

PLAT NO. S/D 73-35 MAP NO. 4948

NAME TYLER ACRES FOURTH ADDITION

LOCATION At the Northeast corner of Tyler and Central

ENGINEER Baughman Co.

OWNER E. T. Neville

APPLICATION FILED 3-26-73

SKETCH PLAT FILED 3-26-73

PRELIMINARY FILED N/A

S/D ACTION ~~N/A~~ 4.19.73 Approved subj to conditions

FINAL FILED 3-26-73

S/D ACTION 4-5-73 Deferred for redesign

S/D 6-21-73 Approved subj to conditions

MAPC ACTION 6-28-73 Approved subj to Conds.

BCC ACTION 7/24/73 Approved

RECORDED 8/7/73

REMARKS _____

S/D 73-35 TYLER ACRES FOURTH ADDIN
At the Northeast corner of Tyler
Rd. and Central - E. T. Neville by
Baughman Company

ACTION

	DATE
S/D COMMITTEE	<u>4.5.73</u>
<i>(pulin.)</i>	<u>5.19.73</u>
S/D Comm	<u>approved</u> <u>suby to conditions</u>
M.A.P.C.	<u>6.28.73</u>
	<u>approved suby to</u> <u>condition</u>
B.C.C./B. w. v.	<u>7-24-73</u>
	<u>Approved</u>
S/D (final)	<u>6.21.73</u>
	<u>Approved suby to</u> <u>conditions</u>

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

7
9-15-73

Tyler Acres Fourth ADDITION was
filed for record on Aug. 7 1973

John Hale
Register Of Deeds

T9-328

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	73-35	Name	TYLER ACRES FOURTH ADDITION
Application Filed:	3-26-73	Sketch Filed:	3-26-73
Preliminary Plat Filed:	N/A	Approved by S/D:	N/A
Final Plat Filed:	3-26-73	Approved by S/D:	6-21-73
Approved by Metropolitan Area Planning Commission:			6-28-73

DESCRIPTION

General Location: Northeast corner of
Tyler and Central

Surveyor or Engineer: Baughman Company
Owner: E. T. Neville
Address: 9625 Maple 67209

- | | | | |
|--------------------------|------------------|--------------------------------|-----------|
| 1. Gross Acreage of Plat | 3.8 | 5. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. 50 R/W | 352 ft. |
| Residential | | b. _____ R/W | _____ ft. |
| Commercial | 1 | c. _____ R/W | _____ ft. |
| Industrial | | d. _____ R/W | _____ ft. |
| Other | | e. _____ R/W | _____ ft. |
| Total Number of Lots: | 1 | TOTAL | 352 ft. |
| 3. Minimum Lot Frontage: | 128 ft. | 6. Existing Zoning: | "LC" |
| 4. Minimum Lot Area | 148,410.0 sq.ft. | | |

A valid petition has been submitted guaranteeing the construction of a sidewalk on the east side of Tyler Road.
A certificate has also been submitted certifying the petition.

Planning Commission Recommendation:

That this plat be approved, subject to:

- A. The applicant shall submit by separate instrument an egress and ingress easement crossing subject property for the benefit of the properties located at the northeast corner of Central and Tyler Road.
- B. The applicant shall submit a contingent dedication for an additional 10 feet of right-of-way for the north half of Central and the east half of Tyler Road.
- C. The applicant shall submit by separate instrument, a 10-foot east-west utility easement running adjacent to the north line of the plat.
- D. The applicant shall submit an avigational easement covering all of subject property which shall also contain provisions for assurances that adequate construction standards will be utilized to minimize the effects of noise pollution.
- E. Recording of the plat within 30 days after approval by the Board of City Commissioners

Kamen moved, Rising seconded and it carried unanimously. (Harrison absent.)

NOTE: Associated Case DP-11, Commercial CUP, approved by the Board of City Commissioners on May 17, 1966, subject to platting.

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

Form 256-021

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
<i>Water</i>	<i>1.00</i>
<i>Electric</i>	<i>1.00</i>
<i>Gas</i>	<i>1.00</i>
<i>Sanitation</i>	<i>1.00</i>
<i>Street</i>	<i>1.00</i>
<i>Trailer</i>	<i>1.00</i>

Name *Wichita*

Address *1234 Main St*

Type *Water* Due Date *12/31/54*

Comments:

Date *12/31/54* BY *[Signature]*

Lawyers Title Insurance Corporation
A Stock Company
Home Office - Richmond, Virginia
INTERIM TITLE INSURANCE BINDER

Case No. GTCO 13301

TO WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION

No.

