

PLAT NO. S/D 71-19 MAP NO. 5347

NAME DUO BED FIRST ADDITION

LOCATION On the west side of Vine in an area between
2nd and 3rd Streets

ENGINEER Don C. Moehring

OWNER Duo Bed Corporation

APPLICATION FILED 4-5-71

SKETCH PLAT FILED 4-5-71

PRELIMINARY FILED none submitted

S/D ACTION N/A

FINAL FILED 4-5-71

S/D ACTION 4-15-71 Approve

MAPC ACTION 4-22-71 Approve

BCC ACTION 5-18-71 Approve

RECORDED 5-26-71

REMARKS _____

S/D 71-19 - DUO BED FIRST ADDITION
On the west side of Vine in an area
between 2nd and 3rd Streets
DON C. MOEHRING

	ACTION	DATE
s/b COMMITTEE	(final) Approve	4-15-71
M.A.P.C.	Approve	4-22-71
B.C.C.	Approve	5-12-71

Map No. 5347
Sec. No. 19
Twp. No. 27 S
Range 1 W 1 E

Subdivision Report and Progress
S/D No.: 71-19

Name: DUO BED FIRST ADDITION

General Location: On the west side of Vine in an area between 2nd and 3rd Streets

Owner: Duo Bed Corporation

Address: 1812 West Second 67203

Subdivider: Same c/o Walter Jacobson, Treasurer Phone: 265-5271

Address:

Engineer/Surveyor: Don C. Moehring Phone:

Address: 314 Brown Building 67202 Phone: 263-6781

Application Received 4-5-71

Conf. with Applicant 3-25-71

Sketch Plat Received 4-5-71

Present Zoning "B"

* Proposed Zoning "E"

Letter of Intent None

PREL. PLAT RECEIVED none submitted

S/D Comm. Action N/A

Dept. Report on Prel. N/A

TRACING PROGRESS:

Received 4-22-71

Released

Received 5-13-71 - New tracing submitted

Released 5-21-71

FINAL PLAT RECEIVED 4-5-71

S/D Comm. Action 4-15-71 Approve

Dept. Report on Final 4-19-71

M.A.P.C. ACTION 4-22-71 Approve

Dept. Report on Final 4-23-71

Letter on Irons Received N/A

Title/Taxes Rec'd & Reviewed 5-12-71

Final Review 5-13-71

Referral to B.C.C. ~~5-13-71~~ 5-13-71

B.C.C. ACTION 5-18-71 Approve

Recorded 5-26-71

Comments:

* Z-1277 - Associated zone case "B" to "E", scheduled for consideration by the Planning Commission on 4-22-71. 5-21-71 Called Don Moehring to pick up tracing for recording



WALTER M. JACOBSON
Treasurer-Comptroller

1812 WEST SECOND ST. WICHITA, KANSAS 67203 (316) 265-5271

A Subsidiary of SHELBY WILLIAMS INDUSTRIES, INC.



CORONET
INDUSTRIES

T9-302 (2)

File
6-8-71

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

DUO BED FIRST _____ ADDITION was

filed for record on May 26, 1971 .

S-1 1-19

78

vh

John Hall

Register Of Deeds

T9-328

March 14, 1972

Ralph C. Eberly, City Clerk
John D. Gist, Principal Planner

Affidavit re: Duo-Bed First Addition, MAPD
File S/D 71-19

As a result of efforts between the Department of Law, Department of Public Works, the Planning Department and the applicant on the above captioned case, the attached affidavit has been drawn by the Law Department in support of the platting of Duo-Bed First Addition which was approved by the Board of City Commissioners on May 18, 1971, and which was then recorded on May 26, 1971. This affidavit clarifies the intent of all concerned at the time of platting relative to the vacation of the adjacent alleys to the west and south by virtue of them being replatted as a part of Lot 1, Block A, Duo-Bed First Addition to Wichita, Sedgwick County, Kansas, under the terms of Statute K.S.A. 1970 Supp. 12-512(B).

Please record the attached affidavit with the Register of Deeds, and the cost thereof should be billed to the Planning Department.

JDG:rme

Attachment

cc: Eugene L. Pirtle, First Assistant City Attorney
Clyde Dotts, Administrative Supervisor, Department
of Public Works
Don C. Moehring, P.E.

