

PLAT NO. S/D 71-57 MAP NO. 5945
NAME PLANT KINGDOM ADDITION
LOCATION On the east side of Woodlawn in an area north
of Mt. Vernon
ENGINEER Baughman Company
OWNER Gene & Charles Campbell
APPLICATION FILED 9-7-71
SKETCH PLAT FILED None Submitted
PRELIMINARY FILED 9-7-71
S/D ACTION 9-16-71 Approve
FINAL FILED 12-6-71
S/D ACTION 12-16-71 Approve
MAPC ACTION 1-13-72 Approve
BCC ACTION 5-16-72 Approve
RECORDED 6-16-72
REMARKS _____

S/D 71-57 - PLANT KINGDOM ADDITION
On the east side of Woodlawn in
an area north of Mt. Vernon
Baughman Company

ACTION

	DATE
5/6 COMMITTEE (Council) Approve	9-16-71
" " (Finn) Approve	12-16-71
M.A.P.C.	Approve 1-18-72
B.C.C./ [REDACTED]	Approve 5-16-72

Map No. 5945
Sec. No. 31
Twp. No. 27 S
Range 2 E

Subdivision Report and Progress

S/D No.: 71-57

Name: PLANT KINGDOM ADDITION

General Location: On the east side of Woodlawn in an area north of Mt. Vernon

Owner: Gene & Charles Campbell, 3560 South Broadway 67216

Address: c/o Don Bottenberg, 1st Nat'l Bank Phone: 524-5311

Subdivider: Jesse Graham & L.A. Casado/Bldg. 67202

Address: 1403 Harding 67208 Phone: _____

Engineer/Surveyor: Baughman Company

Address: 2522 East Kellogg 67211 Phone: 683-7431

Application Received 9-7-71
Conf. with Applicant None
Sketch Plat Received none submitted
Present Zoning "AA"
Proposed Zoning "BB" & "C"
Letter of Intent N/A

FINAL PLAT RECEIVED 12-6-71
S/D Comm. Action 12-16-71 Approve

Dept. Report on Final 12-21-72
M.A.P.C. ACTION 1-13-72 Approve
Dept. Report on Final 1-14-72
Letter on Irons Received N/A
Title/Taxes Rec'd & Reviewed 5-8-72
Final Review 5-10-72
Referral to B.C.C. 5-11-72

PREL. PLAT RECEIVED 9-7-71
S/D Comm. Action 9-16-71 Approve

Dept. Report on Prel. 9-17-71

B.C.C. ACTION 5-16-72 Approve

TRACING PROGRESS:
Received 1-10-72
Released _____
Received _____
Released _____

Recorded _____

Comments:

*Z-1291 - Zone change from "AA" to "BB" & "C"

5-19-72 - Called Charles Campbell to release tracing for recording

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

PLANT KINGDOM

ADDITION was

filed for record on June 16, 1972

S-2 4-19

80
VI

John H. Hill

Register Of Deeds

T9-328

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE March 22, 1978

TO E. H. Denton, City Manager

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Development of Property Generally
Located on the East Side Woodlawn,
North of Mt. Vernon (Plant Kingdom)

A meeting on the above captioned subject was held in the home of neighborhood resident's, Mr. and Mrs. Wade, 1813 S. Mission, at 7:00 PM on March 21, 1978. City staff representatives were Mr. Galbraith of MAPP, Mr. Mitchell of Flood Control, and Mr. Inlow and myself of Central Inspection. The developer, Mr. Wells and a representative of the contractor, Mr. Gardner were also in attendance as was Mr. Toys of CPO. The neighborhood was represented by an estimated 25 residents. The meeting lasted slightly over two hours, and a brief summary of the discussion follows.

The Superintendent of Central Inspection initiated the meeting with a presentation of the background and pertinent issues. Both drainage and zoning were addressed by Messrs. Mitchell and Galbraith in their respective areas. Mr. Wells also made a presentation of his proposed structure and its anticipated operation. The residents expressed their dissatisfaction with the drainage in the entire area as well as the "Commercial" zoning surrounding their neighborhood on the south (Plant Kingdom, Skateland) and east (Golf Park), which they view as an undesirable encroachment. Further concerns were expressed regarding traffic flows and vehicular volume on Woodlawn. Overall it was a very constructive meeting, which provided everyone with a basic understanding of all points of view. This is not to say, however, that the residents objections were alleviated nor that the developer will change his plans. On the contrary, the developer indicated that, by both the aesthetic appearance and the "tight ship" operation, his facility would come to be accepted by the residents. The residents indicated that they felt a change in zoning, back to a residential zoning classification, was in order and would be requested of the City Commission.

Based upon the information exchanged in the meeting, it appears that the residents objections primarily stem from their dissatisfaction with the development and/or lack thereof (as they perceive it) of the entire area, and that the proposed skateland structure has become the focal point of that cumulative feeling.

Inasmuch as the platting has been approved, the proposed skating rink is permissible use under the zoning classification and the drainage system for the site has been

*3/28
auth permit
to be made in
normal fashion*



*02-01 General
02-02 Canal*

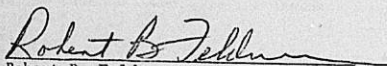
March 22, 1978

Subject: Development of Property Generally
Located on the East Side Woodlawn,
North of Mt. Vernon (Plant Kingdom)

Page 2

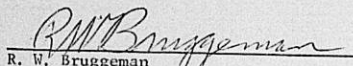
approved, it is recommended that the administrative hold on the project be removed and permit issuance be allowed - actual building permit issuance dependent upon approval of the submitted plan. That review is in process as of this date, and as previously reported, there are no apparent problems.

Should additional information or clarification be desired, it will be expeditiously supplied upon request.



Robert B. Feldner
Superintendent of Central Inspection

APPROVED:



R. W. Bruggeman
Director of Public Works

RBF/imc

cc: Robert Lakin, Director of Planning
—Jack Galbraith, Planning Department
M. S. Mitchell, Flood Control
George Wilton, Superintendent of Maintenance

RAL

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE March 17, 1978

TO E. H. Denton, City Manager

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Development of Property Generally
Located on the East Side of
Woodlawn, North of Mt. Vernon
(Plant Kingdom)

In accordance with the direction of the City Commissioners in their meeting of March 14, 1978, and your memo of March 15, 1978, both on the above captioned subject, the following report is provided.

The information contained herein represents the concerted efforts of the Department of Public Works Divisions of Maintenance Flood Control, Central Inspection and the Metropolitan Area Planning Department in providing a concise, comprehensive and consolidated report. Each point or question raised is individually captioned with the corresponding information immediately following.

- (1) Is the pre-construction activity (grading and move in of construction materials) in violation of the Code?

Yes, the activity was (and is) a violation, however some qualification and clarification is necessary to provide an accurate assessment.

On Friday, March 10, 1978, the project architect and a representative of the contractor submitted a set of plans for review to Central Inspection. The plans proposed the Skateland structure. At this time the contractor's representative also approached the Building Code Administrator in Central Inspection and indicated that the construction materials for the structure had been ordered early due to the possibility that the inclement weather would delay their arrival. They had however arrived early and been placed upon the site pending plan approval and the issuance of a permit. Placement of construction materials on a building site does not violate any code provisions. Technically, however, without the issuance of a permit it was not a building site. Thus the zoning maps were checked, which reflected "C" Commercial zoning, which allows a building materials storage yard. Based upon this information, and the fact that plans were submitted and a building permit applied for, the materials were allowed to remain.

Subsequent investigation on Wednesday, March 15, 1978, revealed that at the time (July 13, 1971) the City Commission approved the "C" Commercial zoning,

March 17, 1978

Subject: Development of Property Generally
Located on the East Side of Woodlawn,
North of Mt. Vernon (Plant Kingdom)

Page 2

they accepted an offering of restrictive covenants that the area would not be used for any other use than a garden center or uses permitted in the "LC" Light Commercial district.

In meeting with the Building Codes Administrator on Friday, March 10, 1978, the contractor's representative also stated that they were going to start basic site preparation work, as is prevalent throughout the industry. This type activity is covered under the provisions of Chapter 70, Excavating and Grading, of the Uniform Building Code. The pertinent provisions read:

"No person shall do any grading without first having obtained a grading permit from the Building Official except for the following: A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course."

The contractor states that when the above allowed site preparation work was begun, the original fill dirt was found to be uncompactable. Thus he did proceed to remove that fill, replacing it with sand, and trench, to an approximate depth of 5 foot, following the general outline of the proposed structure. In so doing, the bounds of site preparation were overstepped.

What constitutes the start of construction?

The many various and divergent circumstances surrounding each individual project can impact this decision, however, as a general rule construction starts when a trench is excavated for the footing and foundation.

- (2) Was a building permit issued for the Plant Kingdom building, if not, why not?

Yes, building permit No. C66156 was issued December 22, 1972, for the major structure, including the retail sales garden center portion, the greenhouse portion as well as the interconnecting walkway. Building permit No. D66869 was issued February 14, 1973, for construction of the lath house. The work performed under these permits covered all structures in the Plant Kingdom complex.

- (3) Have all platting and building requirements been, or are being complied with?

All platting and zoning requirements have been met as the area now known as Plant Kingdom Addition was approved and recorded in 1973, which met the conditions of approval of the associated zone case Z-1291 which changed the zoning

March 17, 1978

Subject: Development of Property Generally
Located on the East Side of Woodlawn,
North of Mt. Vernon (Plant Kingdom)

Page 3

from "AA" single family to the "BB" Office District for Lot 1, and from "AA" to "C" Commercial on Lots 2 and 3. The zone case was approved by the Board of City Commissioners on July 13, 1971 and the associated plat was approved on May 16, 1972.

As previously stated, the submitted building plans are in the review process so a definitive yes or no to this question cannot be provided at this time. The preliminary review of the plans with the architect did not reveal any apparent problems, with the possible exception of drainage which will be addressed in question number 4, which follows. Upon completion of the plan review (and release of the administrative hold), a building permit can be obtained by the contractor and construction may then transpire. The appropriate inspections will be conducted to insure that all code requirements are adhered to.

(4) Are adequate provisions for drainage provided?

The drainage plans are still under review. The project architect and developer are working with Public Works Maintenance Flood Control and Engineering to insure proper resolution of the drainage problem. It should be noted that this parcel is not in the flood plain.

Preliminary findings of the drainage review indicate that with proper grading and a new pipe and inlet system, beginning with catch basins located in the center of the parking lot and concluding at the east drainage system, and a portion which will drain to Woodlawn, will allow for all site water to be taken except for the north slope runoff. The project architect and developer are preparing proposals for the proper handling of this runoff, and it currently appears that a swale or curb at the property line will be necessary. As of this date, no approvable plan has been submitted. No building permits will be issued until resolution of all drainage issues, at which time the drainage requirements will become a mandatory part of the building process.

(5) As alleged, are there any buildings adjoining the CUP improperly located or constructed without building permits?

There are two CUP developments in close proximity to the Plant Kingdom Garden Center. One of these, CUP DP-74 is the Briarwood Apartment complex which was developed in 1975. All structures in this complex were permitted and properly located in accordance with the CUP.

The other is CUP DP-33 "Golf Park". All structures were permitted and properly located, however there were use problems with an operation which is probably the basis for the allegation.

There was a fast food restaurant that was approved to the northeast of the Plant

March 17, 1978

Subject: Development of Property Generally
Located on the East Side of Woodlawn,
North of Mt. Vernon (Plant Kingdom)

Page 4

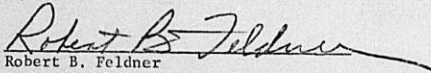
Kingdom Addition that was converted to a garden center which was not listed as a permitted use on the CUP as approved by the City Commission in 1969. Upon notification of the violation by Central Inspection, the owners filed an amendment to the CUP which was considered at a public hearing, recommended for approval by the Planning Commission and approved by the City Commission on January 4, 1977.

(6) Does any recourse exist to prohibit an "obnoxious" use of the property?

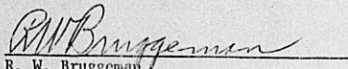
Inasmuch as an indoor skating rink is a permitted use in the "LC" district, neither Central Inspection nor MAPD are able to ascertain any general catch-all phrases that would prohibit the use because of "obnoxious" reasons. The heavier or more obnoxious uses are listed in the more intensive use districts such as the "E" and "F" Industrial Districts. As long as the skating rink is operated properly, it should not be an obnoxious use. As to any activities that might occur outside of the building late at night that might have an adverse effect on adjacent properties, such activities would fall under other codes of the City to enforce.

In concluding, the City Commission, the neighborhood residents and the developer are assured that all pertinent codes and requirements will be uniformly applied, then fairly and equitably enforced. The documents referenced herein (permits, etc.), are available for review in Central Inspection, should anyone desire to substantiate the statements made.

If any additional information or clarification is desired, it will be expeditiously supplied upon request.