LAWYERS TITLE INSURANCE CORPORATION, herein called the Company, hereby insures:
That the title to the land described in Schedule A hereof, was on July 11, 1973
at 7:00 o'clock A. M., vested in fee simple in

EDWARD T. NEVILLE

subject only to the defects, objections, liens and encumbrances, as shown in Schedule B hereof.

That upon compliance with and/or satisfaction of the requirements set forth under Section 1 of Schedule B of this Binder, and upon payment of its premium for title insurance, this Company will issue to you, as the insured, its policy of title insurance, on the usual form, in the sum of \$ to be determined, showing under Schedule B thereof only such exceptions as appear in Section 2, of Schedule B of this Binder and such liens, encumbrances or objections attaching to the title subsequent to the date hereof and prior to the issuance of the policy which are not satisfied and/or removed.

This Binder is delivered and accepted upon the understanding that you have no personal knowledge or intimation of any defect, objection, lien or encumbrance affecting said premises other than those shown under Schedule B hereof, and your failure to disclose any such personal information shall render this Binder and any policy issued based thereon, null and void as to such defect, objection, lien or encumbrance.

Nothing herein contained shall be construed as a guarantee against the consequences of the exercise and enforcement or attempted enforcement of governmental "police power" over the property described herein.

This Company shall be liable under this Interim Title Insurance Binder only for actual loss or damage incurred by reliance upon the insuring provisions hereof.

This Interim Title Insurance Binder is subject to the terms, provisions and Conditions and Stipulations of the form of policy applied for.

This Binder is preliminary to the issuance of the policy of title insurance and shall become null and void, unless policy is issued, and the premium therefor paid, within six (6) months from the date hereof, and shall not be binding until it shall have been countersigned by an authorized Officer or Agent of the Company.

IN WITNESS WHEREOF the Company has caused this binder to be executed pursuant to its by-laws on July 12, 1973
at Wichita, Kansas

Countersigned:
GUARANTEE TITLE CO., INC.

Terry L. Spauldin
Authorized Officer or Agent

Lawyers Title Insurance Corporation

George V. Scott
President.

Clifford B. Hest
Secretary.

Schedule A

Legal description of the land referred to in this Binder.

Beginning 185 feet North of the Southwest corner of the Southwest Quarter (SW/4) of Section 16, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North 415 feet; thence East parallel with the South line of said Quarter Section, 600 feet; thence South parallel with the West line of said Quarter Section, 600 feet to the South line of said Quarter Section; thence West 235 feet; thence North parallel with the West line of said Quarter Section 185 feet; thence West 365 feet to the place of beginning: to be platted as Tyler Acres Fourth Addition, Wichita, Sedgwick County, Kansas.

CERTIFICATE

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

I, Edward T. and Rita A. Neville, owners and plat-
tor of Tyler Acres Fourth 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 - Tyler Road
2. Navigational Easement and Restrictive Covenant as to
construction.
3. Contingent dedication. Additional Street right-of-way
on Central and Tyler Road.
4. 10 Ft. Utility Easement running East and West adjacent
to the North line of the plat.
- 5.
- 6.
- 7.

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

Signed this 30 day of June 20, 19 73.

Edward T. Neville
Edward T. Neville

Rita A. Neville
Rita A. Neville

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

Be it remembered that on this 22 day of June,
19 73, before me, a notary public in and for said County and State,
came Edward T. and Rita A. Neville, to me personally
known to be the same persons who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

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

Siara E. Langhofer
Notary Public



My Commission Expires:

August 14, 1976

T9-128

EGRESS AND INGRESS EASEMENT

Edward T. Neville and Rita A. Neville hereinafter referred to as owners, state that they are the owners of all the land as platted in Tyler Acres Second Addition and all of the land as being platted as Tyler Acres Fourth Addition and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission has determined that egress and ingress to or from Tyler Road and Central Avenue, for the benefit of the land platted as Tyler Acres Second Addition, should be provided on the land being platted as Tyler Acres Fourth Addition and

WHEREAS the City of Wichita acting by and through said Planning Commission made a requirement that such egress and ingress be provided as a condition of the approval of the plat of Tyler Acres Fourth Addition.