PROPERTY OWNER'S AFFIDAVIT TO
DUO BED FIRST ADDITION TO
WICHITA, SEDGWICK COUNTY, KANSAS

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

COMES NOW Walter M. Jacobson, of legal age, and first being
sworn upon oath, alleges and states:

1. That he is the same Walter M. Jacobson, who as Treasurer of Duo Bed Corporation, executed and approved the affidavit of ownership made a part of the plat of "Duo Bed First Addition to Wichita, Sedgwick County, Kansas," and that he is authorized in behalf of said Duo Bed Corporation to make this affidavit.
2. At the time of platting of said Duo Bed First Addition, being a replat of Lots 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78 and 80 on Vine Avenue, in Dodge's Second Addition to Wichita, Kansas, said lots were bordered on the west and south thereof by a 10' alley on the west and a 15' alley on the south of said lots in Dodge's Second Addition.
3. At the same time, Duo Bed Corporation was the owner of the real property adjacent to and west and south of the land replatted as Duo Bed First Addition.
4. As a part of the replatting of said lots in Dodge's Second Addition and under the terms and authority contained in K.S.A. 1970 Supp. 12-512(b), said alleys were vacated, and in lieu thereof, the said owner, Duo Bed Corporation, dedicated 20' utility easements on the west and south portions of what was replatted as Lot 1, Block "A", Duo Bed First Addition.
5. The effect of said use of the said statute was to vacate the 10' alley on the west of the aforescribed lots and the 15' alley on the south of said lots, said vacation having been consented to by the same owner of the lands replatted and the lots adjacent to and west and south of the land replatted as Duo Bed First Addition.



DUO BED CORPORATION

By: Walter M. Jacobson
Walter M. Jacobson, Treasurer

STATE OF KANSAS)
)
SEDGWICK COUNTY)

BE IT REMEMBERED that on the 13th day of March, 1972,
before me, a Notary Public in and for said state and county, came DUO BED
CORPORATION by WALTER M. JACOBSON, its Treasurer, to me personally
known to be the same person who executed the foregoing Affidavit in writing and
duly acknowledged the execution of same.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my
notarial seal the day and year first above written.



Berriece E. Rathke
Notary Public

My Commission Expires: August 20, 1974.

THE CITY OF WICHITA
OFFICE OF DEPARTMENT OF LAW

DATE March 9, 1972



TO John Gist, Principal Planner
FROM Eugene L. Pirtle, First Assistant City Attorney
SUBJECT Duo Bed Addition

With further reference to my letter of March 2, 1972, and our conference of March 7, 1972, in the above matter, I have completed the attached Affidavit for signature of Walter M. Jacobson, Treasurer of Duo Bed Corporation. Upon execution of the Affidavit, it should be recorded with the Register of Deeds.

Eugene L. Pirtle
Eugene L. Pirtle
First Assistant City Attorney

ELP:jk

cc: Clyde Dotts, Administrative Supervisor

MAP D
Rec'd.
3-9-72 / *Kir*

W. W. - Bed First Add.

Meet w/ Mocking &
Purtle on Wednesday
Mar. 8, 1972

Ne: Z-1277

OWNERSHIP LIST

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
38, 40	Vine	Dodges 2nd	✓ Robert Loren Gann and Emily R. Gann 1602 South Dodge Wichita, Kansas 67213
42, 44	"	"	✓ Ruth Croker 1326 Fairview Wichita, Kansas 67203
46, 48	"	"	✓ Edward M. Hotchkiss 403 North Vine Wichita, Kansas 67203
✓ 50 to 80, even, inclusive	"	"	✓ Duo-Bed Corporation ✓ 1812 West 2nd Street Wichita, Kansas 67203
81, 82, 83, 84, 85, 86	2nd Street	"	" "
87, 88	"	"	✓ William N. Dusenbery and Marcella F. Dusenbery 308 North Vine Wichita, Kansas 67203
89, 90	"	"	✓ Floyd M. Gilbert and Wanao M. Gilbert 1722 West 2nd Street Wichita, Kansas 67203
91	"	"	✓ Mildred Vera Story 1718 West 2nd Street Wichita, Kansas 67203
37, 39	Vine	"	✓ Bobbie L. Hickman and Dorcas Ann Hickman 2668 South Minnesota Wichita, Kansas 67216
41, 43	"	"	✓ Raymond C. Hays 1117 South Martinson Wichita, Kansas 67213
45, 47	"	"	✓ Alfred R. Smith and Lucille H. Smith 1020 Amidon Avenue Wichita, Kansas 67203
49, 51 N $\frac{1}{2}$	"	"	✓ Frank G. Wood and Minnie L. Wood 356 North Vine Wichita, Kansas 67203