Robert B. Feldner
Superintendent of Central Inspection

APPROVED:


R. W. Bruggeman
Director of Public Works

RBF/imc

cc: Robert Lakin, Director of Planning Department
Jack Galbraith, Planning Department
George Wilton, Superintendent of Maintenance
M. S. Mitchell, Flood Control
Dick Linn, City Engineer

March 16, 1978

Ray W. Bruggeman, Director of Public Works

Jack H. Galbraith, Chief Planner

Development of Property Generally Located on the East Side of
Woodlawn, North of Mt. Vernon (Plant Kingdom)

In response to Bob Finch's memo of March 15, 1978, on the above
captioned subject, the following are answers to questions 3, 5
and 6:

3. All platting and zoning requirements have been met as the area now known as Plant Kingdom Addition was approved and recorded in 1972, which met the conditions of approval of the associated zone case Z-1291 which changed the zoning from "AA" single family to the "BB" Office District for Lot 1, and from "AA" to "C" Commercial on Lots 2 and 3. The zone case was approved by the Board of City Commissioners on July 13, 1971 and the associated plat was approved on May 16, 1972. I know of no building requirements that have not been complied with.
5. As alleged, there was a fast food restaurant that was approved on a commercial C.U.P. known as "DP-33 Golf Park" to the northeast of the Plant Kingdom Addition that was converted to a garden center which was not listed as a permitted use on the C.U.P. as approved by the City Commission in 1969. Upon notification of the violation by Central Inspection, the owners filed an amendment to the C.U.P. which was considered at a public hearing, recommended for approval by the Planning Commission and approved by the City Commission on January 4, 1977. There are no other buildings, to our knowledge, that are improperly located or constructed on the C.U.P.
6. Inasmuch as an indoor skating rink is a permitted use in the "LC" district, I find no general catch-all phrases that would prohibit the use because of "obnoxious" reasons. The heavier or more obnoxious uses are listed in the more intensive use districts such as the "E" and "F" Industrial Districts. As long as the skating rink is operated properly, it should not be an obnoxious use. As to any activities that might occur outside of the building late at night that might have an adverse effect on adjacent properties, such activities would fall under other codes of the City to enforce.

As Bob Lakin is out of town, would you please incorporate these responses in your memo to the Manager's office. Please feel free to add any additions to these answers that you have and if I can be of assistance in providing additional information, please advise.

Jack H. Galbraith
Chief Planner

JHG:et

cc: Robert G. Finch, Deputy City Manager

THE CITY OF WICHITA

OFFICE OF CITY MANAGER

DATE March 15, 1978



TO Robert A. Lakin, Director of Planning
Ray W. Bruggeman, Director of Public Works

FROM Robert G. Finch, Deputy City Manager

SUBJECT Development of Property Generally
Located on the East Side of Woodlawn,
North of Mt. Vernon (Plant Kingdom)

Robert Lakin, M. S. Mitchell, and Sam Mobley were present on March 14, 1978, when the City Commission heard a number of complaints and allegations regarding the past and current development of the Plant Kingdom Plat.

As a result of this discussion the City Commission authorized an administrative hold on the project, deferred the matter for one week and requested a written report on the following questions:

- (1) Is the pre-construction activity (grading and move in of construction materials) in violation of the Code? (What constitutes start of construction?)
- (2) Was a building permit issued for the Plant Kingdom building, if not, why not?
- (3) Have all platting and building requirements been are, or being complied with?
- (4) Are adequate provisions for drainage provided?
- (5) As alleged, are there any buildings adjoining the CUP improperly located or constructed without building permits?
- (6) Does any recourse exist to prohibit an "obnoxious" use of the property?

Assume this is in some general nature of the kind.
Please work together to provide a consolidated report to respond to the above questions along with any other information needed to clarify this matter when it is again considered by the City Commission on March 21, 1978.


Robert G. Finch
Deputy City Manager

RGF/sw

cc: Robert B. Feldner, Superintendent of Central Inspection
Sam Mobley, Building Code Administrator
M. S. Mitchell, Asst. Supt. Public Works Maint./Flood Control Supervisor
John Dekker, Director of Law

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE March 13, 1978



TO The Honorable Board of City Commissioners
FROM E. H. Denton, City Manager

SUBJECT Request for Public Agenda Item -
Development of Property Generally
Located on the East Side of Woodlawn,
North of Mt. Vernon

The attached request for a Public Agenda item on March 14, 1978, was received too late for inclusion on the agenda.

Mrs. Helen Wade has stated however, that a City Commissioner has indicated it would be considered as an off-agenda item.

This material is provided for background in the event the matter is discussed on March 14.

Representatives of the Planning and Public Works Departments will be made available to respond to questions on the item.


E. H. Denton
City Manager

EHD/fsw

Attachments

cc: Ray W. Bruggeman, Director of Public Works
Robert A. Lakin, Director of Planning

REFERENCE ITEM OFF AGENDA - Agenda
AGENDA FOR: MAR 14 1978

March 10, 1978

Mr. Gene Denton
Manager, City of Wichita
Wichita, Kansas

Dear Sir:

Please consider this letter an urgent request to be permitted to speak on the public agenda at the March 14, 1978 City Commission meeting.

We, the residents in the area of the 1800 block of South Woodlawn feel it is imperative to discuss and clarify the following items:

1. City-County Landfill--The following quote is taken from a report prepared by Professional Engineering Consultants of Wichita, Kansas and dated October 29, 1973. "It would appear that the area of the landfill is estimated to be 300 by 300 feet. The maximum height of the fill is estimated to be 30 to 40 feet at the old creek bed. The top of the fill is basically flat and about six feet above the ground level of the residence at 1813 South Mission Road."
2. Improper drainage--The natural water way of Gypsum Creek has been diverted. A privately owned spillway drains into an inadequate storm sewer and places us in a pocket. Where is the excess water to go? The City-County will no longer be able to continue to dig trenches on the top of the landfill to keep water off of private property.
3. Zoning--We were surprized to see a realtor sign appear on the site where the City-County had worked for approximately one year. When and how did the site pass to private ownership and become rezoned? We were lulled into complaisance wh-~~h~~ rezoned and were told it was zoned for office buildings. Title 28 of the City Code contains the provision designed to safeguard property values by not permitting obnoxious uses next to residential districts. It states that before any structures are planned the zoning needs to be verified to see if a particular kind of building will fit the zoning.

We were appalled to see a "Watch for the Opening of Skateland East" sign erected on this site. Phone calls and personal visits to City Hall assured us that no building permit had been issued. At that time two highloaders and a grader were working and building materials were on the site. We were assured by city employees that the work would be shut down and it would not be rezoned for a skating rink. Approximately one hour after the shut down we received a call explaining that we had checked on the wrong lot. The rink

Office Of The City Manager	
<input type="checkbox"/> END	<input type="checkbox"/> HP
<input type="checkbox"/> RGF	<input type="checkbox"/> MS
<input type="checkbox"/> RT	<input type="checkbox"/> SH
MAR 13 1978	
<input type="checkbox"/> Copies To	_____
<input type="checkbox"/> Send To	_____
<input type="checkbox"/> File	_____

would be constructed very close to the Plant Kingdom business and that the land zoned BB would be used for their parking lot. Does Zoning permit an "obnoxious use" with the buffer zone being utilized for parking of the same obnoxious use? If so, then it appears that there is little safeguard design in zoning to protect property values. Are builders permitted to begin preparing construction sites without benefit of a city permit?

What happened to our assurance from a flood control employee who stated, "The building permit process requires a plan. I have alerted inspection that we want the right to inspect the plan to see that the water will drain off private property. The ordinance is very specific but we must watch to see that the builder does not get to far along. We are going to try to see that doesn't happen." A quick phone call to his office revealed he was out of town.

Sir, we are property owners who have substantial investments in our well kept homes. We have been told by realtors that a skating rink would bring about drastic evaluation decreases in our property. We cannot afford this loss. There will be no way to govern the noise in the parking lot.

In heeding the advise from the flood control employee, "not to let the builder get to far along," we feel our only hope is to be heard by the Honorable Mayor and the Commission.

We would like to invite you, the Mayor and the Commissioners to visit this area. As you view the dismal result of flood control, please keep in mind that the creek and wooded area once provided one of the most beautiful natural settings in the City. It was a mecca for the home owners, children from a large area, and the residents of a care home. We feel that we have lost enough and ask where will this property value nightmare end.

Respectfully,

Edwin Wade

cc: Mayor Casado
Comm. Porter
Comm. Peters
Comm. Shanahan
Comm. Donnell

<i>Bernard G. Benton</i>	<i>1814 S. Mission</i>	<i>683-9739</i>
<i>Ernest J. Benton</i>	<i>1814 S. Mission</i>	<i>683-9739</i>
<i>William P. Benton</i>	<i>1806 S. Mission</i>	<i>684-6855</i>
<i>Billy S. Benton</i>	<i>1816 S. Mission</i>	<i>684-1855</i>
<i>Alfred J. Benton</i>	<i>1744 S. Woodlawn</i>	<i>684-4301</i>
<i>Kelita Bennett</i>	<i>1744 S. Woodlawn</i>	<i>684-4301</i>
<i>George E. Benton</i>	<i>1800 S. Woodlawn</i>	<i>684-8701</i>

Please see page three for additional signatures

Name	Address	Phone
James R. Wade	1813 S. Mission	683-5056
Walter K. Dandl	1813 So. Mission	683-5127
RE Johnson	1821 S. Woodlawn	683-3519
Mrs. Bland Evans	1815 S. Woodlawn	683-2328
Betty M. Johnson	1821 S. Woodlawn	683-3519
Dr. J. J. Francis	1801 S. Woodlawn	684-6453
Edna Baccala	1807 S. Woodlawn	684-8506
Mrs. H. C. Spalding	1802 S. Woodlawn	684-5051
Thelbert M. Trimmell	1801 S. Mission	682-5127
Marlyne J. Trimmell	1801 So. Mission	682-5127

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

New Case

9. Case No. Z-1291 - Gabriel E. and Cecilia Drollinger, Gene and Charles Campbell, and City of Wichita request change from "AA" to "BB" for the north 150 feet; and from the "AA" to "C" for the balance of the following described property: Beginning at a point on the west line of the NW 1/4, Section 31, Township 27 South, Range 2 East, said point being north 00°00'10" east 644.08 feet from the south-west corner of said NW 1/4; thence north 75°00'10" east to a point 390 feet east of the west line of said NW 1/4; thence north parallel to the west line of said NW 1/4 to the south line of Lincoln Hills 2nd Addition; thence west along the south line of said Addition 390 feet to the west line of said NW 1/4; thence south along the west line of said NW 1/4 to the point of beginning. Generally located on the east side of Woodlawn in an area north of Mt. Vernon.

GALBRAITH pointed out the area on the map and reviewed the following Staff report:

Comments

1. The northern portion of subject application is owned by the City of Wichita who is a party to this request. Gene and Charles Campbell are the owners of the southern portion of the area as well as the property to the east and south, and they have submitted a letter agreeing to convey title to the City, for a large area so that major drainage improvements can be made on Gypsum Creek. Such improvements would be associated with the construction of a bridge on Woodlawn and street improvements. The dedication of the land to the City is conditioned, however, on the City transferring title of its ownership to the Campbells and establishing the zoning as requested.
2. Subject property is unplatted and is located on a major street (Woodlawn) which has only 30 feet of half-street right-of-way whereas 50 feet is required.
3. Even though the proposed use of the land is for a garden center and associated off-street parking, the requested "C" Commercial District permits other uses of a heavier nature, such as body and fender shops, automobile and mobile homes sales lots, warehouses and other similar type uses which are not considered compatible with the residential development in the area. Although the applicant is requesting "BB" Office zoning for the north 150 feet which will serve as a

buffer for the residences to the north, it would be desirable that assurances be provided that subject property will not be utilized for other than a garden center, or uses permitted in the "LC" Light Commercial District.

4. In the event the Planning Commission recommends approval of the application, the normal requirement is to require the platting of the property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied.

GALBRAITH said it was the Staff recommendation that this application be approved subject to platting to include the area proposed to be dedicated to the City and covenants that the area requested for "C" zoning will be used only for a garden center or other uses permitted in the "LC" district. It was pointed out that the only reason for asking for "C" was because that district is required for outside display of merchandise which is usually associated with a garden center.

DON BOTTEBERG was present in support of the request and said they were willing to submit covenants that the area would be used as a garden center and that they were agreeable to the Staff recommendation, including platting.

No one appeared in opposition.

MOTION: JACKSON moved, TAYLOR seconded and it carried unanimously that, based on the offering of restrictive covenants that the area requested for "C" Commercial zoning would not be used for any use other than a garden center or uses permitted in the "LC" Light Commercial district, the Planning Commission recommend to the City Commission that this request be approved, subject to platting the application area as well as the area proposed to be dedicated to the City for drainage purposes, all within one year from the date of approval by the City Commission, or the application be considered denied, and that the ordinance effectuating the change not be published until the plat has been recorded with the Register of Deeds.

10. Request for clarification of voluntary restrictive covenants which were offered as a condition of approval of zone case Z-1203 - "A" to "LC", generally located on the south side of Kellogg between Dellrose and Pershing.