NOW THEREFORE, the undersigned being the owners of all of the land in Tyler Acres Fourth Addition do hereby grant the right of egress and ingress to or from Tyler Road and Central Avenue on or across Lot 1, Tyler Acres Fourth Addition, to Tyler Acres Second Addition in the form of an easement.

This easement shall be a continuing easement and it shall be binding upon the assigns and successors in interest of owners.

DATED at Wichita, Kansas, this 7 day of June, 1973.

Edward T. Neville

Rita A. Neville

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 10th day of July, 1973, before me, the undersigned, a notary public, in and for the county and state aforesaid, came Edward T. Neville and Rita A. Neville, to me personally known to be the same persons who executed the within instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and

affixed my official seal on the day and year last above written.



James O. Smith
Notary Public

INGRESS - EGRESS

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, Edward T. Neville and Rita A. Neville being the owners of the property being platted into Tyler Acres Fourth Addition, Wichita, Sedgwick County, Kansas, do hereby grant a permanent avigational easement to the public authority authorized by law to own and operate public owned airports in Sedgwick County, Kansas, for the easement of "Navigable Airspace" as defined by the Avigation Act of 1958 over the property as above described which will be known as Tyler Acres Fourth Addition to Wichita, Sedgwick County, Kansas.

By virtue of this easement the grantor for and on behalf of itself and successors in interest to any and all of the real property as above described waives as to the public authority only, any and all claims for damages of any kind whatsoever incurred as a result of aircraft using "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" shall mean air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U. S. Code 1301, and shall include air space needed to insure safety in take off and landing of aircraft.

The above owners hereby further declare that said addition shall be and the same is subject to the following restrictive covenant to-wit:



Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and shall inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof

to have and to hold said easement and restrictive covenant forever.

IN WITNESS WHEREOF, Edward T. Neville and Rita A. Neville has caused this instrument to be executed this 11 day of June, 1973.

Edward T. Neville
Edward T. Neville

Rita A. Neville
Rita A. Neville

ATTEST: (Corporate Seal)

STATE OF KANSAS)
SEDGWICK COUNTY) SS:

BEFORE ME, the undersigned, a notary public, in and for said County and State, on this 11th day of June, 1973, personally appeared Edward T. Neville and Rita A. Neville, who are personally known to me to be the same persons who executed the within instrument of writing on behalf of said corporation, and said persons duly acknowledged the execution of the same to be their free act and deed.

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

James O. Smith
Notary Public



My Commission Expires:
Feb 15, 1945

DEDICATION FOR
UTILITY EASEMENT

(In connection with Tyler Acres Fourth Addition)

This Utility Easement made this 14th day of June, 1973,
by and between EDWARD T. NEVILLE and RITA A. NEVILLE, husband and
wife, as parties of the first part and CITY OF WICHITA as party of
the second part.

WITNESSETH: That said first parties in consideration of
One Dollar and Other Good and Valuable Consideration, the receipt
of which is hereby acknowledged does hereby grant and convey unto
second parties a perpetual right-of-way and easement for the purpose
of constructing, maintaining and repairing sewer and all other public
utilities over, along and under the following described real estate
situated in Wichita, Sedgwick County, Kansas, to-wit:

A 10 foot East and West Utility
Easement adjacent to and running parallel
North of and with the North line of Tyler
Acres Fourth Addition, Wichita, Sedgwick
County, Kansas

And second party is hereby granted the right to enter upon
said premises at any time for the purpose of constructing, operating,
maintaining and repairing such sewer and all other such public utilities.

IN WITNESS WHEREOF: Said first parties have signed this
document the date first above written.

Edward T. Neville
Edward T. Neville

Rita A. Neville
Rita A. Neville

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

Personally appeared before me a notary public in and for the County and State aforesaid Edward T. Neville and Rita A. Neville, 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 11th day of June, 1973.