<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
51 S $\frac{1}{2}$, 53	Vine	Dodges 2nd	✓ Earl Duane Holcomb 354 North Vine Wichita, Kansas 67203
55, 57	"	"	✓ Administrator of Veterans Affairs 5500 East Kellogg Wichita, Kansas 67218
59, 61	"	"	Vera Sue Fisher Address unknown <i>none found</i>
63, 65	"	"	✓ Vurtis M. Brooks and Mary R. Brooks 2920 North Ridge Road Wichita, Kansas 67205
67, 69	"	"	✓ Henrietta Meis 330 North Vine Wichita, Kansas 67203
71, 73	"	"	✓ Bernice I. Phillips 1111 South Osage Wichita, Kansas 67213
75, 77, 79	"	"	✓ Sharilyn Hummell 1263 Belle Avenue Topeka, Kansas
✓ 3, 4,		Swartz	D Duo-Bed Corporation ✓ 1812 West 2nd Street Wichita, Kansas 67203

We hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 50 to 80, even inclusive, on Vine Street, in Dodges 2nd Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 24th day of March, A.D., 1971, at 7:00 a.m.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Lucille Schenker*
Vice President

Order No. 177203

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
51 S $\frac{1}{2}$, 53	Vine	Dodges 2nd	✓ Earl Duane Holcomb 354 North Vine Wichita, Kansas 67203
55, 57	"	"	✓ Administrator of Veterans Affairs 5500 East Kellogg Wichita, Kansas 67218
59, 61	"	"	Vera Sue Fisher Address unknown <i>none found</i>
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67, 69	"	"	✓ Henrietta Meis 330 North Vine Wichita, Kansas 67203
71, 73	"	"	✓ Bernice I. Phillips 1111 South Osage Wichita, Kansas 67213
75, 77, 79	"	"	✓ Sharilyn Hummell 1263 Belle Avenue Topeka, Kansas
✓ 3, 4,		Swartz	✓ D Duo-Bed Corporation ✓ 1812 West 2nd Street Wichita, Kansas 67203

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THE SECURITY ABSTRACT & TITLE CO., INC.
By *Lucille Schreiber*
Vice President

Order No. 177203

THE CITY OF WICHITA
OFFICE OF DEPARTMENT OF LAW

DATE March 2, 1972

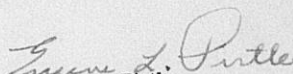


TO John Gist, Principal Planner
FROM Eugene L. Pirtle, First Assistant City Attorney
SUBJECT Duo-Bed Addition

I have orally described this date the reassertion of uncertainties regarding the adequacy of the engineer's statement of ownership in the above captioned replat as a part of Dodge's Addition.

Without restating the various approaches you, Mr. Vinson, Mr. Dotts and I have made to this problem, I am presently of the opinion that we should obtain from the plattors of Duo-Bed Addition an affidavit for recording with the plat to the effect that the owners of the Duo-Bed replat, at the time of replatting, were also owners of the land abutting the two alley easements that were vacated pursuant to the Kansas statutes as amended.

I shall be happy to prepare the affidavit if you will explain to Mr. Moehring that we will need this affidavit.


Eugene L. Pirtle
First Assistant City Attorney

ELP:jk

cc: Clyde Dotts, Administrative Supervisor



THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE November 2, 1971



TO Robert Vinson, Administration

FROM Eugene L. Pirtle, First Assistant City Attorney

SUBJECT Duo Bed First Addition -
K. S.A. 1970 Supp. 12-512b

We have examined the final plat maps approved for recording May 26, 1971 in the matter of Duo Bed First Addition, S/D 71-19.