GALBRAITH reviewed the following information which had been provided the Planning Commissioners prior to this meeting:

The above captioned zone change request was considered by the Wichita-Sedgwick County Metropolitan Area Planning Com-

COMMISSIONERS PROCEEDINGS

13-101

July 13, 1971

--Certificate to be filed with Reg. of Deeds, plat approved & Mayor authorized to sign

Petition to change from "A" to "LC" Lot 2, Blk. A, Simon Addition

Dedication of Abutter's Access Rights from Rental Exchange Systems, Inc.

Restrictive Covenants from Rental Exchange System, Inc.

--approved as recommended by MAPC & Ord. placed on 1st reading

Ord. changing zoning classifications of certain lands in City of Wichita

Petition to change from "AA" to "BB" and from "AA" to "C" area generally located on east side of Woodlawn in an area north of Mt. Vernon

Stevens moved that the City Clerk be instructed to file the Certificate with the Register of Deeds, that the plat be approved as approved by the Metropolitan Area Planning Commission and the Mayor authorized to sign. Motion carried unanimously. (Filing costs to be paid by the applicant.)

Report from the Metropolitan Area Planning Commission (Case No. Z-1280) in regard to petition to change from "A" to "LC" Lot 2, Block A, Simon Addition to the City of Wichita, Sedgwick County, Kansas, generally located at the Northeast corner of Exposition and Lotus, presented. Planning Commission recommended that this application be approved, subject to the dedication of total access control to Exposition and Lotus and subject to the submission of covenants tying the two lots together so that one cannot be sold without the other.

Dedication of Abutter's Access Rights from Rental Exchange Systems, Inc., by A. L. Redburn, President, dated May 26, 1971 transferring and conveying to the City of Wichita, Kansas, all abutter's rights of access, ingress and egress to Lot 2, Block A, Simon Addition, and prohibits all subsequent owners thereof and all members of the public from entering upon Exposition Avenue and Lotus Street from the property above described or from entering said property from Exposition Avenue and Lotus Street, presented. Stevens moved that the Dedication of Abutter's Access Rights be accepted and the City Clerk instructed to file with the Register of Deeds. Motion carried unanimously.

Restrictive Covenants from Rental Exchange System, Inc., by A. L. Redburn, President, dated May 26, 1971, being the owner of Lots 1 and 2, Block A, Simon Addition to the City of Wichita, declaring and agreeing that in the present subdivision and pending zoning of said real property, circumstances prevail which necessitates that the portion of the property described as Lot 2, Block A, Simon Addition, shall be developed, used, occupied, held, transferred, sold, and conveyed in conjunction with Lot 1, Block A, Simon Addition, the same as though said Lot 1 and Lot 2 were one, presented. Stevens moved that the Restrictive Covenants be accepted and the City Clerk instructed to file with the Register of Deeds. Motion carried unanimously.

Stevens moved that the application be approved as recommended by the Metropolitan Area Planning Commission and the ordinance placed on first reading. Motion carried unanimously.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the first time and under the rules laid over.

Report from the Metropolitan Area Planning Commission (Case No. Z-1291) in regard to petition to change from "AA" to "BB" for the north 150 feet; and from "AA" to "C" for the balance of the following described property: Beginning at a point on the west line of the NW 1/4, Section 31, Township 27 South, Range 2 East, said point being north 00 degrees 00'10" east 644.08 feet from the southwest corner of said NW 1/4; thence north 75 degrees 00'10" east to a point 390 feet east of the west line of said NW 1/4; thence north parallel to the west line of said NW 1/4 to the south line of Lincoln Hills 2nd Addition; thence west along the south line of said Addition 390 feet to the west line of said NW 1/4; thence south along the west line of said NW 1/4 to the point of beginning, generally located on the east side of Woodlawn in an area north of Mt. Vernon, presented. Planning Commission recommended that based on the offering of restrictive covenants that the area requested for "C" Commercial zoning would not be used for any use other than a garden center or uses permitted in the "LC" Light Commercial district, the Planning Commission recommended that this request be approved, subject to platting the application area as well

COMMISSIONERS PROCEEDINGS

13-102

July 13, 1971

As the area proposed to be dedicated to the City for drainage purposes, all within one year from the date of approval by the City Commission, or the application be considered denied, and that the ordinance effectuating the change not be published until the plat has been recorded with the Register of Deeds.

--application approved as recommended by MAPC subject to conditions of platting & Planning Dept. to forward Ord. for plat reading & covenants when plat is forwarded to City Commission

Stevens moved that the application be approved as recommended by the Metropolitan Area Planning Commission, subject to the conditions of platting, the Planning Department instructed to forward the ordinance for first reading and the covenants when the plat is forwarded to the City Commission. Motion carried unanimously.

Public Hearing on Appraisers' Report on Improving Douglas Ave. from 140 ft. west of W. of Main St. to W. of Main Street

Public Hearing on Appraisers' Report on Improving Douglas Avenue from 140 feet west of the west line of Main Street to the west line of Main Street, presented.

On June 22, 1971, the Commission was notified that the proposed assessment roll for the following street improvement had been prepared and was on file in the office of the City Clerk for public inspection: Improving Douglas Avenue from 140 feet west of the west line of Main Street to the west line of Main Street, as authorized by resolution adopted on March 17, 1970.

Petition for this improvement was signed by 87% of the property owner square footage with the cost of the improvement to be assessed 100% of the total cost of the improvement, after the City of Wichita at large pays 680/5300 of the cost and the Urban Renewal Agency pays 2650/5300 of the cost. Total cost of the improvement has been ascertained to be \$49,037.55, less \$23,251.24 paid by the Urban Renewal Agency. The remaining \$25,786.31 has been assessed \$19,169.45 to the improvement district and \$6,616.86 to the City at large. The cost has been assessed on a proportionate basis.

Hearing on the proposed assessment roll was set for 9:00 A.M., Tuesday July 13, 1971. Notice of public hearing was published on June 29, 1971, being not less than 10 days prior to the date of hearing. On the date of publication of the notice of hearing, a "Notice of Hearing and Statement of Cost Proposed to be Assessed", was mailed to property owners concerned.

An informal hearing with City Clerk and Engineering Personnel was held on July 9, 1971.

K.S.A. 1970 Supp. 12-6a10 provides that all assessments shall bear interest at such rate as the Governing Body determines, not to exceed 7% per annum.

Greene --

Mayor Greene inquired if there was anyone present who desired to speak on this matter and no one appeared.

--public hearing closed, proposed assessments approved, necessary assessment Ord. to be prepared & interest rate fixed at not to exceed 7%

Stevens moved that the public hearing be closed, the proposed assessments approved and the City Attorney instructed to prepare the necessary assessment ordinance and the interest rate fixed at not to exceed 7%. Motion carried unanimously.

Paving of Central Avenue from Cl. of Pennsylvania Ave. to Cl. of Hydraulic Avenue

Paving of Central Avenue from the center line of Pennsylvania Avenue to the Center Line of Hydraulic Avenue, presented.

This project is needed to replace worn out brick pavement and provide matching traffic lanes and channelization at I-35W interchange. Construction

Ass't. Supt. of Public Works
Maint.

March 21, 1978

John Riddel, Bldg. Plans Examiner, CID
M. S. Mitchell

Development of property generally
located on the east side of Woodlawn,
north of Mt. Vernon (Plant Kingdom Addn.)

In compliance with the City Commission's request at the Commission meeting of March 14, and Mr. Feldner's memo of March 17, 1978 we have reviewed a Revised Site Plan for subject area dated March 20, 1978. The Plan satisfies all of the requirements of this office and is hereby approved in compliance with Item 4 of Mr. Feldner's memo.

I trust this information is sufficient for your need in issuing a permit; if you have any questions however, please advise.

M. S. Mitchell,
Ass't. Superintendent of Public
Works Maintenance

by:

MSM/MG/glm

cc: G. H. Wilton
Jack Galbraith, MAFD
Plant Kingdom Addn. Plat File

Max Greene, Sr. Eng.
Flood Control Maintenance



THIS INDENTURE, Made this _____ day of _____ A. D., 19____,
between _____ Charles M. Campbell and Gene M. Campbell _____

of _____ Sedgwick _____ County, in the State of _____ Kansas _____ of the first part and
City of Wichita _____

of _____ Sedgwick _____ County, in the State of _____ Kansas _____ of the second part

WITNESSETH, That the said parties of the first part, in consideration of the sum of ONE (\$1.00)
DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION ----- DOLLARS,

the receipt of which is hereby acknowledged, do _____ by these presents grant, bargain, sell and convey
its successors _____ to the said party _____ of the second part _____ and assigns all the following described Real Estate,
situated in the County of _____ Sedgwick _____ and State of _____ Kansas _____ to-wit:

A tract of land in the NW1/4 of Section 31, T-27-S, R-2-E of the
6th P.M., Sedgwick County, Kansas, described as follows: Beginning
at a point on the west line of said NW1/4 of Section 31, said point
being N00°00'10"E 644.08' from the SW corner of said NW1/4 of
Section 31; thence N75°00'10"E 1065.00' and N72°00'10"E 217.9' more
or less, to a point on the east line of the W1/2 of said NW1/4 of
Section 31; thence along said east line S00°08'15"W 282.94'; thence
S77°15'10"W 1266.5' more or less, to a point on the west line of
said NW1/4 of Section 31; thence along said west line N00°00'10"E
219.48' to the point of beginning; said tract containing 6.98 acres
more or less.

Provided, however, that parties of the first part do hereby reserve
unto themselves all mineral rights in and to the land conveyed
except to drill or locate wells or other exploration machinery
upon the premises herein.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or in any wise appertaining forever.

And said _____ grantors _____ for _____ themselves _____ and
for _____ their _____ heirs, executors, or administrators, do _____ hereby covenant, promise and agree to
and with said party _____ of the second part, that at the delivery of these presents _____ they are _____
lawfully seized in the _____ own right, of an absolute and indefeasible estate of inheritance, in fee simple, o. _____
and in all and singular the above granted and described premises, with the appurtenances: that the same
are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, es
tates, judgements, taxes, assessments and incumbrances of what nature and kind soever _____

and that they will WARRANT AND FOREVER DEFEND the same unto said party _____ of the second part
its successors _____ and assigns, against said parties of the first part their _____ heirs, and all and every
person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hand _____ the day and year first above written.

Charles M. Campbell

Gene M. Campbell

STATE OF KANSAS }
Sedgwick COUNTY } ss.

BE IT REMEMBERED, That on this 8 day of April A. D., 1972 before me, the undersigned, a Notary Public _____ in and for the County and State aforesaid, came Charles M. Campbell and Gene M. Campbell _____



who I personally known to me to be the same persons who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the day and year above written.

Edward A. Ryan
Notary Public.

My Commission Expires October 29, 1975

Term Expires _____, 19_____

WARRANTY DEED
GENERAL FORM

FROM

Charles M. Campbell and
Gene M. Campbell

TO

City of Wichita

Entered in transfer record in my office
this _____ day of _____ A. D., 19_____
No. _____

County Clerk.

County of _____ ss.

This instrument was filed for record on
the _____ day of _____
A. D., 19_____, at _____ o'clock _____ M.,
and duly recorded in book _____
of _____ at page _____
Fee, \$ _____

Register of Deeds.

Deputy.

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
CITY HALL - HISTORICAL SQUARE
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 266-4331



April 21, 1978

Mr. Bryson E. Mills
Attorney
920 Century Plaza Building
Wichita, Kansas 67202

Dear Mr. Mills:

This will acknowledge your letter of April 5, 1978, concerning the Skateland project on Woodlawn south of Harry Street. The delay in response to this date was necessary due to our waiting on a further report from the Department of Public Works concerning one of the items of inquiry contained in your letter.

As you have stated, your clients' have appeared before the City Commission on several occasions in the immediate past, specifically on March 14, 21, and 18, 1978. Each of the six questions you raise in your letter were addressed during those public discussions.

Rather than restate the public record for each of those questions, you should personally review the written and taped public record on file in the City Clerk's Office at City Hall. The contents of the public record are open to public scrutiny during regular business hours.

In regard to your first question about the nature of the land exchange in connection with drainage right-of-way, a report to supplement the public discussions on March 14, 21, and 28, 1978, has been prepared by the City's Director of Public Works. Since it is not part of the previous materials provided to the City Commission and on file in the City Clerk's Office, a copy of it is provided to you for your information.

Also, provided to you are copies of the various staff reports provided to the City Commissioners as part of the recent public discussion in March. You are still encouraged to review the balance of the public record in the City Clerk's Office for a complete file on the subject.

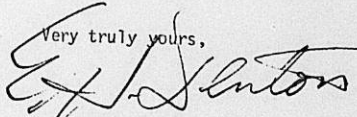
Following a review of the public record, if you have further need for clarification you should contact the individual City departments for further information. It is suggested that you contact the Director of Public Works for additional information clarification on Items 1 through 4 and the Director of Planning for Items 4 through 6. (Item #4 relates to both Departments.)

THE CITY OF WICHITA 2

Mr. Bryson E. Mills
April 21, 1978

We trust that we have properly indicated to you where you may secure the information you require.