James O. Smith
Notary Public



THE CITY OF WICHITA
OFFICE OF CITY TRAFFIC ENGINEER

DATE July 5, 1973



TO Robert Lakin, Director of Planning
FROM Paul B. Graves, City Traffic Engineer

SUBJECT Recommendation from the Traffic Commission to the Planning Commission Re: Platting Requirements by Developer of Property, Northeast Quadrant, Tyler and Central (Tyler Acres 4th Addition)

The Traffic Commission, at its meeting of June 20, 1973, discussed traffic "problems" in the vicinity of Central and Tyler (at the direction of the City Commission). The following motion was approved by the Traffic Commission: "That the Traffic Commission recommend to the Planning Commission that in platting of the northeast development, the developer provide internal ingress and egress from the existing cut on Central east of Tyler Road."

Bill McKinley, Assistant Traffic Engineer, has already provided this information to the Subdivision Committee which met on Thursday, June 21, 1973. Therefore, this is to confirm the information that has already been presented to the Planning Commission by Mr. McKinley.

Paul B. Graves
Paul B. Graves
City Traffic Engineer

PBG/gj
cc: R. W. Bruggeman, Director of Public Works
Bruce McClure, Chairman, Wichita Traffic Commission

7-4-73

Called



CONTINGENT DEDICATION FOR
STREET PURPOSES
(Tyler Acres Fourth Addition)

KNOW ALL MEN BY THESE PRESENCE:

That for and in consideration of the sum of One Dollar and Other Good and Valuable Consideration, the receipt of which is hereby acknowledged, by the undersigned, Edward T. Neville and Rita A. Neville, being the owners of the real estate described as:

Tyler Acres Fourth Addition to Wichita, Sedgwick County, Kansas, does hereby dedicate the South 10 feet of Lot 1, Tyler Acres Fourth Addition and part of Lot 1, Tyler Acres Fourth Addition, Wichita, Kansas, described as beginning at the N.W. Corner of said Lot 1; thence east along the north line of said Lot, 10 feet; thence south parallel with the west line of said Lot 290 feet to the easterly line of Tyler Road as platted in said Addition; thence northwesterly along said Tyler Road 40.93 feet; thence north along said Tyler Road 250 feet to beginning for street purposes only.

This dedication is a contingent dedication and the property herein dedicated contingently shall not be available to the City of Wichita until such time and only at such time as it is necessary to use said property herein dedicated for street purposes and in connection with the widening of Central Avenue and Tyler Road. Until such time as the property contingently dedicated is so used by the City of Wichita for street purposes, the grantors shall have the continued use thereof.

EXECUTED this 11th day of June, 1973.

Edward T. Neville
Edward T. Neville

Rita A. Neville
Rita A. Neville



STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 11th day of June, 1973,
before me, a notary public, in and for the said County and State came
Edward T. Neville and Rita A. Neville, to me personally known to be
the persons who executed the within instrument and duly acknowledged
the execution of the same.

James L. Smith
Notary Public



Commission Expires:
Sept. 15, 1975

Robert H. Nelson
Attorney at Law
Suite 630 - 200 West Douglas
Wichita, Kansas 67202

July 3, 1973

Subject: Tyler Acres Fourth Addition -
egress and ingress easement

Dear Bob:

I am returning to you the draft easement which you submitted on June 28, 1973. Attached, is a rough draft of what I feel is more in keeping with the requirement of the Planning Commission regarding the egress-ingress easement. Please advise me if this is satisfactory with you. If you are agreeable with this revised easement agreement, please submit a signed and notarized copy for forwarding with the plat to the Board of City Commissioners.

If you have any questions, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN 11055-10401

W. A. KAHRIS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

June 28, 1973

AREA 316

262-3777

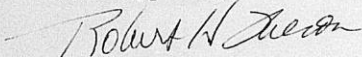
Metropolitan Area Planning Commission
City Annex Building
Wichita, Kansas 67202

Attention: Curtis Newby

Dear Mr. Newby:

Enclosed herewith is a copy of the proposed Egress and Ingress
Easement as required by the subdivision committee and Planning
Commission relative to the approval of Tyler Acres Fourth Addition
plat.