From an examination of the subdivision file, the plat maps and K. S.A. 1970 Supp. 12-512b, we are of the opinion that the statement of the owner's consulting engineer does not completely describe the area being replatted; particularly, the alleys on the west and south border of the replatted lots are omitted from the owner's statement. The owner's statement describes the plat as a "Replat of Lots 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 68 and 80 on Vine Avenue in Dodge's Second Addition to Wichita, Kansas."

The only evidence of ownership is contained in title insurance certificates which describe the same lots without reference to the west alley of 10 feet and the south alley of fifteen feet. Under these circumstances the owner's statement describes lots being replatted with a depth of 140 feet and a length of 400 feet; whereas, the replat shows a depth of 150 feet and a length of 415 feet, which implies the addition of two vacated alleys to the dimension of the replatted lots. Neither the plat nor the owner's statement indicate the 10 foot and the 15 foot alleys; or that said alleys are being vacated by virtue of the replat under K. S.A. 1970 Supp. 12-512b.

While K. S.A. 1970 Supp. 12-512b does appear to allow the platting or replatting, and the vacation of both use and title of streets and alleys "without any further proceedings upon the filing and recording in accordance with the provisions of K. S.A. 12-403 of any plat or replat . . .", the same statute requires that such replat "embrace the same lands as those theretofore embraced by the earlier plat, or part thereof, or street, alley or other public reservation". The same statute requires that in this type of replatting, appropriate notice must be given to all persons having property rights or interests affected by the platting or replatting or part thereof or street, alley, or other public reservation.



A Public official charged with the maintenance of public maps and records pertaining to plats, replats, streets, alleys and other public reservations would have no way of knowing from the recorded plat of Duo Bed First Addition:

- 1) That the 10 foot alley west of the replatted lots and the 15 foot alley south of the replatted lots have been vacated by virtue of the replatting;
- 2) That the owner or plattor was the owner of said two alley easements by reason of the ownership in the same plattor of the lands abutting said two alleys on the west and on the south.

It is our opinion that the provision in K. S. A. 1970 Supp. 12-512b that streets and alleys may be vacated "without any further proceedings" upon a filing of the replat was not intended to avoid the requirements that:

- 1) The plattor or replattor must own all of the property being replatted, or have the written consent of other parties having an interest in the land being replatted;
- 2) Where part of a plat is being replatted the owner must own the land abutting any right-of-way being vacated by replat; or
- 3) The owner must give notice to abutting owners who might have an interest in the vacation of a street or alley or public reservation;
- 4) There be continuity in the chain of title from an owner to a plattor with a clear indication on the plat and in the owner's statement of the land being platted, replatted, vacated or rededicated.

The above requirements pertaining to a statement of title showing the owner of the land and all other persons who have an interest in the land being platted, a clear definition of the lands being dedicated, a consent to the preparation of the plat by the owner and all parties having a record title or interest in the land subdivided, are all similarly required in the Wichita-Sedgwick Subdivision Regulations of May 27, 1970, in Section 5-402 (h) and (O)(1), and Section 5-403(a).

Eugene L. Pirtle
Eugene L. Pirtle
First Assistant City Attorney

ELP:cg

cc: John Dekker, Director of Law
John Gist, Principal Planner

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	71-19	Name	DUO BED FIRST ADDITION
Application Filed:	4-5-71	Sketch Filed:	4-5-71
Preliminary Plat Filed:	None	Approved by S/D:	N/A
Final Plat Filed:	4-5-71	Approved by S/D:	4-15-71
Approved by Metropolitan Area Planning Commission:			4-22-71

DESCRIPTION

General Location: West side of Vine in an area
between 2nd and 3rd Streets

Surveyor or Engineer: Don C. Moehring
Owner: Duo Bed Corporation
Address: 1812 West Second Street

- | | | |
|--------------------------|----------------------|--------------------------------|
| 1. Gross Acreage of Plat | <u>1.286</u> | 5. Lineal Feet of New Streets: |
| 2. Number of Lots: | | a. _____ R/W _____ ft. |
| Residential _____ | | b. _____ R/W _____ ft. |
| Commercial _____ | | c. _____ R/W _____ ft. |
| Industrial <u>1</u> | | d. _____ R/W _____ ft. |
| Other _____ | | e. _____ R/W _____ ft. |
| Total Number of Lots: | <u>1</u> | TOTAL <u>None</u> ft. |
| 3. Minimum Lot Frontage: | <u>140</u> ft. | 6. Existing Zoning: <u>"B"</u> |
| 4. Minimum Lot Area | <u>56,000</u> sq.ft. | |

A valid petition has been submitted guaranteeing construction of a sidewalk on the south side of Third Street. A certificate has also been submitted certifying the petition.