Very truly yours,



E. H. Denton
City Manager

EHD/tsw
Attachment

cc: The Honorable Board of City Commissioners (w/a)
John Dekker, Director of Law
Ray W. Bruggeman, Director of Public Works(w/a)
Robert A. Lakin, Director of Planning (w/a)
Robert B. Feldner, Superintendent of Central Inspection

LAW OFFICES OF
MILLS, BAEHR & WESSLING
620 CENTURY PLAZA BUILDING
WICHITA, KANSAS 67202

IRVYSON E. MILLS
M. RALPH BAEHR
JOHN P. WESSLING

(316) 263-8251

April 5, 1978

Office Of The City Manager			
<input type="checkbox"/> EHD	<input type="checkbox"/> HP	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> BB	<input type="checkbox"/> MS	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> RT	<input type="checkbox"/> SH	<input type="checkbox"/>	<input type="checkbox"/>
APR 6 1978			
<input type="checkbox"/> Copies To	_____		
<input type="checkbox"/> Send To	_____		
<input type="checkbox"/> File	_____		

JAMES R. ROTH
OF COUNSEL

E. H. Denton
City Manager
City of Wichita
455 N. Main
Wichita, Kansas 67202

Re: Skateland and Parking Lot Project on Woodlawn, South
of Harry Street

Dear Mr. Denton:

This office represents Mr. and Mrs. Bob Wade and about ten other property owners who own properties and live in a residential district encompassed by Woodlawn and South Mission Road, all south of Harry Street.

These people live to the north of the Plant Kingdom addition and to the west of the Golf Park addition which extends to the north to Harry Street and abuts some of these properties on their east property line.

These people are very much opposed to the City allowing a skating rink and large parking lot to be placed south of their properties for numerous reasons. They have voiced their objections to the City through various offices as well as to the City Commissioners.

The lots upon which this project is being developed, are made up of a BB lot 1 and then a lot 2 zoned as C but restricted to LC use by restrictive covenants.

Apparently the BB lot was owned by the City of Wichita and Gypsum Creek ran through this lot until the City rerouted the waterflow and apparently spent a great deal of money in landfill and flood control drainage.

Even though the City apparently spent a considerable sum in this effort, for some reason the City felt it wise to trade this lot 1 to private owners for some ground further to the east.

In about 1971 these two lots in question as well as ground to the south, were the subject of an application for commercial zoning. The lot 1 was then zoned BB and lots designated as 2 and 3 were zoned C, but were restricted to light commercial use.

Nearby residents to the north had some concern and question about this change of zoning and all of the changes that were going on to the creek area, but were informed by city staff or officials that they were being protected by a buffer zone surrounding these residential properties on the south and also to the north clear up to Harry Street between the back side of certain of these lots and the Golf Park addition. They were advised that this buffer zone would be for office use such as a dental office or a doctor's office and would not diminish their property values in the event that the BB lots were developed.

Being reasonable people, the property owners in question felt that the City was protecting their interests, as it should, and they raised no objection because they felt protected.

Recently, the property owners found out by virtue of the fact that there was more earthwork being done and building materials being deposited on these lots, that a skating rink was going in and also a parking lot.

Upon checking with the City, some of these owners were astonished to learn that this was being done without any building permit or any kind of site preparation permit and these people objected. They appeared before the City Commission several weeks ago and the project was delayed by executive action.

To my knowledge, a building permit has not been issued as of even this date, but a preparation permit has been issued and obviously the City is going along with the project.

These people, with good cause, feel like they have been flim-flammed by the City of Wichita when they think back to the time when they were advised that they had a buffer protection zone and were gullible enough to believe in it and depend upon it. Of course, the persons who gave them

this information may not be the persons presently employed in the same capacities, but that affords no relief when these people consider a diminishment of their property values as well as the livability problems that will be caused by a parking lot to the south of their properties.

They are concerned about noise, cars, fumes, trash and activity at all hours of the day and night and one could hardly blame them.

The City itself has published public information which assures the people of Wichita that BB zoning will not accommodate any obnoxious use, and yet these people feel that this parking lot is an obnoxious use with reference to their enjoyment of their property and maintaining their property values.

This is not an elaborate, but is an extremely well-kept neighborhood and these houses represent a very sizeable and significant investment on the part of these people. Their property taxes have just gone up and at the present time they are seeing their property values going down. Obviously, no one can make them like that.

We were retained at first, to explore the possibilities of obtaining a restraining order on the issuance of this building permit followed by an effort for a permanent injunction. We have explored the Title 28 code of the City and have considered that even if we were able to obtain a court remedy, probably the ordinance or any flaw that we could find would simply be corrected or clarified and the project would go ahead anyway.

We have partly gathered this opinion from examination of the law and further from talking to city employees and feeling out their attitudes and opinions about this project, their prior made decisions and what they think the policy of the City would or should be.

We have so advised our property owner clients, who of course, are limited in the amount of funds they can expend to have their voices heard.

They have now asked us to check into a number of things that they feel they have the right to have documented. Some of these

Things are as follows:

*Police Records
Experience in Police
to be taken into
Police Records
Refer to them*

1. We would like to be provided with access to documents, memorandums and personnel who could give us full explanation of why the City traded off this ground, who paid for the landfill and the flood control at the project, whether this work was done before or after the property was deeded over, whether or not the value of the land traded for was considered and all other details and particulars with reference to this trade of public property.

2. These people are concerned about flooding to their property that has occurred since the landfill was installed and be assured in every sense that the City has properly protected their interests in the drainage and watershed requirements being imposed on the persons putting in this skating rink and parking lot.

In this regard, city flood control assures everyone that the drainage requirements of this parking lot will work, and yet these people know from past experience when it rains that the thirty-inch pipeline previously installed sometimes doesn't carry away the water now, and it has on occasion backed clear up into these people's yards. I agree that they certainly have the right of assurance here that will enable them to bring claim against the City if this work is negligently planned or done.

*Planned in
Police Records
Refer to them*

3. These people want to know who is responsible for the pond east of this project and why there is no protective fence around it in case a child should fall into it and drown. They want to know who owns it and whose responsibility it is to maintain it and make it safe. They put the City on notice at this time that they believe there is an attractive nuisance here and danger to children in the area.

*Planned in
Police Records
Refer to them*

4. They want to know what the City does interpret as an obnoxious use since obviously a parking lot is not thought of as such.

*Planned in
Police Records
Refer to them*

5. They want an explanation of what good a buffer zone does for residential property owners when the City can come along and put a parking lot in that zone. They want you to be on notice, and in the future, nearby residence-owners be advised specifically of the real protection and the lack of protection afforded by a buffer zone when they have an opportunity to be heard on any zoning application.

Page 5 -- E. H. Denton, April 5, 1978

*Revised
1/1/80*

6. They want to know why the City isn't considering down-zoning this buffer zone for their protection and thereby prohibit this use, when it does diminish the property value of many individual small owners to the benefit of a single commercial developer. You see, it appears to them that if there isn't room in this particular commercial area to accommodate a skating rink and a parking lot and still leave a buffer zone for their protection, then it simply shouldn't be there.

There are other questions that these people raise, but these are examples of the information they would like for us to acquire for them in writing and under documentation so they can at least understand what has happened to them and then act in accordance with whatever information the facts may provide.

I would appreciate hearing personally from you at your very earliest convenience so that we may know what information and access we have relative to these questions.

Very truly yours,

Bryson E. Mills
BRYSON E. MILLS

BEM/dz

cc: John Dekker, Director of Law
Robert B. Feldner, Supt. of Central Inspection
Jack Shanahan, City Commissioner
Connie Peters, City Commissioner
Gary Porter, City Commissioner
Tony Casado, City Commissioner
Dr. Donnell, City Commissioner
Mr. and Mrs. Bob Wade
Mr. and Mrs. Frank Blain
Mr. and Mrs. Ken Johnson

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	71-57	Name	PLANT KINGDOM ADDITION
Application Filed:	9-7-71	Sketch Filed:	None
Preliminary Plat Filed:	9-7-71	Approved by S/D:	9-16-71
Final Plat Filed:	12-6-71	Approved by S/D:	12-16-71
Approved by Metropolitan Area Planning Commission:			1-13-72

DESCRIPTION

General Location: East side of Woodlawn in an area north of Mt. Vernon

Surveyor or Engineer: Baughman Company
Owner: Gene and Charles Campbell
Address: 3560 South Broadway

- | | | |
|--------------------------|---------------|--------------------------------|
| 1. Gross Acreage of Plat | 14.25 | 5. Lineal Feet of New Streets: |
| 2. Number of Lots: | | a. 452 R/W 50 ft. |
| Residential | | b. R/W ft. |
| Commercial | 3 | c. R/W ft. |
| Industrial | | d. R/W ft. |
| Other | 1 | e. R/W ft. |
| Total Number of Lots: | 4 | TOTAL 50 ft. |
| 3. Minimum Lot Frontage: | 100 ft. | 6. Existing Zoning: "AA" |
| 4. Minimum Lot Area | 34,000 sq.ft. | |

Valid petitions have been submitted guaranteeing the construction of a sidewalk on the east side of Woodlawn and extension of a sanitary sewer line to serve Lots 2 and 3. A certificate has also been submitted certifying the petitions.

Planning Commission Recommendation:

HENNESSY moved and JACKSON seconded that the Planning Commission recommend to the City Commission that this plat be approved, subject to:

1. The reserve has been deeded to the owners of Golf Park Addition to the north, and said owners shall submit a covenant which shall couple and tie the reserve to Golf Park Addition as though they were one, and to assure the land will ultimately be developed as a further expansion of the Golf Park Addition.

2. The approved restrictive covenants offered on the associated zone Case Z-1291, restricting the use of Lots 2 and 3 to a garden center and only those uses permitted in the "IC" zoning district shall be executed and submitted to be forwarded with the final plat to the City Commission.

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

NOTE: The associated zone Case Z-1291, "AA" to "BB" and "C" was approved by the Board of City Commissioners on July 13, 1971.

Vote of Planning Commission: Unanimous.

ACTION: Approve the petitions and instruct the Director of Law to prepare the necessary resolutions, instruct the City Clerk to file the certificate and restrictive covenants 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.

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, being all of the owners of the following described real property, to-wit:

Beginning at a point on the West line of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East of the 6th P.M., SAID POINT BEING N 00 degrees 00'10" East 644.08 feet from the Southwest corner of said Northwest Quarter (NW/4); thence N 75 degrees 00'10" East to a point 390 feet East of the West line of said Northwest Quarter (NW/4); thence North parallel to the West line of said Northwest Quarter (NW/4) to the South line of Lincoln Hills 2nd Addition; thence West along the South line of said Addition 390 feet to the West line of said Northwest Quarter (NW/4); thence South along the West line of said Northwest Quarter (NW/4) to place of beginning, being platted as Lots 1, 2 and 3, Plant Kingdom Addition to the City of Wichita, Sedgwick County, Kansas,

have applied to the Wichita-Sedgwick County Metropolitan Area Planning Commission and to the City of Wichita, for a change zoning to permit said land to be devoted to those uses permitted by "BB" office and "C" commercial zoning as defined by the Ordinances of the City of Wichita, and

WHEREAS, the City of Wichita by its Board of Commissioners, has granted such application as follows:

The North 150 feet of said property zoned "BB" office (Lot 1, Plant Kingdom Addition) and the balance zoned "C" commercial (Lots 2 and 3, Plant Kingdom Addition)

and it is the purpose of the undersigned to limit those uses permitted under "C" commercial zoning to the operation of a garden center and except for such use, to devote the balance of such area to only those uses permitted in "LC" light commercial district zoning.

NOW, THEREFORE, the undersigned do hereby covenant to and with the City of Wichita that the only use to be made of the area zoned "C" commercial as above described will be the operation of a garden center and those uses permitted by "LC" light commercial zoning ordinances.

This covenant shall run with the land and be binding on the undersigned and on their respective successors and assigns.

OWNERS:

Gene M. Campbell
Gene M. Campbell

Barbara J. Campbell
Barbara J. Campbell

Charles M. Campbell
Charles M. Campbell

Marilyn E. Campbell
Marilyn E. Campbell

MORTGAGEE:

UNION NATIONAL BANK OF WICHITA, KANSAS

By C. W. Gillenwater
C. W. Gillenwater, Vice President

ATTEST:

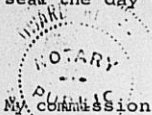
J. R. Belt
J. R. Belt, Asst.



STATE OF KANSAS)
) ss
SEDGWICK COUNTY]

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this 8 day of September, 1971, personally appeared GENE M. CAMPBELL and BARBARA J. CAMPBELL, husband and wife; CHARLES M. CAMPBELL and MARILYN E. CAMPBELL, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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



My Commission expires:

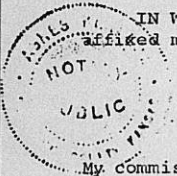
My Commission Expires October 29, 1975

Edward P. Rogers
Notary Public

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 8 day of September, 1971, before me, a Notary Public, in and for said County and State came C. W. Gillenwater, Vice President of UNION NATIONAL BANK OF WICHITA, KANSAS, to me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said Bank.

