SUBJECT: S/D 61-6 - OSTEOPATHIC
ADDITION, PRELIMINARY
PLAT

DEAR MR. NESMITH:

AT ITS REGULAR MEETING ON MARCH 30, 1961, THE SUBDIVISION COMMITTEE OF THE METROPOLITAN AREA PLANNING COMMISSION CONSIDERED THE PRELIMINARY PLAT OF OSTEOPATHIC ADDITION AND APPROVED IT FOR FINAL PLAT SUBJECT TO THE FOLLOWING:

I. McLEAN BOULEVARD

- A. RIGHT-OF-WAY: 40 FEET FROM CENTER LINE OF PAVEMENT (18 FEET ON THE WESTERLY CURB LINE) EXCEPT THAT ADDITIONAL RIGHT-OF-WAY NEEDED TO CONSTRUCT THE McLEAN-CENTRAL-MERIDIAN INTERSECTION. SUCH RIGHT-OF-WAY AT THE INTERSECTION LOCATION SHALL BE DETERMINED BY THE CITY ENGINEER. THE GENERAL DESCRIPTION IS: BEGINNING 50 FEET NORTH OF THE CENTER LINE OF CENTRAL AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AS EXTENDED TO THE NORTH, THENCE NORTHWESTERLY 350 FEET MORE OR LESS AT AN ANGLE OF 105° TO THE LEFT TO A POINT WHERE SAID LINE INTERSECTS WITH A LINE PARALLEL TO AND 40 FEET WEST OF THE CENTER LINE OF McLEAN.
- B. DIRECT VEHICULAR ACCESS TO McLEAN SHALL BE DENIED FROM CENTRAL TO A POINT 600 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF CENTRAL AS MEASURED ALONG THE PROPOSED RIGHT-OF-WAY LINE OF McLEAN.

APRIL 3, 1961

- C. PLATTORS WILL VOLUNTARILY SUBMIT RESTRICTIVE COVENANTS SATISFACTORY TO THE APPROVING BODIES OF THE CITY, RUNNING WITH THE LAND PROVIDING FOR THE REGULATION OF ACCESS AND EGRESS POINTS, THROUGH DRIVES, AND OTHER PHYSICAL FEATURES RELATING TO THE GENERAL DEVELOPMENT OF THE LAND. THE PLATTORS WILL ALSO AGREE TO FILE RESTRICTIVE COVENANTS RUNNING WITH THE LAND TO PROVIDE, WITHOUT COST TO THE CITY, FOR THE FUTURE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR McLEAN BOULEVARD WHICH MAY BE NEEDED TO PROVIDE FOR CONSTRUCTION OF MEDIALS, STORAGE SPACE, TURN AREAS, AND OTHER TRAFFIC CONTROL MEASURES THAT MAY BE REQUIRED TO SERVE THE PLATTORS PROPERLY. THE CITY SHALL NOT TAKE A POSITION ON THE METHOD OF FINANCING SUCH IMPROVEMENTS TO McLEAN AT THIS TIME, BUT SHALL RECOGNIZE AT LEAST A PORTION OF THE CONSTRUCTION MAY BE CHARGED TO ADJUTING PROPERTY OWNERS.
- D. THE CITY SHALL BEAR ALL COSTS OF THE CONSTRUCTION OF THE McLEAN-CENTRAL-MERIDIAN INTERSECTION.
2. EDWARDS
- A. FULL RIGHT-OF-WAY FOR THE EXTENSION OF EDWARDS FROM ELM TO CENTRAL (TO A LINE WITH EDWARDS SOUTH OF CENTRAL) SHALL BE REQUIRED UNLESS THE DEVELOPERS AND PLATTORS OFFER A PLAN OF ADEQUATE ON-SITE TRAFFIC CIRCULATION.
- B. REQUIRE 35 FOOT RIGHT-OF-WAY FOR EDWARDS FROM THE NORTH LINE OF ELM TO THE SOUTH LINE OF ELM EVEN IF EDWARDS IS NOT OPEN THROUGH TO CENTRAL.
3. MURDOCK
- A. DEVELOPERS SHALL BE GIVEN CHOICE OF HAVING MURDOCK OPENED THROUGH FROM EDWARDS TO McLEAN OR OF HAVING THE NORTHERLY DIAGONAL DRIVE BETWEEN McLEAN AND EDWARDS AS SHOWN ON THEIR SUBMITTED "PLOT PLAN". HOWEVER, IF EDWARDS IS NOT DEDICATED FROM ELM TO CENTRAL, THEN MURDOCK SHALL BE OPENED AND THE PRIVATE DIAGONAL DRIVE NOT BE ALLOWED.

MR. ROBERT L. NESMITH

- 3 -

APRIL 3, 1961

4. CENTRAL

A. DEDICATION OF 20 FEET SO THAT THERE WILL BE 50 FEET OF HALF RIGHT-OF-WAY FOR A SECTION LINE ROAD. (REQUIRED BY SUBDIVISION RULES AND REGULATIONS).

B. DIRECT VEHICULAR ACCESS SHALL BE DENIED TO CENTRAL BETWEEN McLEAN AND THE EAST LINE OF RICHMOND ^{at} ~~extends to the north.~~

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

SINCERELY YOURS,

JERROLD A. MOORE
ASSISTANT PLANNING DIRECTOR

JAM/CDMSMM

cc: W. I. FISHER
301 S. MAIN

FRANK H. BACKSTROM
CITY MANAGER

E. N. SMITH
DIRECTOR OF PUBLIC WORKS

B. E. SMITH
CITY ENGINEER

CLYDE H. BAUGHMAN
2522 E. KELLOGG

LAWRENCE CURFMAN
830 FIRST NATIONAL BANK
BUILDING

PLANNING DEPARTMENT

MARCH 29, 1961

FRANK H. BACKSTROM, CITY MANAGER

L. L. LITTLE, DIRECTOR OF PLANNING

S/D 61-6 - OSTEOPATHIC ADDITION

AS A RESULT OF THE STAFF MEETING HELD YESTERDAY, IT IS OUR UNDERSTANDING THAT THE CITY STAFF WILL RECOMMEND TO THE PLANNING COMMISSION AND ITS SUBDIVISION COMMITTEE, THAT THE ABOVE PLAT BE APPROVED ON THE FOLLOWING BASIS, IN ADDITION TO THE REQUIREMENTS CONTAINED IN THE REGULAR SUBDIVISION RULES AND REGULATIONS.