Yours very truly,



Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/cl

Enclosed

cc:

Mr. Bill McKinley
Assistant Traffic Engineer
City Annex Building
Wichita, Kansas 67202



EGRESS AND INGRESS EASEMENT

Edward T. Neville and Rita A. Neville hereinafter referred to as owners, state that they are the owners of all the land as platted in Tyler Acres Second Addition and all of the land as being platted as Tyler Acres Fourth Addition and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission has determined that egress and ingress to or from Tyler Road and Central Avenue, for the benefit of the land platted as Tyler Acres Second Addition, should be provided on the land being platted as Tyler Acres Fourth Addition and

WHEREAS the City of Wichita acting by and through said Planning Commission made a requirement that such egress and ingress be provided as a condition of the approval of the plat of Tyler Acres Fourth Addition

NOW THEREFORE, the undersigned being the owners of all of the land in Tyler Acres Fourth Addition do hereby grant the right of egress and ingress to or from Tyler Road and Central Avenue on or across Lot 1, Tyler Acres Fourth Addition, to Tyler Acres Second Addition in the form of an easement.

This easement shall be a continuing easement and it shall be binding upon the assigns and successors in interest of owners.

DATED at Wichita, Kansas, this ____ day of July, 1973.

STATE OF KANSAS)
SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this ____ day of _____, 1973, before me, the undersigned, a notary public, in and for the county and state aforesaid, came Edward T. Neville and Rita A. Neville, to me personally known to be the same persons who executed the within instrument of writing and duly acknowledged the execution of the same.

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

Notary Public

My Commission Expires:

KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW

AUSTIN M. COWAN 1888-1849
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

June 21, 1973

Metropolitan Area Planning Department
City Building Annex
104 South Main
Wichita, Kansas 67202

Re: S/D 73-35
Plat of TYLER ACRES FOURTH ADDITION

Attention: Curtis L. Newby, Junior Planner

Dear Mr. Newby:

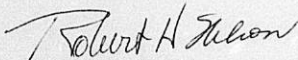
Enclosed herewith are the following two documents:

1. Sidewalk petition for the East side of Tyler Road.
2. Certificate as to the filing of the required documents relative to the above plat

all signed by Mr. and Mrs. Edward Neville, owners.

I am not including a sidewalk for the north side of Central for the reason that the engineers office have advised me that there is a sidewalk in place at the present time. If you have any question about this matter please check with Mr. Tandy of the engineering department.

Yours very truly,



Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/cl
Encls.
cc:

Mr. James Tandy
104 South Main

Mr. and Mrs. Edward Neville
9625 W. Maple



KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW
SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

June 12, 1973

AREA 316
262-3777

Metropolitan Area Planning Department
City Building Annex
104 South Main
Wichita, Kansas 67202

Re: S/D 73-35
Plat of TYLER ACRES FOURTH ADDITION

Attention: Mr. Curtis L. Newby, Junior Planner

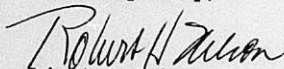
Dear Mr. Newby:

Pursuant to the letter dated April 23, 1973, with reference to the above plat I am enclosing herewith the following:

1. Contingent Dedication for additional 10 feet of right-of-way for the North half of Central and the East half of Tyler Road.
2. A 10 foot utility easement running East and West and immediately adjacent to the North line of Tyler Acres Fourth Addition and adjacent to said property.
3. Avigational Easement covering all of the property and a covenant requiring the adequate construction methods which will be utilized to minimize the effects of noise pollution within all habitable structure to be built on said subject property.

If there is anything further to be done on this plat please advise.

Yours very truly,



Robert F. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG
RHN/cl

cc: Jim Smith; Mr. and Mrs. Edward T. Neville; Mr. Korber



KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW
SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1905-1948)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY

June 6, 1973

AREA 316
262-3777

Metropolitan Area Planning Commission
City Annex Building
104 South Main
Wichita, Kansas 67202

Attention: Curtis L. Newby, Jr. Planner

Re: S/D 73-35 , Final Plat of
TYLER ACRES FOURTH ADDITION

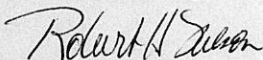
Dear Mr. Newby:

Pursuant to your letter dated April 23, 1973, directed to Baughman Company with reference to the above plat I am enclosing herewith the following documents which need to be approved as to form by you. They are as follows:

1. Contingent Dedication for an additional 10 foot right-of-way on Central and Tyler Road.
2. Dedication of 10 foot dedication running East and West adjacent to the North line of the plat.
3. Avigational Easement and Covenant.