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



Agnes Kennedy
Notary Public

My commission expires:

May 12, 1973

HOLMES, DARRAH AND MELLOR
ATTORNEYS AT LAW

800 BROWN BUILDING

WICHITA, KANSAS 67202

TELEPHONE (316) 262-4403

May 4, 1972

R. L. HOLMES (1880-1928)
W. E. HOLMES (1887-1988)
RICHARD W. HOLMES
JOHN JAY DARRAH
PHILLIP MELLOR
JAMES R. SCHAEFER
GEORGE R. COMPTON

WILBUR H. JONES
COUNSEL

Board of Commissioners,
City of Wichita
Wichita, Kansas

Board of Commissioners,
Sedgwick County
Court House
Wichita, Kansas



Gentlemen:

This is to certify that I have examined the abstract of title together with conveyances of record and conveyances from the City of Wichita, Kansas, all of which pertain to the area proposed to be platted as PLANT KINGDOM ADDITION, Wichita, Kansas, and more fully described as follows:

Commencing at the Southwest Corner of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East, thence North along the West line of said Quarter Section 424.6 feet for a place of beginning; thence with an angle to the right of $77^{\circ}15'$ 1,265.88 feet to the East line of the West Half (W/2) of said Northwest Quarter (NW/4), thence North along said East line 491 feet to the center line of Gypsum Creek; thence Westerly following the meanderings of the center line of said Creek to a point 550 feet East of the West Line of said Northwest Quarter (NW/4), thence North parallel with the West line of said Northwest Quarter (NW/4) 100 feet to a point 50 feet North of the Southeast Corner of Lot 21, Lincoln Hills Third Addition; thence Southwesterly 134.47 feet to the Southwest corner of said Lot 21; thence West parallel with and 1,550 feet south of the North line of said Northwest Quarter (NW/4) 425 feet to the West Line of said Northwest Quarter (NW/4), thence South 664.48 feet to the place of beginning.

Based upon such examination, I find the fee title to such real property vested as of this date in the following persons:

HOLMES, DARRAH AND MELLOR

#2
May 4, 1972

GENE M. CAMPBELL and BARBARA J. CAMPELL,
husband and wife;
CHARLES M. CAMPBELL and MARILYN E. CAMPELL,
husband and wife;
LUIS A. CASADO;
JESSE L. GRAHAM.

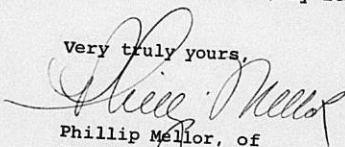
I further find that a portion of said tract is subject to a mortgage owned by

UNION NATIONAL BANK.

The taxes for 1971 show paid.

A plat of the property will require the signature of the parties above named together with the spouses of Luis A. Casado and Jesse L. Graham, respectively, and of the Union National Bank, by its President and Secretary.

Very truly yours,



Phillip Mellor, of
HOLMES, DARRAH AND MELLOR

pm/f

CERTIFICATE

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

I, Charles Campbell & Gene Campbell, owner and plat-
tor of Plant Kingdom 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 E side Woodlawn from S. West Kingdom Add. to N. E. [Plant Kingdom Add.]
2. Sanitary Sewer Petition Lots 2 & 3 Plant Kingdom Add
- 3.
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for im-
provements, lots within Plant Kingdom Addition
may be subject to special assessments assessed thereto for the
cost of constructing the above-described improvements.

Signed this 1 day of May, 1972.

x Charles M. Campbell
x Gene M. Campbell

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

Be it remembered that on this 2nd day of May,
1972, before me, a notary public in and for said County and State,
came Charles M. and Gene M. Campbell, to me personally
known to be the same person who executed the fore-going instrument
in 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.

Dean S. Sellers
Notary Public

Commission Expires:

April 30 1973



April 12, 1972

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

Zone case Z-1291; and, S/D 71-57 - Final
Plat of Plant Kingdom Addition.

Reference is made to an earlier memorandum dated February 14, 1972, sent to you from John D. Gist, Principal Planner, concerning the above captioned matters. Mr. Gist outlined the history and past actions of both the Planning and City Commissions concerning these cases, and requested that the Law Department assist and work with Mr. Don Bottenberg on the preparation of appropriate deeds for lands which were to be conveyed from the City of Wichita to the applicants. Subsequently, your memorandum of February 16, to John Dekker, Director of Law, requested that his Department assist in the preparation of the appropriate deeds to complete the transaction.

Attached please find two quit claim deeds which have been prepared by Eugene Pirtle, First Assistant City Attorney, one of which provides for the release of real estate to Gene M. and Charles M. Campbell, and the other for release of real estate to Jesse L. Graham and Luis A. Casado. A third quit claim deed has been prepared covering the drainage area to the south which is needed for improvements to Gypsum Creek which has been delivered to the applicants for execution in favor of the City. This deed will be held and should not be recorded unless the applicants fail to complete and record the plat, which in itself would properly dedicate the area needed by the City for drainage purposes.

It is requested that this matter be placed on the Manager's agenda for the regularly scheduled meeting of the Board of City Commissioners on April 18, 1972, asking authorization of the Commission for the Mayor to execute the quit claim deeds on behalf of the City of Wichita. If you have any questions or need additional information, please advise.

JHG:JDG:rme

Attachments

cc: Eugene Pirtle, First Assistant City Attorney
Dick Linn, City Engineer
M. S. Mitchell, Assistant Superintendent of Public
Works-Maintenance
Mr. Don Bottenberg, 1st National Bank Building, 67202

This Indenture, Made this day of April , A.D., 1972 ,
between

The City of Wichita, Kansas, a Municipal Corporation
of Sedgwick County, in the State of Kansas, of the first part, and

Gene M. Campbell and Charles M. Campbell

of Sedgwick County, in the State of Kansas, of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of ~~DOLLARS~~
ONE DOLLAR (\$1.00) and other good and valuable considerations
the receipt of which is hereby acknowledged, do by these presents, remtse, release and quit claim,
unto said parties of the second part, their heirs and assigns, all the following described real
estate situated in the County of Sedgwick and State of Kansas, to-wit:

The south 194 feet of the north 1744 feet of the west
390 feet of the Northwest Quarter (NW-1/4) of Section 31,
Township 27 S, Range 2 East of the 6th P. M.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, heredita-
ments, and appurtenances thereto belonging or in anywise appertaining, forever.

IN WITNESS WHEREOF, the said part of the first part h hereunto set hand
the day and year first above written.

ATTEST: _____

THE CITY OF WICHITA, KANSAS, a
Municipal Corporation

City Clerk

Mayor

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this day of , A.D., 19 ,
before me the undersigned, a Notary Public in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires , 19

Notary Public

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of _____ A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires _____, 19 _____

ABSTRACTS
TITLE
INSURANCE
434 NORTH MAIN
Phone 227-8371



Security
ABSTRACT AND TITLE CO., INC.
WICHITA, KANSAS 67203

O. A. BELL
FRED McEWEN
ROGER N. BELL
JOHN M. BELL
KENNETH P. BROWN

QUIT CLAIM DEED

FROM

TO

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of _____ A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires _____, 19 _____

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of _____ A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires _____, 19 _____

made deed from Ols. to Gene M. Campbell
 & Charles M Campbell
 NW⁴ S 194' of N 1744' of W 390' of
 31-27-2 E
 Paragraph 262-7371

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

DEED RECORD

No 962

567

General Warranty Deed

This instrument was made the 27th day of December, A.D. 1957
 between ROBERT V. THOMAS and MILDRED P. THOMAS, his wife

of Sedwick County, in the State of Kansas of the first part, and
 THE CITY OF WICHITA, KANSAS, a Municipal Corporation

of Sedwick County, in the State of Kansas of the second part.
 Witness the said part 1st of the first part, in consideration of the sum of Thirty-nine hundred
 and No/100ths (\$3,900.00) DOLLARS

the receipt whereof is hereby acknowledged, do hereby covenant, promise, warrant and convey unto the said part
 of the second part, its successors and assigns all the following described REAL ESTATE, situated in the County of
 Sedwick and State of Kansas

beginning at the Northwest Corner of the South 194 feet of the
 North 1744 feet of the West 390 feet of the Northwest Quarter
 (NW1/4) of Section 31, Township 27, Range 2 East of the 6th P.M.;
 thence east 390 feet; thence south 86 feet more or less to the
 center line of Gypsum Creek; thence southwesterly along the center
 line of Gypsum Creek to the intersection of said center line and
 the west line of Section 31; thence north 190 feet more or less to
 point of beginning.



To HAVE AND TO HOLD this Deed, Together with all and singular the covenants, warranties and appurtenances here-
 unto belonging or in anywise appertaining forever.

And said PARTIES do hereby covenant, promise and agree to hold with said part
 of the second part, that as to delivery of these premises they have a clear title, free of all
 liens and indefeasible estate of substance, in fee simple, and in all and singular the above-granted and described premises, with
 the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, sales,
 charges, debts, judgments, taxes, assessments and encumbrances of what nature and kind soever: None.

and that they will WARRANT AND FOREVER DEFEND the same unto said part of the second part,
 its successors, heirs and assigns, against and against the said part heirs, and all and every
 person or persons whatsoever lawfully claiming or to claim the same.
 In Witness Whereof, The said part 1st of the first part hereunto set their hand & the day and year
 first above written.

Mildred P. Thomas
 Robert V. Thomas

This Indenture, Made this _____ day of April, A.D., 1972, between

The City of Wichita, Kansas, a Municipal Corporation of Sedgwick County, in the State of Kansas, of the first part, and

Jesse L. Graham and Luis A. Casado

of Sedgwick County, in the State of Kansas, of the second part.

WITNESSETH, That said party _____ of the first part, in consideration of the sum of ~~DOLLARS~~ ONE DOLLAR (\$1.00) and other good and valuable considerations the receipt of which is hereby acknowledged, do by these presents, remise, release and quit claim, unto said parties of the second part, their heirs and assigns, all the following described real estate situated in the County of Sedgwick and State of Kansas, to-wit:

Beginning at the Southwest Corner of Lot 21, Lincoln Hills Third, an Addition to Wichita, Kansas, thence East 125 feet to the Southeast Corner of said Lot 21, thence North along the East line of said Lot 21 a distance of 50 feet, thence southwest to the place of beginning.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, forever.

IN WITNESS WHEREOF, the said party _____ of the first part has hereunto set its hand the day and year first above written.

ATTEST: _____ THE CITY OF WICHITA, KANSAS a Municipal Corporation

City Clerk Mayor

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this _____ day of _____, A.D., 19____, before me the undersigned, a Notary Public in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same.

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

Term expires _____, 19____ Notary Public

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires

, 19

QUIT CLAIM DEED

FROM

TO



Security
ABSTRACT AND TITLE CO., INC.
WICHITA, KANSAS 67202

ABSTRACTS
TITLE
INSURANCE
404 NORTH MAIN
Phone 267-8371

O. A. BELL
FRED McEWEN
ROGER N. BELL
JOHN M. BELL
KENNETH P. BROWN

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires

, 19

STATE OF

COUNTY, ss.

BE IT REMEMBERED, That on this
before me, the undersigned, a

day of A. D. 19
in and for the County and State aforesaid, came

personally known to me to be the same person(s) who executed the within instrument of writing and
such person(s) duly acknowledged the execution of the same.

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

Term expires

, 19

DEED RECORD

No 942

CORPORATION WARRANTY DEED

Approved by Board of Commissioners

479

This 3 day of Aug 1924

Made deed from City to Grace & Leaborn & Lucio A. Corrado.
in NW 4 31-27-2E.

THIS INSTRUMENT Made this 3rd day of August in the year of our Lord one thousand nine hundred and twenty-four between GRABER CONSTRUCTION Company, Inc. (a corporation duly organized under the laws of the State of Kansas) sitting by its President being thereunto duly authorized in the county of Sedgewick and State of KANSAS of the first part and City of Wichita of the second part

WITNESSETH, That the said party of the first part, in consideration of the sum of One Dollar and other valuable consideration to it duly paid, the receipt of which is hereby acknowledged, has sold, and by these presents does grant and convey to the said party of the second part, its heirs and assigns all that tract or parcel of land situated in the County of Sedgewick and State of KANSAS described as follows, to-wit: Beginning at the Southwest Corner of Lot 21, Lincoln Hills Tract, an Addition to Wichita, Kansas, thence East 125 feet to the Southeast Corner of said Lot 21, thence North along the East line of said Lot 21 a distance of 50 feet thence Southeast to the place of beginning.

with the appurtenances, and all the estate, title and interest of the said party of the first part therein. And the said party of the second part hereby covenants and agrees that he the delivery hereof it is the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances.



IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and company and the seal of the said party of the second part this 3rd day of August 1924.

Affected by *John A. ...* Secretary, *John A. ...* President

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 3rd day of August 1924, before me, a Notary Public, in and for said County and State of Kansas, the said party of the first part, the said party of the second part, and the said party of the third part, personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the sole and deed of said company.