1. McLEAN BOULEVARD -

- A. RIGHT OF WAY: 40 FEET FROM CENTER LINE OF PAVEMENT (18~~5~~ FEET FROM WESTERLY CURB LINE) EXCEPT THAT ADDITIONAL RIGHT-OF-WAY NEEDED TO CONSTRUCT THE McLEAN-CENTRAL-MERIDIAN INTERSECTION. SUCH RIGHT-OF-WAY AT THE INTERSECTION LOCATION SHALL BE DETERMINED BY THE CITY ENGINEER. (AS SHOWN ON OFFICE COPY OF PRELIMINARY PLAT).
- B. DIRECT VEHICULAR ACCESS TO McLEAN SHALL BE DENIED FROM CENTRAL TO A POINT 500 FEET NORTH OF CENTRAL AS MEASURED ALONG THE PROPOSED RIGHT-OF-WAY LINE OF McLEAN.
- C. PLATTORS WILL VOLUNTARILY SUBMIT RESTRICTIVE COVENANTS SATISFACTORY TO THE APPROVING BODIES OF THE CITY, RUNNING WITH THE LAND, PROVIDING FOR THE REGULATION OF ACCESS AND EGRESS POINTS, THROUGH DRIVES, AND OTHER PHYSICAL FEATURES RELATING TO THE GENERAL DEVELOPMENT OF THE LAND. THE PLATTORS WILL ALSO AGREE TO FILE RESTRICTIVE COVENANTS RUNNING WITH THE LAND TO PROVIDE, WITHOUT COST TO THE CITY, FOR THE FUTURE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR McLEAN BOULEVARD WHICH MAY BE NEEDED TO PROVIDE FOR CONSTRUCTION OF MEDIALS, STORAGE BAYS, TURN AREAS, AND OTHER TRAFFIC CONTROL MEASURES THAT MAY BE REQUIRED TO SERVE THE PLATTOR'S PROPERTY. THE CITY SHALL NOT TAKE A POSITION ON THE METHOD OF FINANCING SUCH IMPROVEMENTS TO McLEAN AT THIS TIME, BUT SHALL RECOGNIZE AT LEAST A PORTION OF THE CONSTRUCTION MAY BE CHARGED TO ADJUTING PROPERTY OWNERS.
- D. THE CITY SHALL BEAR ALL COSTS OF THE CONSTRUCTION OF McLEAN-CENTRAL-MERIDIAN INTERSECTION.

PAGE 2 - FRANK H. BACKSTROM, CITY MANAGER
MARCH 29, 1961
RE: OSTEOPATHIC HOSPITAL ADDITION

2. EDWARDS -

- A. FULL RIGHT-OF-WAY FOR THE EXTENSION OF EDWARDS FROM ELM TO CENTRAL (TO ALIGN WITH EDWARDS SOUTH OF CENTRAL) SHALL BE REQUIRED UNLESS THE DEVELOPERS AND PLATTORS OFFER A PLAN OF ADEQUATE ON-SITE TRAFFIC CIRCULATION.
- B. REQUIRE 35 FOOT RIGHT-OF-WAY FOR EDWARDS FROM NORTH LINE OF ELM TO SOUTH LINE OF ELM EVEN IF EDWARDS IS NOT OPENED THROUGH TO CENTRAL.

3. MURDOCK - DEVELOPERS SHALL BE GIVEN CHOICE OF HAVING MURDOCK OPENED THROUGH OR OF HAVING THE NORTHERLY DIAGONAL DRIVE BETWEEN MCLEAN AND EDWARDS AS SHOWN ON THEIR SUBMITTED "PLOT PLAN". HOWEVER, IF EDWARDS IS NOT DEDICATED FROM ELM TO CENTRAL, THEN MURDOCK SHALL BE OPENED AND THE PRIVATE DIAGONAL DRIVE NOT BE ALLOWED.

4. CENTRAL -

- A. DEDICATION OF 20 FEET SO THAT THERE WILL BE 50 FEET OF HALF RIGHT-OF-WAY FOR A SECTION LINE ROAD. (REQUIRED BY SUBDIVISION RULES AND REGULATIONS).
- B. DIRECT VEHICULAR ACCESS SHALL BE DENIED TO CENTRAL FROM MCLEAN TO THE EAST LINE OF RICHMOND.

5. EASEMENTS - HAVE NOT YET BEEN DETERMINED BY UTILITIES AND PUBLIC AGENCIES.

ATTACHED FOR YOUR INFORMATION IS A COPY OF THE LAST POSITION TAKEN BY THE DEVELOPERS RELATIVE TO THIS PLAT. IF YOU HAVE ANY COMMENTS OR DIFFERENT UNDERSTANDINGS ON THE ABOVE ITEMS, WE WOULD APPRECIATE YOUR CALLING THEM TO OUR ATTENTION.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

CC: E. N. SMITH, DEPARTMENT OF PUBLIC WORKS
LAWRENCE CURFMAN, ASSISTANT CITY ATTORNEY
B. E. SMITH, CITY ENGINEER
PAUL GRAVES, TRAFFIC ENGINEER

ATTACHMENT

PROPOSALS OF THE OSTEOPATHIC HOSPITAL
OF WICHITA

THE OSTEOPATHIC HOSPITAL OF WICHITA, PRESENTS ITS VIEWS
ON THE PLAT PRESENTED TO THE CITY OF WICHITA FOR APPROVAL
AS FOLLOWS:

FIRST:

THE HOSPITAL WILL DEDICATE TO THE CITY A STRIP OF LAND
10 FEET IN WIDTH EXTENDING FROM A POINT 5 FEET WEST OF THE
WEST CURB LINE OF McLEAN BOULEVARD ALONG THE SOUTH SIDE OF
ITS PROPERTY TO THE WEST LINE OF ITS PROPERTY AT EDWARDS;
UPON THE SAME TERMS AS THE OWNERS OF THE PROPERTY ON THE
SOUTH SIDE OF WEST CENTRAL OPPOSITE THE HOSPITAL PROPERTY
DEDICATE THEIR PROPERTY.

SECOND:

EXTEND THE EAST LINE OF THE 35 FOOT DEDICATION ON THE
WEST SIDE OF ITS PROPERTY, TO THE NORTH SIDE OF WEST CENTRAL;
UPON THE SAME TERMS AS THE OWNERS OF THE PROPERTY, WEST AND
OPPOSITE THE HOSPITAL PROPERTY, DEDICATE THEIR PROPERTY.