Please examine these documents and advise me if they are satisfactory or what changes you desire. I will not submit these for execution until after I have heard from you.

Yours very truly,



Robert H. Nelson
of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN/cl
Enclosures

cc: Mr. and Mrs. Edward T. Neville
Mr. Jim Smith
Mr. C. N. Rogers, Property Mgr.
Safeway Stores, Inc.,

CONTINGENT DEDICATION FOR
STREET PURPOSES
(Tyler Acres Fourth Addition)

KNOW ALL MEN BY THESE PRESENCE:

That for and in consideration of the sum of One Dollar and Other Good and Valuable Consideration, the receipt of which is hereby acknowledged, by the undersigned, Edward T. Neville and Rita A. Neville, being the owners of the real estate described as:

Tyler Acres Fourth Addition to Wichita, Sedgwick County, Kansas, does hereby dedicate the South 10 feet of Lot 1, Tyler Acres Fourth Addition and part of Lot 1, Tyler Acres Fourth Addition, Wichita, Kansas, described as beginning at the N.W. Corner of said Lot 1; thence east along the north line of said Lot, 10 feet; thence south parallel with the west line of said Lot 200 feet to the easterly line of Tyler Road as platted in said Addition; thence northwesterly along said Tyler Road 40.93 feet; thence north along said Tyler Road 250 feet to beginning for street purposes only.

This dedication is a contingent dedication and the property herein dedicated contingently shall not be available to the City of Wichita until such time and only at such time as it is necessary to use said property herein dedicated for street purposes and in connection with the widening of Central Avenue and Tyler Road. Until such time as the property contingently dedicated is so used by the City of Wichita for street purposes, the grantors shall have the continued use thereof.

EXECUTED this _____ day of _____, 1973.

Edward T. Neville

Rita A. Neville

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this _____ day of _____, 1973,
before me, a notary public, in and for the said County and State came
Edward T. Neville and Rita A. Neville, to me personally known to be
the persons who executed the within instrument and duly acknowledged
the execution of the same.

My Commission Expires:

DRAFT

Notary Public

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, Edward T. Neville and Rita A. Neville being the owners of the property being platted into Tyler Acres Fourth Addition, Wichita, Sedgwick County, Kansas, do hereby grant a permanent avigational easement to the public authority authorized by law to own and operate public owned airports in Sedgwick County, Kansas, for the easement of "Navigable Airspace" as defined by the Avigation Act of 1958 over the property as above described which will be known as Tyler Acres Fourth Addition to Wichita, Sedgwick County, Kansas...

By virtue of this easement the grantor for and on behalf of itself and successors in interest to any and all of the real property as above described waives as to the public authority only, any and all claims for damages of any kind whatsoever incurred as a result of aircraft using "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" shall mean air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U. S. Code 1301, and shall include air space needed to insure safety in take off and landing of aircraft.

The above owners hereby further declare that said addition shall be and the same is subject to the following restrictive covenant to-wit:

Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and shall inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof

to have and to hold said easement and restrictive covenant forever.

IN WITNESS WHEREOF, Edward T. Neville and Rita A. Neville has caused this instrument to be executed this ____ day of _____, 1973.

DRAFT

Edward T. Neville

Rita A. Neville

ATTEST: (Corporate Seal)

STATE OF KANSAS)
SS:
SEDGWICK COUNTY)

BEFORE ME, the undersigned, a notary public, in and for said County and State, on this ____ day of _____, 1973, personally appeared Edward T. Neville and Rita A. Neville, who are personally known to me to be the same persons who executed the within instrument of writing on behalf of said corporation, and said persons duly acknowledged the execution of the same to be their free act and deed.

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

Notary Public

My Commission Expires:

DEDICATION FOR
UTILITY EASEMENT

(In connection with Tyler Acres Fourth Addition)

This Utility Easement made this ____ day of _____, 1973,
by and between EDWARD T. NEVILLE and RITA A. NEVILLE, husband and
wife, as parties of the first part and CITY OF WICHITA as party of
the second part.