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

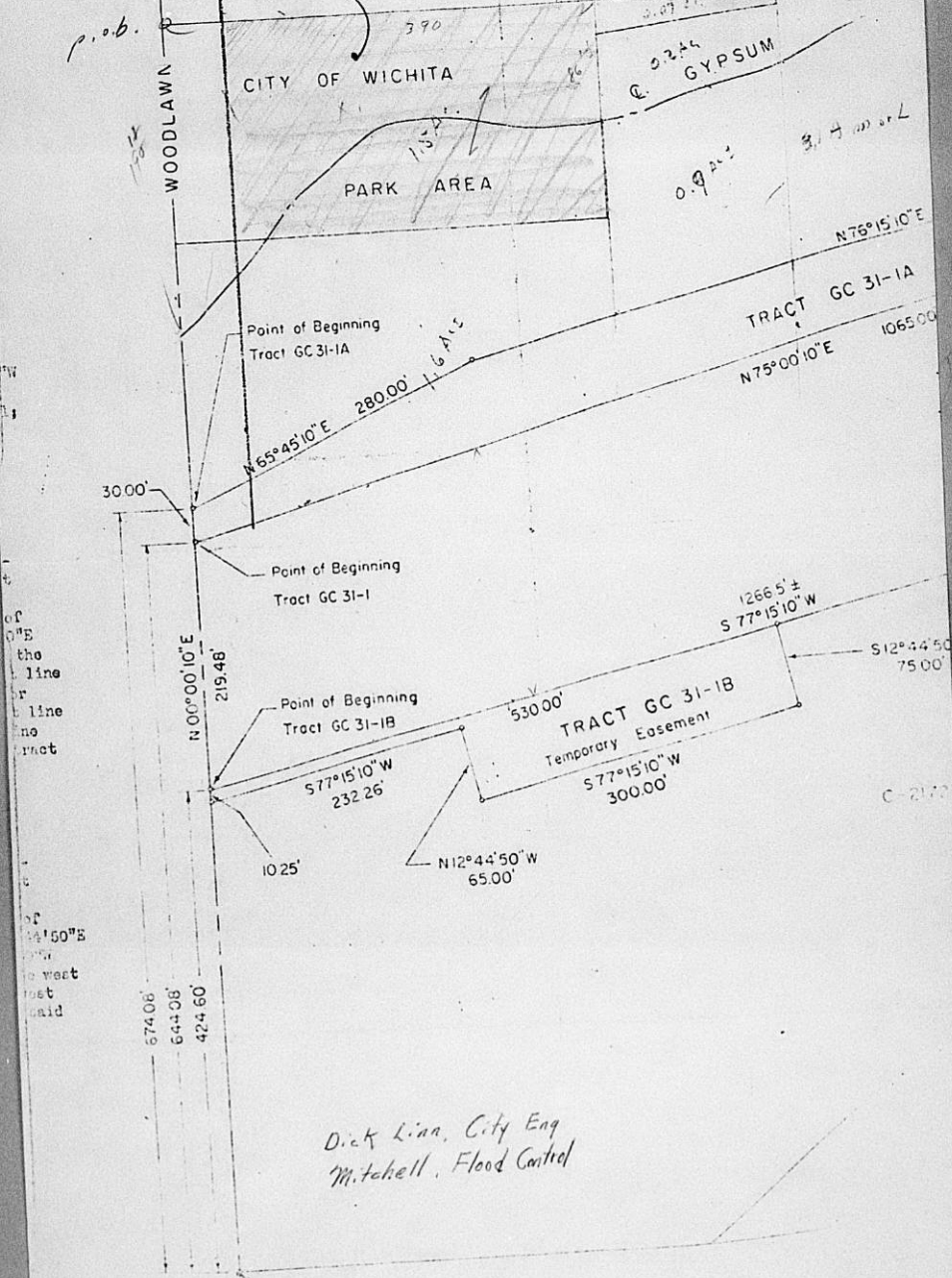
Mary ... Notary Public
My official seal expires August 21, 1926

MICROFILMED FROM THE BEST AVAILABLE COPY

City of Wichita
to: GENE M. & CHARLES M. CAMPBELL

MISSION RD

City of Wichita to:
JESSE L. GRAHAM &
LUIS A. CASADO



Dick Linn, City Eng
Mitchell, Flood Control

SW Cor NW 1/4 Sec 31

MICROFILMED

FROM THE BEST

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE February 16, 1972



ON SAFETY
PHASE II

TO John Dekker, Director of Law
FROM Ralph Wulz, City Manager

SUBJECT Zone Case Z-1291; and S/D 71-57,
Final Plat of Plant Kingdom Addition

Mr. Pirtle received a copy of a memorandum dated February 14, 1972, addressed to me from John D. Gist, on the above subject.

As recommended by Mr. Gist, it is requested that the Department of Law assist in the preparation of the appropriate deeds to complete the transaction.


Ralph Wulz
City Manager

RW:fam

cc: Eugene Pirtle, 1st Assistant Attorney
M. S. Mitchell, Assistant Superintendent of Public Works Maintenance
Dick Linn, City Engineer

MICROFILMED

RESTRICTIVE COVENANT

This declaration made this 24th day of January, 1972, by the undersigned owners of real property hereinafter described.

WITNESSETH:

WHEREAS, the undersigned are the owners of the following described real property, to-wit:

Reserve "A" Plant Kingdom Addition, Wichita, Sedgwick County, Kansas,

and

Golf Park Addition to Wichita, Sedgwick County, Kansas,

and desire to subject said real property to the covenant and restriction hereinafter set forth, and

WHEREAS, such covenant and restriction are intended by the undersigned to inure to the benefit of and run with the property and each part thereof to the end that it shall apply to and bind the successors in interest of any owner thereof.

NOW, THEREFORE, the undersigned do hereby declare that the aforescribed real property is and shall be held, transferred, sold, conveyed and occupied subject to the following restriction, to-wit:

Reserve "A" of the said Plant Kingdom Addition is and shall be coupled and tied to the said Golf Park Addition in every respect as though they were one property, and the said Reserve "A" shall be developed through and as a part and expansion of the said Golf Park Addition.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the day and year first above written.

Luis A. Casado
Luis A. Casado

Vera J. Casado
Vera J. Casado

Jesse L. Graham
Jesse L. Graham

Ina L. Graham
Ina L. Graham

February 14, 1972

Ralph Wuls, City Manager

John D. Gist, Principal Planner

Zone case Z-1291; and S/D 71-57 - Final Plat
of Plant Kingdom Addition.

In the latter part of 1970, discussions were held between the Planning Department Staff, Maintenance-Flood Control Office of the Department of Public Works, the applicants on the above captioned cases represented by Don Bottenberg, Realtor, and yourself. The matter at hand was to coordinate the applicant's desire to develop land on the east side of Woodlawn in an area north of Mt. Vernon (extended east), with the City's needs to realign and improve Gypsum Creek in that vicinity, construct a new bridge on Woodlawn and to reimprove said street south to the Kansas Turnpike. After further discussions at the administration level, indication was given to Mr. Bottenberg that in the event the applicants were successful in requests for change in zoning and platting of the land involved, that the City would deed certain lands to them in turn for the dedication of other portions of their land needed to accomplish the improvements to Gypsum Creek.

Subsequently, zone case Z-1291 was filed as a joint venture between the applicants and the City of Wichita which was recommended for approval by MAPC on June 24, 1971, and approved, as recommended, by the City Commission on July 13, 1971. The applicants have since filed the above captioned plat which too has been processed and recommended for approval by MAPC subject to certain conditions.

The City has already started construction of the new bridge on Woodlawn, and Mr. Bottenberg has been working on satisfying the recommended conditions of approval so that the plat can be forwarded for final disposition by the City Commission. It is also necessary that the City complete certain matters to enable the applicants to satisfy all such conditions. Specifically, the properties owned by not needed by the City need to be deeded to the applicants so that they can sign the plat as sole owners and platators, and so they can produce sufficient evidence of title for same.

It is recommended that you assign the Law Department to work with Mr. Bottenberg on the preparation of the appropriate deeds, which should then be furnished to your office for execution by the Commission. This would involve two tracts of land, one being key number C-21727-24 and labeled on most of our maps as Park Area, and the other being a triangular area across the southern portion of Lot 21, Lincoln Hills 3rd Addition, originally deeded to the City back in 1954. I believe Mr. Bottenberg has discussed this needed transaction with you previously, and I am aware that he has recently discussed it with Eugene Pirtle, First Assistant City Attorney. M. S. Mitchell and Dick Linn of the Department of Public Works have been active in working on the City's projects involved, and can probably lend assistance to Pirtle and Bottenberg on the legal descriptions to be included in said deeds.

The execution of the plat, approval there of by the City Commission and its recording with the Register of Deeds, will effect the dedication of the needed right-of-way for drainage purposes. I would also recommend that a deed be prepared covering the drainage area for execution by the applicants in favor of the City. This could be held and not need to be recorded unless the applicants failed to complete and record the plat.

Please note attachments including: (a) Sketch sheet of zoning application area; copy of a letter from M. S. Mitchell to one of the applicants dated December 9, 1970; a copy of the preliminary and final plat as submitted to the Subdivision Committee. If any additional information is desired, please advise.

JDG:rms

Attachments

cc: Mr. Don Bottenberg, 1st National Bank Bldg., 67202
Eugene Pirtle, 1st Assistant City Attorney
M. S. Mitchell, Assistant Superintendent of Public
Works Maintenance
Dick Linn, City Engineer

January 19, 1972

Mr. Phillip Mellor
Attorney at Law
800 Brown Building
Wichita, Kansas 67202

Subject: S/D 71-57 - PLANT
KINGDOM ADDITION restrictive
covenant.

Dear Mr. Mellor:

This letter is to advise you that the draft of the restrictive covenant submitted by you on January 17, 1972, is satisfactory as written. You should now submit the properly executed copy of the covenant to our office for forwarding with the above-referred to plat to the City Commission.

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

Sincerely,

Curtis L. Newby
Planning Analyst

CLN:rme

cc: Don Bottenberg
1st National Bank Bldg., 67202

HOLMES, DARRAH AND MELLOR
ATTORNEYS AT LAW

800 BROWN BUILDING
WICHITA, KANSAS 67202
TELEPHONE (316) 262-4403

WILBUR H. JONES
COUNSEL

R. L. HOLMES (1880-1939)
W. E. HOLMES (1897-1982)

RICHARD W. HOLMES
JOHN JAY DARRAH
PHILLIP MELLOR
JAMES R. SCHAEFER
GEORGE R. COMPTON

January 17, 1972

Mr. Curtis Newby
Planning Department
City of Wichita
City Annex Building
104 South Main
Wichita, Kansas

Dear Mr. Newby:

Re: S/D 71-57 - Final Plat
of PLANT KINGDOM ADDITION

I am enclosing a draft of restrictive covenant which we propose at the request of Don Bottenberg. Will you please advise if this covenant will satisfy requirement No. 11 of the letter dated December 21, 1971, from Mr. Gist to the Baughman Company.

Very truly yours,

Phillip Mellor
Phillip Mellor, of
HOLMES, DARRAH AND MELLOR

pm/f
Enc.



RESTRICTIVE COVENANT

This declaration made this day of January, 1972, by
the undersigned owners of real property hereinafter described.

WITNESSETH:

WHEREAS, the undersigned are the owners of the following
described real property, to-wit:

Reserve "A" Plant Kingdom Addition, Wichita, Sedg-
wick County, Kansas,

and

Golf Park Addition to Wichita, Sedgwick County,
Kansas,

and desire to subject said real property to the covenant and
restriction hereinafter set forth, and

WHEREAS, such covenant and restriction are intended by the
undersigned to inure to the benefit of and run with the property
and each part thereof to the end that it shall apply to and bind
the successors in interest of any owner thereof.

NOW, THEREFORE, the undersigned do hereby declare that the
aforescribed real property is and shall be held, transferred,
sold, conveyed and occupied subject to the following restriction,
to-wit:

Reserve "A" of the said Plant Kingdom Addition is
and shall be coupled and tied to the said Golf Park Addi-
tion in every respect as though they were one property,
and the said Reserve "A" shall be developed through and
as a part and expansion of the said Golf Park Addition.

IN WITNESS WHEREOF, the undersigned have executed this instru-
ment on the day and year first above written.

Luis A. Casado

Jesse L. Graham

Vera J. Casado

Ina L. Graham

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State on this day of January, 1972, personally appeared JESSE L. GRAHAM and INA L. GRAHAM, his wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My commission expires:

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this day of January, 1972, personally appeared LUIS A. CASADO and VERA J. CASADO, his wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My commission expires:

January 14, 1972

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Re: S/D 71-57 - Final Plat of
PLANT KINGDOM ADDITION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on January 13, 1972, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of December 21, 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:

- Compliance with the requirements of the Metropolitan Area Planning Commission.
- Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- Certification by an attorney that fee title is vested in the platfor.
- Certification that all taxes due and payable for 1971 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: Gene and Charles Campbell, 3560 South Broadway 67216
Don Bottenberg, 1st National Bank Building 67202
Jesse Graham and L. A. Casado, 1403 Harding 67208

R. W. Campbell
3560 S. Broadway

TEMPORARY EASEMENT

THIS EASEMENT made this 4th day of January, 1972,
by and between Gene M. Campbell and Charles M. Campbell
of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a temporary right-of-way and easement for the purpose of excavating and grading according to the plans and specifications now on file in the office of the City Engineer of the City of Wichita, Kansas, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

That part of the southwest quarter of the Northwest Quarter of Section 31, Township 27, South, Range 2, East of the 6th P. M., lying north and west of Kansas Turnpike Right-of-way and lying south of Plant Kingdom Addition.