THIRD:

THE HOSPITAL WILL REQUIRE THE CITY TO DEED TO IT ALL THE CITY'S RIGHT TITLE AND INTEREST IN AND TO ALL PROPERTY LYING WEST OF THE WEST CURB LINE OF MCLEAN BOULEVARD EXCEPT A STRIP OF LAND 5 FEET IN WIDTH, AND PARALLEL WITH SAID CURB LINE EXTENDING FROM THE NORTH LINE OF WEST CENTRAL TO A POINT 300 FEET SOUTH OF 9TH STREET.

FOURTH:

SUCH ACCESSES AS THE ARCHITECT DEEMS ADEQUATE FOR THE HOSPITAL NEEDS.

THE CITY OF WICHITA

OFFICE OF The City Manager

DATE March 21, 1961

Lawrence Curfman, Assistant City Attorney

E. N. Smith, Director of Public Works

TO B. F. Smith, City Engineer

L. L. Little, Director of Planning ✓

Paul Graves, Traffic Engineer

FROM Frank H. Backstrom, City Manager

SUBJECT Osteopathic Hospital - ✓
McLean & Central

A meeting has been arranged for 3:00 p.m.,
Tuesday, March 23, 1961, in the Planning
Commission Meeting Room, 4th Floor, City
Building Annex, on the above captioned
matter.

Please plan to be present at the meeting.

FHB

Frank H. Backstrom
City Manager



MARCH 13, 1961

ROBERT L. NESMITH
606 SCHWEITER BUILDING
WICHITA, KANSAS

SUBJECT: S/061-6 - OSTEOPATHIC
ADDITION, PRELIMINARY PLAT

DEAR MR. NESMITH:

AT ITS REGULAR MEETING ON MARCH 9, 1961, THE SUBDIVISION COMMITTEE OF THE METROPOLITAN AREA PLANNING COMMISSION CONSIDERED THE PRELIMINARY PLAT OF OSTEOPATHIC ADDITION. THE COMMITTEE DEFERRED ACTION OF THE PRELIMINARY PLAT BUT INDICATED THAT THE FOLLOWING WOULD BE REQUIRED FOR APPROVAL OF THE PRELIMINARY PLAT:

1. DEDICATION OF AN ADDITIONAL 10 FEET ON THE SOUTH SO THAT THE NORMAL 50 FOOT HALF RIGHT-OF-WAY WILL BE AVAILABLE FOR THE DEVELOPMENT OF CENTRAL.
2. DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR EDWARDS SOUTH OF ELM SO THAT EDWARDS WILL BE ALIGNED WITH EDWARDS AS IT ENTERS CENTRAL FROM THE SOUTH. SUGGESTED RIGHT-OF-WAY IS INDICATED ON THE ATTACHED COPY OF THE PLAT.
3. PROHIBITION OF DIRECT VEHICULAR ACCESS ON McLEAN FROM CENTRAL TO APPROXIMATELY 600 FEET NORTH OF CENTRAL; AND ON CENTRAL FROM McLEAN TO THE EAST LINE OF RICHMOND EXTENDED TO THE NORTH.

RELATIVE TO THE EXISTING 200 FOOT RIGHT-OF-WAY FOR McLEAN BOULEVARD, AND THE RETURN OF THE UNNEEDED PORTION TO THE PLATTORS, THE SUBDIVISION COMMITTEE SUGGESTED THAT THIS IS A LEGAL PROBLEM WHICH SHOULD BE RESOLVED WITH THE LEGAL STAFF OF THE CITY. THE COMMITTEE REQUESTED THAT COUNSEL FOR THE HOSPITAL CONFER WITH THE CITY LEGAL DEPARTMENT TO DETERMINE WHAT PORTION OF THE 200 FOOT McLEAN BOULEVARD RIGHT-OF-WAY SHOULD BE RETURNED.

PAGE 2
MR. ROBERT L. NESMITH
MARCH 13, 1961

IT WAS POINTED OUT THAT SUBJECT TO CONFIRMATION BY THE RESULTS OF THE TRANSPORTATION STUDY, IT IS ANTICIPATED THAT McLEAN WILL IN THE FUTURE BE UTILIZED AS AN ARTERIAL SERVING THE NORTHWEST SEGMENT OF THE CITY. IF THIS IS THE CASE, THEN AN INTERCHANGE WILL BE REQUIRED AT McLEAN AND CENTRAL WITH GRADE SEPARATION AND FREE FLOWING TRAFFIC CHARACTERISTICS FOR BOTH CENTRAL AND McLEAN. IN ORDER TO ACHIEVE THIS, AN OVERHEAD STRUCTURE WILL PROBABLY BE NEEDED. TO PROTECT THE ADEQUATE AND SAFE FLOW OF TRAFFIC, VEHICULAR ACCESS CONTROL FOR THE ENTIRE LENGTH OF McLEAN MUST BE CONSIDERED.

IT WAS SUGGESTED BY THE PLANNING DIRECTOR THAT THE RIGHT-OF-WAY FOR McLEAN BOULEVARD CURRENTLY BE ESTABLISHED AS SHOWN IN GREEN ON THE ATTACHED MARKED COPY OF THE PLAT. THIS WOULD ALLOW FULL UTILIZATION OF THE AREA DESIGNATED BLOCK 2, AND WOULD NOT INTERFERE WITH THE PROPOSED BUILDING LOCATION OF THE HOSPITAL IN BLOCK 1. IF INFORMATION CONTAINED IN THE TRANSPORTATION STUDY (TO BE COMPLETED FOR THIS PURPOSE NOT LATER THAN DECEMBER, 1961) DOES NOT INDICATE THE NEED FOR McLEAN AS AN ARTERIAL, THEN IT WOULD BE AGREED TO RETURN ALL OF THE 200 FEET OF McLEAN RIGHT-OF-WAY EXCEPT THAT NEEDED FOR IMMEDIATE CONSTRUCTION OF THE McLEAN-CENTRAL INTERSECTION AS PROPOSED BY THE DEPARTMENT OF PUBLIC WORKS, CITY OF WICHITA; AND A STRIP 15 FEET IN WIDTH PARALLEL AND ADJACENT TO THE WEST CURB LINE OF McLEAN BOULEVARD.

IT WAS THE SUGGESTION OF THE SUBDIVISION COMMITTEE THAT IN VIEW OF THE PROBABLE FUNCTION OF McLEAN IN THE FUTURE, THE PLATYORS AND THE ARCHITECT FOR THE HOSPITAL CONFER ON THE POSSIBILITY OF RELOCATING THE MAJOR PARKING AREA TO THE SOUTH OF THE HOSPITAL INSTEAD OF THE EAST.