Planning Commission Recommendation:

JACKSON moved and TAYLOR seconded that the Planning Commission recommend to the City Commission that this plat be approved, subject to recording within 30 days after approval by the Board of City Commissioners.

NOTE: Associated Zone Case Z-1277, "B" to "E" has been approved by the Board of City Commissioners subject to replatting.

Vote of Planning Commission: Motion carried by a vote of 5 in favor (Jackson, Taylor, Blakey, Burnett and Souders) and 3 opposed (Hennesy, Kamen and Rising).

ACTION: Approve the petition and instruct the Director of Law to prepare the necessary resolution, instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

CERTIFICATE

City of Wichita)
Sedgwick County) ss DUO BED CORPORATION
State of Kansas)

I, Walter M. Jacobson, ^{agent}~~owner~~ and plat-
tor of Duo Bed First Addition Addition, do hereby
certify that petitions for the following improvements have been
submitted to the Board of Commissioners of the City of Wichita,
Kansas:

- 1. Sidewalk petition, Lot 50, 3rd Street Dodges 2nd

As a result of the above-mentioned petitions for im-
provements, lots within ~~Dodges 2nd~~ DUO BED FIRST Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 12th day of May, 1971.



DUO BED CORPORATION
Walter M. Jacobson
Walter M. Jacobson Treasurer



City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 12th day of May,
1971, before me, a notary public in and for said County and State,
came Walter M. Jacobson, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and
affixed my notarial seal the day and year above written.

Lorain Bedinger
Notary Public

My Commission Expires:
5-28-73

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:

Alvin W. Long
President.

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) AMherst 7-8371

ATTEST:

Chester C. McCullough
Secretary.

Signer J. Dell
Authorized Signatory



A.L.T.A. COMMITMENT

SCHEDULE A

FORM 3361

Number
178238

Effective Date
May 12, 1971 at 7:00 A. M.

1. Policy or Policies to be issued:

OWNER'S: ALTA Fm B 1970 \$

Proposed Insured:

The City of Wichita, a municipal corporation

LOAN: \$

Proposed Insured:

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple, and title thereto is at the effective date hereof vested in:

Duo-Bed Corporation, a Delaware corporation.

3. The land referred to in the Commitment is described in Schedule C.

SCHEDULE B — Section 1

The following are the requirements to be complied with:

1. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record, to wit:

None.

2. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable. None Due. Key Nos D-4353 to D-4359 inclusive
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialmen are all paid.

A.L.T.A. COMMITMENT

SCHEDULE B — continued

FORM 3382

Number
178238

SCHEDULE B — Section 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Any owner's policy issued pursuant hereto will contain under Schedule B the standard exceptions set forth at the inside cover hereof. Any loan policy will contain under Schedule B standard Exceptions 1, 2 and 3 unless a satisfactory survey and inspection of the premises is made.
3. Taxes or special assessments which have not been certified to the office of the County Treasurer and entered on the tax rolls thereof prior to the date hereof.
4. Mortgage dated September 15, 1967, executed by Manfred Steinfeld to Guarantee Reserve Life Insurance Company, filed September 29, 1967 in Book 1609, Page 247, to secure their note for \$335,000.00.

A.L.T.A. COMMITMENT

SCHEDULE C

FORM 3363

Number
178238

The land referred to in this Commitment is described as follows:

Lots 50 to 80, even inclusive, on Vine Street, in Dodge's 2nd Addition to Wichita,
Sedgwick County, Kansas.

STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

April 23, 1971

Mr. Don C. Moehring II
314 Brown Building
Wichita, Kansas 67202

Re: S/D 71-19 - Final Plat of
DUO BED FIRST ADDITION

Dear Mr. Moehring:

At the regular meeting of the Metropolitan Area Planning Commission on April 22, 1971, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of April 19, 1971.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
- OK Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- OK Certification by an attorney that fee title is vested in the plattor.
- OK Certification that all taxes due and payable for 1970 and prior years have been paid.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
cc: Duo Bed Corporation, 1812 West Second 67203
Mr. Walter Jacobson, 1812 West Second 67203

April 19, 1971

Don C. Moehring, II
314 Brown Building
Wichita, Kansas 67202

Subject: S/D 71-19 - Final Plat
of DUO BED FIRST ADDITION

Dear Mr. Moehring:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 15, 1971, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- The plat being approved subject to approval of the associated zone case, Z-1277, by the Board of City Commissioners.
- The name being changed in the respective signature block to reflect the new Mayor for the City of Wichita.
- Deleting the suffix in the labeling of the street adjacent on the north so that the plat reflects only the word "Third".
- Amending the plat to incorporate the north-south and east-west alleys as a part of Lot 1, and thereby effectuating their vacation. In lieu of said alleys, a 20-foot utility easement shall be indicated along the west and south sides of the Lot, and the accompanying language of the granting of such easements shall be added to the plat's text.
- The building setback indicated from the west line of Vine Avenue shall be extended around the northeast corner of the plat so as to also be from the south line of 3rd Street.
- The applicant shall install or guarantee the construction of a sidewalk adjacent to subject property on the south side of 3rd Street; the total estimated guarantee construction cost to be in the amount of \$450.

→ petitioned

Page 2
April 19, 1971

7. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 22, 1971, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

Enclosure

cc: Duo Bed Corporation, 1812 West Second, 67203
Mr. Walter Jacobson, 1812 West Second, 67203

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 71-19 Name DUO BED FIRST ADDITION
Date Application Rec'd. 4-5-71 Preliminary Approval N/A
Scheduled S/D Meeting 4-15-71

DESCRIPTION

General Location On the west side of Vine in an area between 2nd and 3rd Streets.
Owner Duo Bed Corporation
Surveyor/Engineer Don C. Moehring
Address 314 Brown Building Phone 263-6781

1. Gross Acreage of Plat 1.286±
2. Number of Lots:
Residential _____
Commercial _____
Industrial 1
Other _____
Total Number of Lots 1
3. Minimum Lot Frontage 140 ft.
4. Minimum Lot Area 56,000 sq.ft.
5. Existing Zoning "B"
6. Proposed Zoning "E"
7. Lineal Feet of New Streets:
a. R/W _____ ft.
b. R/W _____ ft.
c. R/W _____ ft.
d. R/W _____ ft.
e. R/W _____ ft.
TOTAL None _____ ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) _____
12. City of Wichita X : Three-Mile Area _____ (Yes-No)

STAFF COMMENTS:

- The applicant has filed an associated zone case Z-1277, requesting a change in zoning from "B" Multiple Family to the "E" Light Industrial district. The zone case is scheduled for consideration by the Metropolitan Area Planning Commission on April 22, 1971, and the approval of this plat is subject to the final approval of case Z-1277 by the Board of City Commissioners.
- The name being changed in the respective signature block to reflect the new Mayor for the City of Wichita.
- There are existing, 10 and 15 foot alleys on the west and south sides of subject property, respectively. Additional right-of-way needs to be indicated to make each alley 20 feet in width, together with providing an adequate turning radius at the intersection of said alleys, along with the applicant guaranteeing the paving of the alleys to City specifications; OR,
Since the applicant owns the adjacent properties to the west and south, consideration should be given to including the alley right-of-way as a part of the lot being platted and thereby effectuating vacation of the alleys. Since there are existing utilities located in the alley, if it were vacated a 20 foot utility easement should be provided in lieu thereof.
- Additional alley right-of-way or substitute utility easements either one, will require the expanding of the plat's text to reflect the dedication of the alley or the granting of the easement.
- The building setback indicated from the west line of Vine Avenue shall be extended around the northeast corner of the plat so as to also be from the south line of 3rd Street.