Also, Lots 1, 2, and 3, Plant Kingdom Addition.

This easement does not include a right-of-way over land occupied by a permanent structure. Said easement shall expire upon completion of grading.

IN WITNESS WHEREOF: The said first parties, he vs signed these presents the day and year first written.

Gene M. Campbell
Charles M. Campbell

STATE OF KANSAS)
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid Gene M. Campbell and Charles M. Campbell

who
to me personally known to be the same persons, executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 4th day of January, 1972.

Paul J. Doane
Notary Public

(My Commission expires Mar. 16, 1973).



TEMPORARY EASEMENT

THIS EASEMENT made this 29th day of December, 1971,
by and between Luis A. Casado and Vera J. Casado; and Jesse L. Graham and Ina L. Graham
of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first parties, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a temporary right-of-way and easement for the purpose of excavating and grading according to the plans and specifications now on file in the office of the City Engineer of the City of Wichita, Kansas, over, along and under the following described real estate in Sedgwick County, Kansas, to wit:

Reserve A, Plant Kingdom Addition.

This easement does not include a right-of-way over land occupied by a permanent structure. Said easement shall expire upon completion of grading.

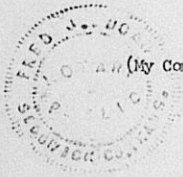
IN WITNESS WHEREOF: The said first parties have signed these presents the day and year first written.

STATE OF KANSAS
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid Luis A. Casado and Vera J. Casado; and Jesse L. Graham and Ina L. Graham

to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 29th day of December, 1971.



Frederic J. Orman
Notary Public.

December 21, 1971

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Subject: S/D 71-57 - Final Plat
of PLANT KINGDOM ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, December 16, 1971, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- ~~SK~~ The purpose for which the easement in the northwest corner of Lot 1 is intended shall be labeled on the plat.
- ~~SK~~ The dimension indicated along the west line of Lot 1 referencing the centerline of the 30 foot sewer easement, shall have its limits further defined by an additional arrow.
- ~~SK~~ The labeling of the 30 foot sewer easement crossing Lot 1 shall be expanded to indicate the type of sewer the easement is granted for.
- ~~SK~~ The plus or minus dimensions shall either be eliminated from the face of the plat or the legal description in the surveyors certificate shall be amended to refer to such dimensions being "more or less".
- ~~SK~~ In the legal description in the surveyors certificate reference is made to a point 550 feet east of the west line of the northwest quarter. The surveyor shall contact the Planning Department relative to referencing same on the face of the plat.

- ok* The legal description in the surveyors certificate shall be amended as follows: "...to the centerline of Gypsum Creek as platted Golf Park Addition, thence..."
- ok* The plattors text shall be amended as follows: "...platted into a block, lots, a drainage dedication, a Boulevard and a reserve... The drainage dedication is hereby dedicated for drainage purposes. ..."
- ok* The dimension referenced on the face of the plat vs. that indicated in the surveyor's certificate for the overall distance along the west side of the plat do not correspond and shall be checked by the surveyor.
- ok* The 50 feet of half street right-of-way for Woodlawn Boulevard shall be extended south across the west side of the drainage dedication.
- ok* The approved restrictive covenants, restricting the use of the area to be zoned "C" to a garden center and only those uses permitted in the "IC" zoning district, shall be executed and submitted to the Planning Department to be forwarded with the plat to the Board of City Commissioners.
- ok* The reserve has been deeded to the owners of Golf Park Addition adjacent on the north, and said owners shall prepare and submit a covenant which shall couple and tie the reserve to Golf Park Addition as though they were one and to assure the land will ultimately be developed through, and as a further expansion of, the Golf Park Addition.
- ok* A temporary drainage easement(s) covering all of Lots 1 thru 3 and the reserve shall be granted in the form of a separate instrument. The applicants should contact M. S. Mitchell of the Maintenance-Flood Control Office regarding this matter, and the easement(s) will entail a separate instrument from each ownership involved.
- ok* ^{estimates} The applicant shall install or guarantee the construction of a sidewalk on the east side of Woodlawn Avenue; the total ^{estimated} construction cost to be in the amount of \$1,325.
- ok* ^{estimates} The applicant shall install or guarantee the extension of sanitary sewer to serve Lots 2 and 3.
15. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Page 3
December 21, 1971

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, January 13, 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: Gene & Charles Campbell, 3560 South Broadway, 67216
Don Bottenberg, 1st National Bank Building, 67202
Jesse Graham & L. A. Casado, 1403 Harding, 67208

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 71-57 Name PLANT KINGDOM ADDITION
Date Application Rec'd. 9-7-71 Preliminary Approval 9-16-71
Scheduled S/D Meeting 12-16-71

DESCRIPTION

General Location On the east side of Woodlawn in an area north of
Mt. Vernon
Owner Gene & Charles Campbell
Surveyor/Engineer Baughman Company
Address 2522 East Kellogg Phone 683-7431

1. Gross Acreage of Plat 14.25 7. Lineal Feet of New Streets:
2. Number of Lots: a. 452 R/W 50 ft.
Residential _____ b. _____ R/W _____ ft.
Commercial 3 c. _____ R/W _____ ft.
Industrial _____ d. _____ R/W _____ ft.
Other 1 e. _____ R/W _____ ft.
Total Number of Lots 4 TOTAL 452 ft.

3. Minimum Lot Frontage 100 ft. 8. Sidewalk adjacent to all
4. Minimum Lot Area 34,000 sq. ft. streets? yes X no
5. Existing Zoning AA
6. Proposed Zoning BB & C

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) _____ (Yes-No)
12. City of Wichita X: Three-Mile Area _____

STAFF COMMENTS:

1. The purpose for which the easement in the northwest corner of Lot 1 is intended shall be labeled on the plat.
2. The dimension indicated along the west line of Lot 1 referencing the centerline of the 30 foot sewer easement, shall have its limits further defined by an additional arrow.
3. The labeling of the 30 foot sewer easement crossing Lot 1 shall be expanded to indicate the type of sewer the easement is granted for.
4. The plus or minus dimensions shall either be eliminated from the face of the plat or the legal description in the surveyors certificate shall be amended to refer to such dimensions being "more or less".
5. In the legal description in the surveyors certificate reference is made to a point 550 feet east of the west line of the northwest quarter. The surveyor shall contact the Planning Department relative to referencing same on the face of the plat.
6. The legal description in the surveyors certificate shall be amended as follows: "... to the centerline of Gypsum Creek as platted Golf Park Addition, thence..."
7. The plattors text shall be amended as follows: "... platted into a block, lots, a drainage dedication, a Boulevard and a reserve.... The drainage dedication is hereby dedicated for drainage purposes. ..."
8. The dimension referenced on the face of the plat vs. that indicated in the surveyor's certificate for the overall distance along the west side of the plat do not correspond and shall be checked by the surveyor.
9. The 50 feet of half street right-of-way for Woodlawn Boulevard shall be extended south across the west side of the drainage dedication.

(over)

10. The approved restrictive covenants, restricting the use of the area to be zoned "C" to a garden center and only those uses permitted in the "LC" zoning district, shall be executed and submitted to the Planning Department to be forwarded with the plat to the Board of City Commissioners.
11. The reserve has been deeded to the owners of Golf Park Addition adjacent on the north, and said owners shall prepare and submit a covenant which shall couple and tie the reserve to Golf Park Addition as though they were one and to assure the land will ultimately be developed through, and as a further expansion of, the Golf Park Addition.
12. A temporary drainage easement(s) covering all of Lots 1 thru 3 and the reserve shall be granted in the form of a separate instrument. The applicants should contact M. S. Mitchell of the Maintenance-Flood Control Office regarding this matter, and the easement(s) will entail a separate instrument from each ownership involved.
13. It is noted that the triangular area across the southern portion of Lot 21, Lincoln Hills 3rd Addition, which was discussed at the preliminary plat hearing, has now been included as a part of the reserve on the final plat.
14. The applicant shall install or guarantee the construction of a sidewalk on the east side of Woodlawn Avenue; the total estimated construction cost to be in the amount of \$1,325.
15. The applicant shall be advised that sidewalk construction will be required prior to final building inspection for lots where the sidewalk has been previously required as a condition of platting.
16. The applicant shall install or guarantee the extension of sanitary sewer to serve Lots 2 and 3.
17. Recording of the plat within 30 days after approval by the Board of City Commissioners.

OK

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, being all of the owners of the following described real property, to-wit:

Beginning at a point on the West line of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East of the 6th P.M., SAID POINT BEING N 00 degrees 00'10" East 644.08 feet from the Southwest corner of said Northwest Quarter (NW/4); thence N 75 degrees 00'10" East to a point 390 feet East of the West line of said Northwest Quarter (NW/4); thence North parallel to the West line of said Northwest Quarter (NW/4) to the South line of Lincoln Hills 2nd Addition; thence West along the South line of said Addition 390 feet to the West line of said Northwest Quarter (NW/4); thence South along the West line of said Northwest Quarter (NW/4) to place of beginning, being platted as Lots 1, 2 and 3, Plant Kingdom Addition to the City of Wichita, Sedgwick County, Kansas.

have applied to the Wichita-Sedgwick County Metropolitan Area Planning Commission and to the City of Wichita, for a change zoning to permit said land to be devoted to those uses permitted by "BB" office and "C" commercial zoning as defined by the Ordinances of the City of Wichita, and

WHEREAS, the City of Wichita by its Board of Commissioners, has granted such application as follows:

The North 150 feet of said property zoned "BB" office (Lot 1, Plant Kingdom Addition) and the balance zoned "C" commercial (Lots 2 and 3, Plant Kingdom Addition)

and it is the purpose of the undersigned to limit those uses permitted under "C" commercial zoning to the operation of a garden center and except for such use, to devote the balance of such area to only those uses permitted in "LC" light commercial district zoning.

NOW, THEREFORE, the undersigned do hereby covenant to and with the City of Wichita that the only use to be made of the area zoned "C" commercial as above described will be the operation of a garden center and those uses permitted by "LC" light commercial zoning ordinances.

This covenant shall run with the land and be binding on the undersigned and on their respective successors and assigns.

OWNERS:

Gene M. Campbell

Barbara J. Campbell

Charles M. Campbell

Marilyn E. Campbell

MORTGAGEE:

UNION NATIONAL BANK OF WICHITA, KANSAS

By _____

ATTEST:

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this day of September, 1971, personally appeared GENE M. CAMPBELL and BARBARA J. CAMPBELL, husband and wife, CHARLES M. CAMPBELL and MARILYN E. CAMPBELL, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

My commission expires:

Notary Public

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this day of September, 1971, before me, a Notary Public, in and for said County and State came President of UNION NATIONAL BANK OF WICHITA, KANSAS, to me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said Bank.

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

Notary Public

My commission expires:

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, being all of the owners of the following described real property, to-wit:

Beginning at a point on the West line of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East of the 6th P.M., SAID POINT BEING N 00 degrees 00'10" East 644.08 feet from the Southwest corner of said Northwest Quarter (NW/4); thence N 75 degrees 00'10" East to a point 390 feet East of the West line of said Northwest Quarter (NW/4); thence North parallel to the West line of said Northwest Quarter (NW/4) to the South line of Lincoln Hills 2nd Addition; thence West along the South line of said Addition 390 feet to the West line of said Northwest Quarter (NW/4); thence South along the West line of said Northwest Quarter (NW/4) to place of beginning, being platted as Lots 1, 2 and 3, Plant Kingdom Addition to the City of Wichita, Sedgwick County, Kansas,

have applied to the Wichita-Sedgwick County Metropolitan Area Planning Commission and to the City of Wichita, for a change zoning to permit said land to be devoted to those uses permitted by "BB" office and "C" commercial zoning as defined by the Ordinances of the City of Wichita, and

WHEREAS, the City of Wichita by its Board of Commissioners, has granted such application as follows:

The North 150 feet of said property zoned "BB" office (Lot 1, Plant Kingdom Addition) and the balance zoned "C" commercial (Lots 2 and 3, Plant Kingdom Addition)

and it is the purpose of the undersigned to limit those uses permitted under "C" commercial zoning to the operation of a garden center and except for such use, to devote the balance of such area to only those uses permitted in "LC" light commercial district zoning.

NOW, THEREFORE, the undersigned do hereby covenant to and with the City of Wichita that the only use to be made of the area zoned "C" commercial as above described will be the operation of a garden center and those uses permitted by "LC" light commercial zoning ordinances.

This covenant shall run with the land and be binding on the undersigned and on their respective successors and assigns.