THE REVISED PRELIMINARY PLAT WHEN RESUBMITTED WILL BE CONSIDERED BY THE SUBDIVISION COMMITTEE AT SUCH TIME AS THE CONDITIONS SET FORTH IN THE FIRST PARAGRAPH OF THIS LETTER ARE COMPLIED WITH; AND WHEN AGREEMENT HAS BEEN REACHED BY COUNSEL FOR THE HOSPITAL AND THE CITY LEGAL DEPARTMENT RELATIVE TO THE LOCATION OF THE WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD. WE WILL BE HAPPY TO WORK WITH ALL PARTIES CONCERNED TO RESOLVE ANY PROBLEMS CONNECTED WITH THIS SUBDIVISION.

VERY TRULY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BN

PAGE 3
MR. ROBERT L. NE SMITH
MARCH 13, 1961

cc: W. I. FISHER
301 SOUTH MAIN
WICHITA, KANSAS

FRANK H. BACKSTROM
CITY MANAGER

E. H. SMITH
DIRECTOR OF PUBLIC WORKS

B. E. SMITH
CITY ENGINEER

CLYDE M. BAUGHMAN
2522 EAST KELLOGG
WICHITA, KANSAS

LAWRENCE CURFMAN
830 FIRST NATIONAL BANK BLDG.
WICHITA, KANSAS

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 SOUTH MAIN
WICHITA, KANSAS

MARCH 6, 1961

TO: MEMBERS OF THE UTILITY ADVISORY COMMITTEE
FROM: JERROLD A. MOORE, ASSISTANT PLANNING DIRECTOR
SUBJECT: DR61-6 - OSTEOPATHIC ADDITION

GENTLEMEN:

ATTACHED IS A SITE PLOT PLAN OF THE PROPOSED USE OF OSTEOPATHIC ADDITION WHICH WILL SUPPLEMENT THE PRELIMINARY PLAT FORWARDED TO YOU ON FRIDAY, MARCH 3, 1961.

FOR YOUR INFORMATION, BLOCK I OF THE PROPOSED PLAT IS INCLUDED IN A ZONE CHANGE REQUEST FOR "LC". THIS AREA IS THE PROPOSED SITE FOR THE NEW OSTEOPATHIC HOSPITAL. UNDER THIS TYPE OF PROPOSED DEVELOPMENT, WE FEEL THAT THE FOLLOWING ITEMS SHOULD BE GIVEN CAREFUL ATTENTION IN CONSIDERATION OF THE PLAT:

- DETERMINATION OF RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD. THE EXISTING RIGHT-OF-WAY IS NOW 200 FEET WESTERLY OF THE ESTABLISHED BANK LINE. AS YOU WILL NOTE, THE PROPOSED PLAT INCLUDES PART OF THE EXISTING RIGHT-OF-WAY. ANY CHANGE IN EXISTING RIGHT-OF-WAY TO THAT PROPOSED BY THE SUBDIVIDER WILL REQUIRE EITHER VACATION PROCEEDINGS OR A QUIT CLAIM PROCEDURE BY THE CITY AND COUNTY.
- FUTURE DEVELOPMENT OF THE McLEAN-CENTRAL INTERSECTION.
- PROVISION FOR FULL RIGHT-OF-WAY FOR EDWARDS AVENUE.
- CONTROL OF ACCESS POINTS ON McLEAN AND CENTRAL.

WE WOULD APPRECIATE YOU BEING PREPARED TO DISCUSS THE ABOVE ITEMS AND ANY OTHER PROBLEMS THAT YOU CAN FORESEE WHICH WOULD AFFECT THE DESIGN OF THIS SUBDIVISION.

SINCERELY YOURS,

Jerrold A. Moore
JERROLD A. MOORE
ASSISTANT PLANNING DIRECTOR

JAM:CDM:BR

ATTACHMENT

6814-13-275-R1E

(South Half of 9th Street from Edwards Avenue
to Right Bank of the Arkansas River)

Acquire Estate

1-31-56

DEDICATION

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, Mary Darlington Cooper Evans, a single woman; Rebekah Blackwood Cooper Rounds and Ralph Rounds, her husband; Donald Jerome Wilson Cooper and _____, his wife; being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

Beginning at a point on the north line of the Southeast Quarter of Section 13, Township 27, South, Range 1, West of the 9th P. M., which point is located thirty (30) feet north and sixty (60) feet east of the northeast corner of Lot 1, Sim Park Gardens Addition, Sedgwick County, Kansas; thence east on said north line to the right bank of the Arkansas River; thence south following the said right bank to a point which is located thirty (30) feet south of said north line; thence west and parallel with said north line to the east line of Edwards Avenue; and thence north to point of beginning.

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 23rd day of January, 1956.

Mary

Mary Darlington Cooper Evans

Reb

Rebekah Blackwood Cooper Rounds

Ralph

Ralph M. Rounds

Donald Jerome Wilson Cooper

Glee Cooper

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 23rd day of January, 1956, before me a Notary Public in and for the said County and State came Mary Darlington Cooper Evans, Rebekah Blackwood Cooper Rounds, Ralph Rounds, Donald Jerome Wilson Cooper, and Glee Cooper to me personally known to be the same persons 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 this _____ day and year last above written.



Notary Public
Helen V. Woodman

My Comm. Expires _____ September 17, 1956

SE 1/4 13-275-R1E

(Elsards Avenue from 7th Street to 9th Street)

Super lot

1-3122

DEDICATION

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, Mary Darlington Cooper Evans, a single woman; Rebekah Blackwood Cooper Rounds and Ralph Rounds, her husband; Donald Jerome Wilson Cooper and _____, his wife; being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

Beginning at a point on the north line of the Southeast Quarter of Section 13, Township 27, South, Range 1, West of the 6th P. M., which point is located thirty (30) feet north and twenty-five (25) feet east of the northeast corner of Lot 1, Six Park Gardens Addition, Sedgwick County, Kansas; thence east thirty-five (35) feet on said north line; thence south and parallel to the east line of said Six Park Gardens Addition to the north line of Elm Street, as platted in said Six Park Gardens Addition and extended from the west; thence west thirty-five (35) feet; and thence north to point of beginning;

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 23rd day of January, 1956.