WITNESSETH: That said first parties in consideration of
One Dollar and Other Good and Valuable Consideration, the receipt
of which is hereby acknowledged does hereby grant and convey unto
second parties a perpetual right-of-way and easement for the purpose
of constructing, maintaining and repairing sewer and all other public
utilities over, along and under the following described real estate
situated in Wichita, Sedgwick County, Kansas, to-wit:

The North 10 feet of the West 610 feet
of the Southwest Quarter of Section 16,
Township 27, Range One West, Sedgwick
County, Kansas

And second party is hereby granted the right to enter
upon said premises at any time for the purpose of constructing,
operating, maintaining and repairing such sewer and all other such
public utilities.

IN WITNESS WHEREOF: Said first parties have signed this
document the date first above written.

Edward T. Neville

Rita A. Neville

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

Personally appeared before me a notary public in and for the County and State aforesaid Edward T. Neville and Rita A. Neville, 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 _____ day of _____, 1973.

DRAFT

Notary Public

My Commission Expires:

_____.

June 29, 1973

Mr. Robert H. Nelson, Attorney
Suite 630, 200 West Douglas
Wichita, Kansas 67202

Re: S/D 73-35 - Final Plat of
TYLER ACRES FOURTH ADDITION

Dear Mr. Nelson:

At the regular meeting of the Metropolitan Area Planning Commission on June 28, 1973, the above-captioned plat was considered. It was the action of the Commission to recommend approval of the plat, subject to the conditions recommended by the Subdivision Committee and as shown in our letter dated June 22, 1973, except that condition C. in that letter was changed to read as follows:

Based on the recommendation of the Traffic Commission at their meeting of June 20, 1973, the applicant shall provide an ingress and egress easement on subject property for the benefit of the properties located at the northeast corner of Central and Tyler Road. This shall be in the form of a private access agreement between the applicant and the other lessee involved. A recorded copy of this instrument shall be submitted to the Planning Department prior to forwarding the plat to the Board of City Commissioners.

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

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the plattor.

Page 2 - Mr. Robert H. Nelson
June 29, 1973

4. Certification that all taxes due and payable for 1972 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: Baughman Company, 330 Laura 67211
E. T. Neville, 9625 Maple 67209
Dean Sellers, Assistant City Engineer

June 22, 1973

Baughman Company
330 Laura
Wichita, Kansas 67211

Subject: S/D 73-35 - Final Plat of
TYLER ACRES FOURTH ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, June 21, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

1. The building setback lines and access controls as shown on the approved CUP DP-11 shall govern.
2. The applicant shall submit by separate instrument a contingent dedication for the additional right-of-way for Central and Tyler Road. Said dedication shall be contingent upon the City's need for said right-of-way to install deceleration lanes adjacent to subject property.
3. Based on the recommendation of the Traffic Commission at their meeting of June 20, 1973, the applicant shall provide a private drive access on subject property along Tyler Road and Central Avenue for the benefit of the properties located to the northeast corner of Central and Tyler Road. This shall be in the form of a private access agreement between the applicant and the other property owners involved. A recorded copy of this instrument shall be submitted to the Planning Department prior to forwarding the plat to the Board of City Commissioners.
4. ^{As stipulated} The applicant shall guarantee the installation of sidewalks adjacent to the east side of Tyler Road and the ~~north side of Central~~ ^{not required}; the total estimated construction cost to be in the amount of \$1,950.

Page 2
TYLER ACRES FOURTH ADDITION
June 22, 1973

- E. The applicant shall be advised that the sidewalk construction will be required at the time of final building inspection when the sidewalk has been required as a condition of plat approval.
- oh* The legal description shall be amended to read: "...beginning 185 feet northerly of the southwest corner of the southwest 1/4 on the west line of Section 16-27-1W; thence in a northerly direction 415 feet along said section line; thence east...".
- oh* The Mayor's name shall be changed to read as "James H. Donnell".
- oh* Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, June 28, 1973, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:ime
Enclosure

cc: Mr. E. T. Neville
9625 Maple, 67209

Robert Nelson, Attorney
200 West Douglas, Suite 630, 67202

Dean Sellers, City Engineering

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-35 Name TYLER ACRES FOURTH ADDITION
Date Application Rec'd. 3-26-73 Preliminary Approval 4-19-73
Scheduled S/D Meeting 6-21-73