OWNERS:

Gene M. Campbell

Barbara J. Campbell

Charles M. Campbell

Marilyn E. Campbell

MORTGAGEE:

UNION NATIONAL BANK OF WICHITA, KANSAS

By _____

ATTEST:

STATE OF KANSAS)
) ss
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a Notary Public, within and for said County and State, on this day of September, 1971, personally appeared GENE M. CAMPBELL and BARBARA J. CAMPBELL, husband and wife; CHARLES M. CAMPBELL and MARILYN E. CAMPBELL, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My commission expires:

DRAFT COPY

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, being all of the owners of the following described real property, to-wit:

Beginning at a point on the West line of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East of the 6th P.M., SAID POINT BEING 800 degrees 00' 10" East 644.08 feet from the Southwest corner of said Northwest Quarter (NW/4); thence N75 degrees 00' 10" East to a point 390 feet East of the West line of said Northwest Quarter (NW/4); thence North parallel to the West line of said Northwest Quarter (NW/4) to the South line of Lincoln Hills 2nd Addition; thence West along the South line of said Addition 390 feet to the West line of said Northwest Quarter (NW/4); thence South along the West line of said Northwest Quarter (NW/4) to place of beginning, *Being platted as Lots 1, 2 & 3, Plant Kingdom addition*

b. 26, C of W, Leg. Co. Ks.
have applied to the Wichita-Sedgewick County Metropolitan Area

Planning Commission and to the City of Wichita, for a change of zoning to permit said land to be devoted to those uses permitted by "BB" *office* and "C" *commercial* zoning as defined by the Ordinances of the City of Wichita, and

WHEREAS, the City of Wichita by its Board of Commissioners, has granted such application as follows:

The North 150 feet of said property zoned "BB" *office (Lot 1, Plant Kingdom addition)* and the balance zoned "C" *commercial (Lots 2 & 3, Plant Kingdom addition)*

and it is the purpose of the undersigned to limit those uses permitted under "C" *commercial* zoning to the operation of a garden center and except for such use, to devote the balance of such area to those uses permitted in "LC" *Light Commercial District* zoning.

NOW, THEREFORE, the undersigned do hereby covenant to and with the City of Wichita that the only use to be made of the area zoned "C" *commercial*, as above described will be the operation of a garden center and those uses permitted by "LC" *Light Commercial* zoning ordinances.

DRAFT COPY

This covenant shall run with the land and be binding on the undersigned and on their respective successors and assigns.

Gabriel E. Drollinger

Cecilia Drollinger

Gene Campbell

Barbara J. Campbell

Charles Campbell

Marilyn E. Campbell

STATE OF OHIO)
COUNTY OF) ss Mortgage: Union National Bank of Wichita K's

BEFORE ME, the undersigned, a Notary Public within and for said County and State, on this day of September, 1971, personally appeared GABRIEL E. DROLLINGER and CECILIA DROLLINGER, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My commission expires:

September 17, 1971

Baughman Company
2522 East Kellogg
Wichita, Kansas 67211

Subject: S/D 71-57 - Preliminary
Plat of PLANT KINGDOM ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 16, 1971, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

1. In the Planning Commission approval of the associated zone case Z-1291, the applicant offered to submit voluntary restrictive covenants which would restrict the use of the area to be zoned "C", to a garden center and only those uses permitted in the "LC" zoning district. Said covenants, once agreed upon in draft form, shall be finally prepared and executed and submitted to the Planning Department to be forwarded with the plat to the Board of City Commissioners.
2. Lot 4 has been deeded to the owners of Golf Park Addition adjacent on the north, and said owners shall prepare and submit a covenant which shall couple and tie Lot 4 to Golf Park Addition as though they were one and to assure said lot will ultimately be developed through, and as a further expansion of, the Golf Park Addition. The plat shall also be changed to reflect the area indicated as Lot 4 being a "reserve", and the purpose mentioned above for which the reserve is intended shall be indicated within the plat's text.

3. Indicating easements, as follows:

- OK* A 20-foot drainage easement adjacent to the west line of Lot 4;
- OK* A 20-foot utility easement adjacent to the east line of Lots 1, 2 and 3;
- OK* A 20-foot utility easement adjacent to the south line of Lot 3;
- OK* A 10-foot utility easement adjacent to the north line of Lot 1, said easement to also extend east along the north line of Lot 4 as far east as the east line of Lincoln Hills 3rd Addition to the north.

4. The dashed line and notations giving reference to a temporary easement along the south side of Lots 1, 2, 3 and 4 shall be deleted from the plat, and a temporary drainage easement covering all of Lots 1 thru 4 shall be granted in the form of a separate instrument. The applicants should contact M. S. Mitchell of the Maintenance-Flood Control Office regarding this matter, and the easement will entail a separate instrument from each ownership involved.
5. The applicant's surveyor shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the dimensions shown for the legal tie along the west line of the plat.

OK The north line of Lot 4, as it follows the center line of Gypsum Creek, shall be drawn so as to exactly coincide with the south line of Golf Park Addition to the north, said south line of which also follows the center line of the creek.

OK There is a triangular area across the southern portion of Lot 21, Lincoln Hills 3rd Addition, lying just north of proposed Lot 4, which at one point in time has been deeded to the City of Wichita. The applicant and/or their surveyor shall contact M. S. Mitchell of the Maintenance-Flood Control Office relative to the possibility of including said triangular area into that being platted as Lot 4.

OK "Complete access control" along the north line of the plat adjacent to Mission Road shall be indicated, and "access control except for one opening per lot" shall be indicated on Lots 1, 2 and 3 adjacent to the east line of Woodlawn.

9. The applicant shall install or guarantee the construction of a sidewalk on the east side of Woodlawn Avenue; the total estimated construction cost to be in the amount of \$1,325.

Page 3
September 17, 1971

10. The applicant shall install or guarantee the extension of sanitary sewer to serve Lots 2 and 3.
11. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

It was also pointed out at the meeting that the owners of Lot 4 should be aware that prior to development occurring on said lot, that an application for change in zoning must be filed and receive approval. And, if zoning requested is either the "LC" or "C" district, then an accompanying application for amending the Golf Park Community Unit Plan (DP-33) must also be submitted.

It is suggested that the applicant and their surveyor contact the Planning Department regarding the covenant and wording within the plat's text concerning Lot 4, and enclosed with Don Bottenberg's copy of this letter is a xerox copy of the proposed covenants concerning Lots 1, 2 and 3 which contains our suggested changes thereon.

Enclosed herewith is the "marked" copy of the preliminary plat for your information and files.

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

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

Enclosure

cc: Gene & Charles Campbell, 3560 South Broadway, 67216
Don Bottenberg, 1st National Bank Bldg., 67202
Jesse Graham & L. A. Casado, 1403 Harding, 67208

DRAFT COPY

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS: That

The undersigned, being all of the owners of the following described real property, to-wit:

Beginning at a point on the West line of the Northwest Quarter (NW/4) of Section 31, Township 27 South, Range 2 East of the 6th P.M., SAID POINT BEING 800 degrees 00'10" East 644.08 feet from the Southwest corner of said Northwest Quarter (NW/4); thence N75 degrees 00' 10" East to a point 390 feet East of the West line of said Northwest Quarter (NW/4); thence North parallel to the West line of said Northwest Quarter (NW/4) to the South line of Lincoln Hills 2nd Addition; thence West along the South line of said Addition 390 feet to the West line of said Northwest Quarter (NW/4); thence South along the West line of said Northwest Quarter (NW/4) to place of beginning. *Being platted as Lots 1, 2, 3, Plant Kingdom Addition*

have applied to the Wichita-Sedgwick County Metropolitan Area Planning Commission and to the City of Wichita, for a change of zoning, to permit said land to be devoted to those uses permitted by "BB"^{office} and "C"^{Commercial} zoning as defined by the Ordinances of the City of Wichita, and

WHEREAS, the City of Wichita by its Board of Commissioners, has granted such application as follows:

The North 150 feet of said property zoned "BB"^{office (Lot 1, Plant Kingdom Addition)} and the balance zoned "C"^{Commercial (Lots 2, 3, Plant Kingdom Addition)}

And it is the purpose of the undersigned to limit those uses permitted under "C" zoning to the operation of a garden center and except for such use, to devote the balance of such area to those uses permitted in "LC"^{ONLY} zoning. *light Commercial district*

NOW, THEREFORE, the undersigned do hereby covenant to and with the City of Wichita that the only use to be made of the area zoned "C"^{Commercial} as above described will be the operation of a garden center and those uses permitted by "LC"^{light Commercial} zoning ordinances.

DRAFT COPY

This covenant shall run with the land and be binding on the undersigned and on their respective successors and assigns.

Gabriel E. Drollinger

Cecilia Drollinger

Gene Campbell

Campbell

Charles Campbell

Campbell

STATE OF OHIO)
) ss
COUNTY OF)

BEFORE ME, the undersigned, a Notary Public within and for said County and State, on this day of September, 1971, personally appeared GABRIEL E. DROLLINGER and CECILIA DROLLINGER, husband and wife, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

Notary Public

My commission expires:

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 71-57 Name PLANT KINGDOM ADDITION
Date Application Rec'd. 9-7-71 Preliminary Approval _____
Scheduled S/D Meeting 9-16-71

DESCRIPTION

General Location On the east side of Woodlawn in an area north of
Mt. Vernon.

Owner Gene & Charles Campbell
Surveyor/Engineer Baughman Company
Address 2522 East Kellogg Phone 683-7431

- | | |
|---|---|
| 1. Gross Acreage of Plat <u>14.25</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>452</u> R/W <u>50</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>3</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other <u>1</u> | e. _____ R/W _____ ft. |
| Total Number of Lots <u>4</u> | TOTAL <u>452</u> ft. |
| 3. Minimum Lot Frontage <u>100</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>34,000</u> sq. ft. | streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> |
| 5. Existing Zoning <u>"AA"</u> | |
| 6. Proposed Zoning <u>"BB" & "C"</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

1. The associated zone case Z-1291, "AA" to "BB" and "C" covering a portion of the subject property ("AA" to "BB" on that shown as Lot 1 and "AA" to "C" on that shown as Lots 2 and 3), has been approved by the Board of City Commissioners subject to platting.
2. In the Planning Commission approval of the associated zone case Z-1291, the applicant offered to submit voluntary restrictive covenants which would restrict the use of the area to be zoned "C", to a garden center and only those uses permitted in the "IC" zoning district. Said covenants, once agreed upon in draft form, shall be finally prepared and executed and submitted to the Planning Department to be forwarded with the plat to the Board of City Commissioners.
3. It is noted that the area on the plat indicated a "Lot 4" and which is zoned "AA", far exceeds the lot size for "AA" development and normally should be further subdivided into lots and streets if it were to be developed for residential use. However, it is the understanding of the Planning Department that Lot 4 is to be deeded to the owners of Golf Park Addition adjacent on the north, and in the future is to be developed as a further expansion of the existing uses on Golf Park Addition. Therefore, a covenant shall be drawn which limits the development of Lot 4 only in association with expansion of the development on Golf Park Addition, and which prohibits such development until such time as proper zoning has been approved and the Golf Park Community Unit Plan properly amended to include said lot. The final plat shall also be changed to reflect the area indicated as Lot 4 as being a "reserve", and the purpose mentioned above for which the reserve is intended shall be indicated with appropriate wording within the plat text.
4. The applicant and/or his surveyor shall contact the Planning Department prior to submission of a final plat, relative to appropriate wording of the covenant and the plat text concerning the use and development of Lot 4.

(over)

5. "Complete access control" along the north line of the plat adjacent to Mission Road shall be indicated, and "access control except for one opening per lot" shall be indicated on Lots 1, 2 and 3 adjacent to the east line of Woodlawn.
6. The applicant shall install or guarantee the construction of a sidewalk on the east side of Woodlawn Avenue; the total estimated construction cost to be in the amount of \$1,325.
7. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. The applicant should be prepared to discuss with the Subdivision Committee the manner in which it is proposed to provide for such utilities and facilities, e.g., petition, actual construction, monetary guarantee, etc.
8. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: 5945
Section No.: 31
Twp. No.: 27 S
Range: 2 E

S/D No. 11-57

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Plant Kingdom Addition
General Location: E. Side Woodlawn S. of Funston
W of Mt Vernon
Name of Property Owner: Gene & Charles Campbell
Address: 3560 S. Broadway c/o Don Rottenberg Phone: 524-5311
Name of Subdivider: Jesse Graham & L. A. Casado
Address: 1403 Harding St Phone: _____
Name of Agent/Surveyor: Bauchman Co.
Address: _____ Phone: _____
Date of Application: _____

SUBDIVISION INFORMATION:

- Gross Acreage of Plat 11.25
- Number of Lots:
 - Residential _____
 - Commercial 3
 - Industrial _____
 - Other 1
 - Total Number of Lots 4
- Minimum Lot Frontage 100 ft.
- Minimum Lot Area 31,000 ft.
- Existing Zoning aa
- Proposed Zoning C & BB
- Lineal Feet of New Streets:
 - a. 452 R/W 50 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 452 ft.
- Sidewalk adjacent to all streets? yes no
- Public Water Supply Yes (Yes-No), Name _____ City _____
- Public Sanitary Sewers Yes (Yes-No), Name _____ " _____
- Health Department Approval (where applicable) _____ (Yes-No)
- 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 with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. 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: Don Rottenberg, Agent

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

Received by Kris
Date Sept. 7, 1971
Fee Submitted \$54.00
rec'd. 9-8-71



T9-301B
(2-71)

Form 223

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT

Name

Address

Type	Due Date
------	----------

Comments:

Date	By
------	----