Mary

Mary Darlington Cooper Evans

Rebekah

Rebekah Blackwood Cooper Rounds

Ralph

Ralph M. Rounds

Donald Jerome Wilson Cooper

Glee Cooper

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BE IT REMEMBERED, that on this 23rd day of January, 1956, before me a Notary Public in and for the said County and State came Mary Darlington Cooper Evans, Rebekah Blackwood Cooper Rounds, Ralph Rounds, Donald Jerome Wilson Cooper, and Glee Cooper to me personally known to be the same persons 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
Helen V. Woodman

My Comm. Expires November 17, 1956



Preliminary Plat Problems:

1. R/W for McLean X

2. Access on McLean.
Central

3. Provision full R/W
for Edwards.
K G + E Leght Pale.

4. R/W for Central

5. Access for Central

Notes - 3-6-61

Disher - has problem of
E. property line - Also
wants to extend Murdock
to McLean - Wants
Murdock for access to
hospital grounds and
suggested that access
would be desirable for
five - Federal government
must approve site
planning - Want
subdivision approved
as submitted -

Little + Sakin going to
be considered April 6th.

Rendering shows opening
onto McLean approximately
600 ft north of Central

Little has asked for
plot plan for submission
to S/D Comm.

R/W determination of
McLean is a problem
so that vacations can
be had

Fisher - Service entrance
is to be on Edwards Ave.

Fisher - Want entrance
on Central

Traffic Volumes - Est.
1980 - 2400 vehicles plus

Graves - Wants hospital
entrance to line up
with Richmond

Set copy of design
currently under consideration
by City Engineer

Graves estimates 42000
vehicles through the
intersection in 1980

Possibility of overpassing
Southbound M-66
traffic

Cooper Estate

1-21-56

D E D I C A T I O N

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, Mary Darlington Cooper Evans, a single woman, Rebekah Blackwood Cooper Rounds and Ralph Rounds, her husband, Donald Jerome Wilson Cooper and Glee Cooper, his wife, being the owners of the following described real estate in Sedwick County, Kansas, to-wit:

A strip of land two hundred (200) feet wide parallel to and adjoining on the west of the right bank of the Arkansas River extending from the north line of Central Avenue to the south line of 9th Street.

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 23rd day of January, 1966.

Mary

Mary Darlington Cooper Evans

Reb

Rebekah Blackwood Cooper Rounds

Ral

Ralph M. Rounds

Donald Jerome Wilson Cooper

Glee Cooper



STATE OF KANSAS)
SEDWICK COUNTY) SS

BE IT REMEMBERED, That on this 23rd day of January, 1966, before me a Notary Public in and for the said County and State came Mary Darlington Cooper Evans, Rebekah Blackwood Cooper Rounds, Ralph Rounds, Donald Jerome Wilson Cooper, and Glee Cooper, to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.



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

Helen V. Woodman

Notary Public
November 17, 1966

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE

S/D No. 61-6 NAME OSTEOPATHIC ADDITION
DATE APPLICATION REC'D 2-23-61 S/D COMMITTEE MEETING 3-9-61

DESCRIPTION

GENERAL LOCATION BETWEEN EDWARDS AVENUE AND MCLEAN BOULEVARD, NORTH
OF CENTRAL
OWNER OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR/ENGINEER CLYDE M. BAUGHMAN COMPANY
ADDRESS 2522 EAST KELLOGG PHONE MU 3-7431

1. GROSS ACREAGE OF PLAT	<u>20.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) <u>35</u> R/W <u>2090</u> FT.	
RESIDENTIAL		(B) <u>60</u> R/W <u>150</u> FT.	
COMMERCIAL		(C) _____ R/W _____ FT.	
INDUSTRIAL		(D) TOTAL <u>2240</u> FT.	
OTHER		8. TOTAL AREA OF NEW STREET	
TOTAL	<u>2</u>	R/W <u>74,050</u> SQ.FT.	
3. AVERAGE LOT FRONTAGE	_____ FT.	9. EXISTING ZONING	<u>"AA"</u>
4. MINIMUM LOT FRONTAGE	_____ FT.	10. PROPOSED ZONING	<u>"LC"</u>
5. AVERAGE LOT AREA	_____ SQ.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	_____ SQ.FT.	ZONING	<u>6,500</u> SQ.FT.

STAFF COMMENTS:

THIS PRELIMINARY PLAT COMPLIES WITH THE SUBDIVISION RULES AND REGULATIONS EXCEPT AS FOLLOWS:

1. LOTS ARE NOT ADEQUATELY DIMENSIONED.
2. EXISTING STRUCTURES ON ADJACENT PROPERTY WHICH WOULD COMPLETE A STREET RIGHT-OF-WAY (EDWARDS) ARE NOT SHOWN.
3. ALL EXISTING UTILITIES IN THE AREA TO BE PLATTED AND IN ADJACENT AREAS ARE NOT SHOWN.
4. MCLEAN BOULEVARD IS NOT ADEQUATELY LOCATED.

ALL OF THE AREA WITHIN 200 FEET OF THE ESTABLISHED BANK LINE OF THE ARKANSAS RIVER HAS BEEN DEDICATED FOR STREET RIGHT-OF-WAY AND IS NOT A PART OF THE PROPERTY TO BE SUBDIVIDED. VACATION OF BOTH AS TO USE AND TITLE OF A PORTION OF THIS RIGHT-OF-WAY MUST BE COMPLETED BEFORE THIS AREA CAN BE INCLUDED AS A PART OF THE SUBDIVISION.

ADEQUATE RIGHT-OF-WAY FOR EDWARDS TO OPEN THRU TO CENTRAL MUST BE DEDICATED TO INSURE ACCESS TO THE HOSPITAL SITE FOR EMERGENCY VEHICLES.

AN ADDITIONAL 10 FEET IS NEEDED FOR RIGHT-OF-WAY FOR CENTRAL.

DENIAL OF DIRECT VEHICULAR ACCESS TO CENTRAL WITHIN 300 FEET OF THE MCLEAN-CENTRAL INTERSECTION SHOULD BE CONSIDERED.

DENIAL OF DIRECT VEHICULAR ACCESS TO MCLEAN SHOULD BE CONSIDERED EXCEPT AT SELECTED POINTS.

THE PROPERTY LINE ADJACENT TO MCLEAN SHOULD BE A MINIMUM OF 150 FEET FROM THE ESTABLISHED BANK LINE TO ASSURE MAXIMUM DEVELOPMENT OF HIGH TYPE MAJOR STREET FACILITY.