(over)

6. The applicant shall install or guarantee the construction of sidewalks adjacent to subject property on the west side of Vine and the south side of 3rd Street; the total estimated guarantee construction cost to be in the amount of \$1,620.
7. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5, of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

Duo-Bed Property

Platting requirement

1. Street R-O-W: Vine - 15' existing - is a residential St. - no additional R-O-W needed

2ND St - 30'^{1/2} existing - is indicated as a collector on the transportation map & we need 5' additional

2. Alley vacation: K G & E has a primary and a 12 V KV line in the north-south and east-west alley. Harold Davis indicated that a 20' easement would be adequate with the additional 10' of easement taken adjacent to the east side of the alley

There is existing 8" sanitary sewer line in both alleys. Need to see Dick Linn about substitute 20' ~~alley~~ easements

Curt

3-25-71

we have talked to Don Mockring Eng. for the applicant, relative to the replatting of the Duo-Bed property.

Only that which will be replatted now is that included in their assoc. zone case which they have already filed. E/W for 3RD St. & Vine are adequate. The N-S and E-W alleys are proposed to be included
(OVER)

Map No.: 5347
Section No.: 19
Twp. No.: 27 S
Range: T 10 E

S/D No. 71-19

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: DUO BED FIRST ADDITION to Wichita, Sedgwick County, Kansas
General Location: Northwest Corner of 2 nd and Vine
W side of Vine bet end & 9th
Name of Property Owner: Duo Bed Corporation, Wichita, Kansas
Address: 1812 W. Second Street Phone: 265-5271
~~XXXXXXXXXXXX~~ Atten. Mr. Walter Jacobson, Treasurer
Address: _____ Phone: _____
Name of Agent/Surveyor: Don C. Moehring, II
Address: 314 Brown Building Phone: 263-6781
Date of Application: April 5, 1971

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat .1286 +
2. Number of Lots:
 - Residential 0
 - Commercial 0
 - Industrial 1
 - Other 0
 - Total Number of Lots 1
3. Minimum Lot Frontage 140 ft.
4. Minimum Lot Area 56,000 sq.ft.
5. Existing Zoning B
6. Proposed Zoning E Industrial
7. Lineal Feet of New Streets:
 - a. 0 R/W 0 ft.
 - b. 0 R/W 0 ft.
 - c. 0 R/W 0 ft.
 - d. 0 R/W 0 ft.
 - e. 0 R/W 0 ft.
 - TOTAL 0 ft.
8. Sidewalk adjacent to all streets? yes X no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) N.A. (Yes-No)
12. City of Wichita X Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto including petitions for improvements such as streets, sewer, sidewalks, etc. with the register of deeds as well as all costs of publication of initiating resolutions approving any petition for improvements shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Walter Jacobson Treasurer

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by [Signature]
Date 4-5-71
Fee Submitted 50/00

T9-301B (10-68)



Form 273-021

PAYMENT NOTICE

City of Wichita

AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Utility & Police Service</i>	
<i>1 Month</i>	

Name *K. W. B. Co. Inc.*

Address *1412 W. 24th St.*

Type *AA-407103* Due Date

Comments:

Date *4-5-71* By *Kist*

Note: Alley Between Dodge's Adm. & Gossard's Sub. is 20' Total - East of Alley

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YAC - DEP S15560

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AVE.

ST. LOUIS

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ADDITION

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ADDITION

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REEVES

(NOW 3RD)

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VINE

(NOW 2ND)

ST. SECOND

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DODGES

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WA

(NOW) 2ND

RANDY'S Addition

77.5
66.7
144.2
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~~77.5~~
~~66.7~~
~~144.2~~
~~10~~

154.7
" replat of Lot 5, Exc. W. 76.2'
& Lots 6, 7, 8, 9, 10, 11, 12, 13, 14
15, 16, + 17 Block H.
HILLTOP MANOR

Requirement:

1) Re-state owner's Platting Statement
that 10' of Rang (locate 10') is
being vacated by this replat
Per RSA 1970 Supp 12:512b.

2) Was owner of Lot 4 + W 76.2' of Lot 5
given Notice of Vacation

Kim - CHRISTY Third Add'n

1) Owner's Statement & ~~subdivision file~~
should state vacation of partial
lot 193 as described.

2) Ownership of Reversion to lot 193
- Same as Danell - owner -
by another owner -

3) Notice To ~~vacate~~

LIGHTNER A/D

Reo Vacating Street R/W
& ~~redefine~~ Public R/W dimensions
Define Private Properties - none of
formerly public street R/W.