Deferred action to 3-30-61

MARCH 2, 1961

MR. WILLIAM I. FISHER
301 SOUTH MAIN
WICHITA, KANSAS

SUBJECT: S/D 61-6
OSTEOPATHIC ADDITION

DEAR MR. FISHER:

INASMUCH AS THERE IS A CONCURRENT REQUEST FOR A CHANGE IN ZONING FOR THE GREATER PORTION OF THE AREA INCLUDED IN THE ABOVE PLAT; AND WE FIND THERE ARE SEVERAL PROBLEMS TO BE SOLVED RELATIVE TO THE McLEAN-CENTRAL COMPLEX, IT WILL BE NECESSARY FOR PROPER ANALYSIS OF THESE CASES FOR US TO HAVE A SITE PLAN AND A TRAFFIC CIRCULATION PLAN FOR THE PROPOSED DEVELOPMENT.

IT WILL BE NECESSARY FOR US TO HAVE THIS INFORMATION PRIOR TO OUR NEXT SUBDIVISION COMMITTEE MEETING OF MARCH 9, 1961. OTHERWISE, CONSIDERATION OF THIS PLAT WILL HAVE TO BE DEFERRED TO THE MARCH 30, 1961 MEETING. AS SOON AS WE HAVE MADE AN ANALYSIS OF YOUR SITE PLAN, CIRCULATION PLAN, ZONE CHANGE REQUEST AND PROPOSED PLAT, WE WOULD LIKE TO HAVE A MEETING WITH YOU, MR. BACKSTROM, AND REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC WORKS TO DISCUSS ANY PROBLEMS.

SINCERELY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

cc: FRANK H. BACKSTROM, CITY MANAGER
E. N. SMITH, DIRECTOR OF PUBLIC WORKS
B. E. SMITH, CITY ENGINEER

Thermafay copy from City Clerk's "Emulation" file 3-1-61

AGREEMENT

THIS AGREEMENT made and entered into this *13th* day of October 1953, by and between the CITY OF WICHITA, KANSAS, a Municipal Corporation, hereinafter called the "City", MARY DARRINGTON COOPER EVANS, a single woman, REBEKAH BLACKWOOD COOPER ROUNDS and WALTER ROUNDS, her husband and DONALD JEROME WILSON COOPER, a single man, hereinafter called collectively "Cooper",

WITNESSETH:

That, whereas, Cooper is the owner of the following described real estate in Sedgwick County, Kansas, to-wit:

Beginning at the intersection of the Sixth Principal Meridian and the North Right-of-way line of Central Avenue; thence West along said Right-of-way line a distance of 587 feet; thence North a distance of 275 feet; thence East a distance of 170 feet; thence North a distance of 200 feet; thence West a distance of 225 feet; thence North a distance of 1995 feet; more or less to the South right of way line of 9th Street; thence East to the established bank line of the Right bank of the Arkansas River; as such line was established by the County Engineer of Sedgwick County, Kansas; thence Southerly and Southeasterly along such established bank line to the intersection of said established bank line and the North Right-of-line of Central Avenue as extended from the West of the Sixth Principal Meridian; thence West along said line as extended to the place of beginning, and

MICROFILMED
FROM THE BEST
AVAILABLE COPY

Whereas portions of said premises being described generally as all that part south of the present bank of the sand pit and lying west of the east line of Meridian Avenue extended from the south, and west of the present west bank of said sand pit and lying south of the south line of Elm Street extended from the west) have been leased by Cooper to DeLuxe Lanes, Inc., a Kansas Corporation, or to George W. Dotson under written leases dated respectively April 1, 1953, and April 1, 1952, and

Whereas, the City desires to use certain portions of said property owned by Cooper and to acquire certain other portions of the property owned by Cooper, all as is hereinafter specified,

NOW, THEREFORE, in consideration of the mutual promises and covenants of each other as herein contained the parties agree as follows:

1. Cooper agrees to immediately deed to the City for street purposes and for the purpose of stabilizing and protecting the right bank of the Arkansas River, a strip of land parallel to the established right bank of said river and two hundred (200) feet in width, extending from Central Avenue to Ninth Street, it being understood that the City desires said strip of land shall revert to Cooper, heirs and assigns, if and when abandoned for such purpose. Abandonment shall not occur from failure to establish said Boulevard during the time the City is filling the pit or pond, as herein provided, or for such time thereafter as the City is actually in the process of erecting or constructing said road. Should it later develop that the City does not need a strip two hundred (200) feet in width for said Boulevard, and for the protection and beautification of said river bank then it shall deed to Cooper such portion of said strip not actually necessary for such purposes.

2. Cooper agrees to immediately dedicate to the public for street purposes the north 30 feet of the property first above described.

3. Cooper agrees to immediately dedicate to the public for street purposes the strip of land 55 feet in width along the West side of the real estate first above described from the North right of way line of Elm Street to the South right of way line of Ninth Street.

4. Cooper hereby grants to the City the right to dump trash, street sweepings, and miscellaneous debris into the pit or pond now on said property upon the following conditions and limitations:

- a. The City shall be in charge of dumping operations and may dump or require dumping at any point or points it may choose.
- b. Cooper shall have the right to continue to dump, but shall be subject to the general supervision of the City in all future dumping operations.
- c. The City shall have a temporary right of way during the time of filling operations for a reasonable distance out from said pond not to exceed 100 feet in width, together with reasonable right of ingress and egress to said pond or pit except that the entrance to the pond from the south shall be east of Meridian Avenue and further except that for that portion of the bank of the pond or sand pit from the east line of Meridian in a westerly and northerly direction to the south line of Elm, the City shall confine its operations to the area north and east of the fence hereinafter provided for.
- d. The City agrees to erect as soon as practicable a fence around the pond and to endeavor to keep out all trespassers. The fence shall be not more than

100 feet from the banks of the pond except for that portion of the bank from Meridian Avenue west and north to Elm Street and as to the last described section of said bank the fence shall be erected as close to the present bank as possible.

e. The City shall dump and fill at such times, in such manner and at such rate as the City shall determine and the City shall not be required to fill or even to substantially fill said pond or pit.

f. The City shall have the right to fill and dump until July 1, 1968 unless said pond or pit shall be sooner filled.

g. The City shall not be required to cover any portion filled with soil, nor level nor compact such fill, but shall have the privilege of so covering, levelling or compacting.

h. The City agrees that its dumping and filling operations shall not constitute a public nuisance.

i. The City shall have the privilege of constructing a building to house an office for its dumpmaster and to protect a bulldozer or other equipment reasonably necessary in the dumping and filling operations at a point to be selected by the city, which shall not, however, interfere with the businesses now being conducted on said property and such building shall be and remain the property of the City and may be removed by the City at any time.

j. Private citizens shall be given the right to dump, but such dumping shall be under the supervision of the City as to time, place, and type of material.

IN WITNESS WHEREOF the parties hereto have set their
respective hands and official seals as of the day and year
first above written.

CITY OF WICHITA, KANSAS

By *[Signature]*
Mayor



[Signature]
MARY DARLINGTON COOPER EVANS

[Signature]
REBEKAH BLACKWOOD COOPER ROUNDS

[Signature]
RALPH ROUNDS

[Signature]
DONALD JEROME WILSON COOPER

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MAP No.: E-2
SEC. No.: 13
TWP. No.: 27
RANGE: 1W

S/D No. 61-6

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Osteopathic Addition

GENERAL LOCATION: N.W. Cor. Central and Mc Lean Blvd.

NAME OF PROPERTY OWNER: Osteopathic Hospital of Wichita, Kansas

ADDRESS: 3557 E. Douglas PHONE: MU 34624

NAME OF SUBDIVIDER: Same

ADDRESS: _____ PHONE: _____

NAME OF AGENT/SURVEYOR: Clyde M. Bauchman Co.

ADDRESS: 2522 E. Kellogg PHONE: MU 37431

DATE OF APPLICATION: Feb. 23, 1961

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 20.9 Ac. #
2. NUMBER OF LOTS:
 - RESIDENTIAL _____
 - COMMERCIAL _____
 - INDUSTRIAL _____
 - OTHER _____
- TOTAL NUMBER OF LOTS 2
3. AVERAGE LOT FRONTAGE _____ FT.
4. MINIMUM LOT FRONTAGE _____ FT.
5. AVERAGE LOT AREA _____ SQ.FT.
6. MINIMUM LOT AREA _____ SQ.FT.

7. LINEAL FEET OF NEW STREETS:
 - A. 35 R/W 2000 FT.
 - B. 60 R/W 150 FT.
 - C. _____ R/W _____ FT.
 - D. TOTAL 2210 FT.

8. TOTAL AREA OF NEW STREET R/W: 74,050 SQ.FT.

9. EXISTING ZONING AA
10. PROPOSED ZONING ?

11. PUBLIC WATER SUPPLY Yes (YES-No), NAME City
12. PUBLIC SANITARY SEWERS Yes (YES-No), NAME City
13. HEALTH DEPARTMENT APPROVAL (WHERE APPLICABLE) _____ (YES-No)
14. CITY OF WICHITA OR 3 MILE AREA: City of Wichita

THE APPLICANT HEREIN AGREES TO COMPLY WITH THE SUBDIVISION RULES AND REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA, AS AMENDED, AND ALL OTHER PERTINENT ORDINANCES OF THE CITY OF WICHITA AND/OR RESOLUTIONS OF SEDGWICK COUNTY, KANSAS, AND STATUTES OF THE STATE OF KANSAS. THE APPLICANT FURTHER AGREES THAT THE SIXTY (60) DAY STATUTORY PERIOD SHALL START ON THE DATE THAT THIS PLAT IS FIRST CONSIDERED BY THE SUBDIVISION COMMITTEE OF THE METROPOLITAN AREA PLANNING COMMISSION, AND THAT HE IS AUTHORIZED TO ACT ON THE BEHALF OF THE OWNER.

DATE RECEIVED BY THE PLANNING DEPARTMENT:
TO BE STAMPED WHEN RECEIVED

SIGNED: _____

BY: Clyde M. Bauchman Co.

AGENT/SURVEYOR: Fred Drane

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
ROOM 402 CITY BUILDING ANNEX, 104 SOUTH MAIN STREET, WICHITA 2, KANSAS

MAP No.: _____
SEC. No.: _____
TWP. No.: _____
RANGE: _____

S/D No. _____

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Osteopathic Addition

GENERAL LOCATION: N.W. Cor. Central and Mc Lean Blvd.

NAME OF PROPERTY OWNER: Osteopathic Hospital of Wichita, Kansas.

ADDRESS: 3557 E. Douglas PHONE: MT 34624

NAME OF SUBDIVIDER: Same PHONE: _____

ADDRESS: _____ PHONE: _____

NAME OF AGENT/SURVEYOR: Clyde M. Baughman Co.

ADDRESS: 2522 E. Kellogg PHONE: MT 37431

DATE OF APPLICATION: Feb. 23, 1961

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 20.9 Ac. ±
2. NUMBER OF LOTS:
 - RESIDENTIAL _____
 - COMMERCIAL _____
 - INDUSTRIAL _____
 - OTHER _____
3. AVERAGE LOT FRONTAGE _____ FT.
4. MINIMUM LOT FRONTAGE _____ FT.
5. AVERAGE LOT AREA _____ SQ.FT.
6. MINIMUM LOT AREA _____ SQ.FT.
7. LINEAL FEET OF NEW STREETS:
 - A. 35 R/W 3000 FT.
 - B. 60 R/W 150 FT.
 - C. _____ R/W _____ FT.
 - D. TOTAL 2240 FT.
8. TOTAL AREA OF NEW STREET R/W: 74,050 SQ.FT.
9. EXISTING ZONING AA
10. PROPOSED ZONING ?

11. PUBLIC WATER SUPPLY Yes (YES-No), NAME City
12. PUBLIC SANITARY SEWERS Yes (YES-No), NAME City
13. HEALTH DEPARTMENT APPROVAL (WHERE APPLICABLE) _____ (YES-No)
14. CITY OF WICHITA OR 3 MILE AREA: City of Wichita

THE APPLICANT HEREIN AGREES TO COMPLY WITH THE SUBDIVISION RULES AND REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA, AS AMENDED, AND ALL OTHER PERTINENT ORDINANCES OF THE CITY OF WICHITA AND/OR RESOLUTIONS OF SEDGWICK COUNTY, KANSAS, AND STATUTES OF THE STATE OF KANSAS. THE APPLICANT FURTHER AGREES THAT THE SIXTY (60) DAY STATUTORY PERIOD SHALL START ON THE DATE THAT THIS PLAT IS FIRST CONSIDERED BY THE SUBDIVISION COMMITTEE OF THE METROPOLITAN AREA PLANNING COMMISSION, AND THAT HE IS AUTHORIZED TO ACT ON THE BEHALF OF THE OWNER.

DATE RECEIVED BY THE PLANNING DEPARTMENT:
TO BE STAMPED WHEN RECEIVED

SIGNED: _____

BY: Clyde M. Baughman Co.

AGENT/SURVEYOR: Fred Doane

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
ROOM 402 CITY BUILDING ANNEX, 104 SOUTH MAIN STREET, WICHITA 2, KANSAS

RECOMMENDATION FROM THE METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS
FOR SUBDIVISION APPROVAL

S/D NUMBER: 61-6 NAME: OSTEOPATHIC ADDITION
APPLICATION FILED: 2-23-61 SKETCH FILED: 2-23-61
PRELIMINARY PLAT FILED: 2-23-61 APPROVED BY S/D: 3-30-61
FINAL PLAT FILED: 5-8-61 APPROVED BY MAPC: 5-15-61
APPROVED BY METROPOLITAN AREA PLANNING COMMISSION: 5-18-61

DESCRIPTION

GENERAL LOCATION: BETWEEN EDWARDS AVENUE AND McLEAN BOULEVARD AND BETWEEN
9TH STREET AND CENTRAL
OWNER: OSTEOPATHIC HOSPITAL OF WICHITA, KANSAS
SURVEYOR OR ENGINEER: CLYDE M. BAUGHMAN COMPANY
ADDRESS: 2522 EAST KELLOGG

- | | | | |
|--------------------------|------|--------------------------------|---------------|
| 1. GROSS ACREAGE OF PLAT | 20.9 | 7. LINEAL FEET OF NEW STREETS: | |
| 2. NUMBER OF LOTS: | | (A) 60 R/W 133'± | FT. |
| RESIDENTIAL | | (B) 20 R/W 92.5'± | FT. |
| COMMERCIAL | | (C) R/W 50'± | FT. |
| INDUSTRIAL | | (D) TOTAL 108 | FT. |
| OTHER | 2 | 8. TOTAL AREA OF NEW STREETS: | |
| TOTAL | 2 | R/W 28,230 | SQ. FT. |
| 3. AVERAGE LOT FRONTAGE | NA | 9. EXISTING ZONING | "AA" |
| 4. MINIMUM LOT FRONTAGE | NA | 10. LOT AREA REQUIRED BY | |
| 5. AVERAGE LOT AREA | NA | ZONING | 6,500 SQ. FT. |
| 6. MINIMUM LOT AREA | NA | | |

RECONSIDERATION BY BOARD OF CITY COMMISSIONERS OF APPROVAL OF OSTEOPATHIC
ADDITION SUBJECT TO: RECOMMENDATION

1. INDICATE THE CENTER LINE OF McLEAN BOULEVARD ON THE PLAT.
2. INDICATE THE EXISTING EASEMENT IN FAVOR OF KANSAS GAS & ELECTRIC CO.
3. THE WEST RIGHT-OF-WAY FOR McLEAN BOULEVARD BEING 15 FEET FROM THE WEST CURB LINE FROM THE NORTH LINE OF THE PLAT TO THE SOUTH LINE OF THE PLAT, EXCEPT AS MAY BE PROVIDED IN REQUIREMENT NO. 7 BELOW. (SHOW ON PLAT)
4. THE APPLICANT SHALL GRANT COMPLETE ACCESS CONTROL ALONG McLEAN BLVD. TO A POINT 600 FEET NORTH OF THE CENTER LINE OF WEST CENTRAL. (SHOW ON PLAT)

CONTINUED ON ATTACHED SHEET.

VOTE OF PLANNING COMMISSION:

RESPECTFULLY SUBMITTED,

_____, SECRETARY

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

5. THE APPLICANT GRANTING COMPLETE ACCESS CONTROL ON CENTRAL AVENUE FROM McLEAN BOULEVARD TO THE EAST LINE OF RICHMOND AVENUE AS EXTENDED TO THE NORTH. (SHOW ON PLAT)
6. THE PROVISION AND DEDICATION OF SUFFICIENT RIGHT-OF-WAY FOR CENTRAL TO MAKE A FULL 50 FOOT HALF RIGHT-OF-WAY ON THE NORTH SIDE. (SHOW ON PLAT)
7. THAT RIGHT-OF-WAY FOR THE PROPOSED INTERSECTION OF McLEAN-MERIDIAN-CENTRAL DESCRIBED AS:

BEGINNING 50 FEET NORTH OF THE SOUTH LINE OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 WEST, AND 115 FEET EAST OF THE CENTER LINE OF MERIDIAN AVENUE (AS NOW EXIST) AS EXTENDED TO THE NORTH THEN NORTHWESTERLY AT AN APPROXIMATE ANGLE 105° TO THE LEFT 350 FEET WHERE SAID LINE INTERSECTS WITH THE PROPOSED WEST RIGHT-OF-WAY LINE FOR McLEAN BOULEVARD (CURB LINE PLUS 15 FEET THENCE SOUTHEASTERLY AND SOUTH ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE OF McLEAN TO THE NORTH LINE OF CENTRAL (50 FEET NORTH OF THE SECTION LINE), THENCE WEST TO THE POINT OF BEGINNING.

(SHOW ON PLAT)

8. REMOVE MURDOCK AVENUE.

The plat should show the following:

1. Indicate the center line of McLean Boulevard on the plat.
2. Indicate the existing easement in favor of Kansas Gas and Electric Co.
3. The west right-of-way for McLean Boulevard being 15 ~~(20)~~ feet from the west curb line from the north line of the plat to the south line of the plat, except as may be provided in requirement No. 7 below. (Shown on plat)
4. The applicant shall grant complete access control along McLean Boulevard to a point 600 feet north of the center line of West Central. (Shown on plat)
5. The applicant granting complete access control on Central Avenue from McLean Boulevard to the east line of Richmond Avenue as extended to the north; (Shown on plat)
6. The provision and dedication of sufficient right-of-way for Central to make a full 50 foot half right-of-way on the north side. (Shown on plat)
7. That right-of-way for the proposed intersection of McLean-Meridian-Central described as,

Beginning 50 feet north of the south line of Section 13, Township 27 South, Range 1 West, and 115 feet east of the center line of Meridian Avenue (as now exist) as extended to the north then northwesterly at an approximate angle 105° to the left 350 feet where said line intersects with the proposed west right-of-way line for McLean Boulevard (curb line plus 15 feet thence southeasterly and south along said proposed west right-of-way line of McLean to the north line of Central (50 feet north of the section line), thence west to the point of beginning.

(Shown on plat)

8. ~~Take out~~ ^{Remove} Murdock Avenue.

The City is to execute a Quit Claim Deed releasing
to the hospital all claims to the remaining hospital prop-
erty.