DESCRIPTION

General Location At the northeast corner of Tyler Road and Central

Owner E. T. Neville
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

1. Gross Acreage of Plat 3.8
2. Number of Lots: Residential 1
Commercial 1
Industrial 1
Other 1
Total Number of Lots 1
3. Minimum Lot Frontage 128 ft.
4. Minimum Lot Area 148,410.0 sq. ft.
5. Existing Zoning LC
6. Proposed Zoning LC
7. Lineal Feet of New Streets:
a. 50 R/W 352 ft.
b. R/W ft.
c. R/W ft.
d. R/W ft.
e. R/W ft.
TOTAL 352 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City
10. Public Sanitary Sewers Yes (Yes-No), Name City
11. Health Department Approval (where applicable) (Yes-No)
12. City of Wichita X : Three-Mile Area

STAFF COMMENTS:

- A. The building setback lines and access controls as shown on the approved C.U.P., DP-11, shall govern.
- B. The applicant shall submit by separate instrument a contingent dedication for the additional right-of-way for Central and Tyler Road. Said dedication shall be contingent upon the City's need for said right-of-way to install deceleration lanes adjacent to subject property.
- C. A 10 foot utility easement running east and west on the applicant's ownership adjacent to the north line of the plat, shall be submitted by separate instrument.
- D. The applicant shall submit an avigational easement covering all of subject property, and a covenant assuring that adequate construction methods will be utilized to minimize the effects of noise pollution within all habitable structures to be built on subject property.
- E. The applicant shall guarantee the installation of sidewalks adjacent to the east side of Tyler Road and the north side of Central; the total estimated construction cost to be in the amount of \$1,950.
- F. The applicant shall be advised that the sidewalk construction will be required at the time of final building inspection when the sidewalk has been required as a condition of plat approval.
- G. The legal description shall be amended to read "...beginning 185 northerly of the southwest corner of the southwest 1/4 on the west line of Section 16-27-1W; thence in a northerly direction 415 along said section line; thence east..."
- H. The Mayor's name shall be changed to read as "James M. Donnell".
- I. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Baughman Company
330 Laura
Wichita, Kansas 67211

April 23, 1973

Subject: S/D 73-35 - Preliminary
Plat of TYLER ACRES FOURTH ADDITION

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 19, 1973, 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:

- A. The building setback lines and access controls as shown on the approved C.U.P. shall govern.
- B. A contingent dedication for an additional 10 feet of right-of-way for the north half of Central and the east half of Tyler Road, shall be indicated on the final plat.
- C. The applicant shall submit by separate instrument a contingent dedication for the additional right-of-way for Central and Tyler Road. Said dedication shall be contingent upon the City's need for said right-of-way to install deceleration lanes adjacent to subject property.
- D. A 10 foot utility easement running east and west on the applicants ownership adjacent to the north line of the plat, shall be submitted by separate instrument.
- E. The applicant shall submit an avigational easement covering all of subject property, and a covenant assuring that adequate construction methods will be utilized to minimize the effects of noise pollution within all habitable structures to be built on subject property.

Page 2 - Preliminary Plat of TYLER
ACRES FOURTH ADDITION
April 23, 1973

F. The applicant shall guarantee the construction of sidewalks adjacent to the north side of Central and the east side of Tyler Road, the total estimated construction cost to be determined upon submission of the final plat.

G. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivison Regulations).

In addition to the above, the applicant shall also be advised that it will be necessary to meet with the Traffic Engineering Division of the Department of Public Works relative to the location and design of the major entrance on Central being planned for subject property prior to the issuance of any building permits. This is necessary since the associated C.U.P. permits a maximum of 5 curb cuts to Central and as all 5 permitted curb cuts are now in use, it will be necessary that one of them be closed to accommodate the proposed main entrance on said street.

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.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

cc: Mr. E. T. Neville
9625 Maple, 67209

Dean Sellers, City Engineering

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-35 Name TYLER ACRES FOURTH ADDITION
Date Application Rec'd. 3-26-73 Preliminary Approval _____
Scheduled S/D Meeting 4-19-73

DESCRIPTION

General Location At the northeast corner of Tyler Road and Central

Owner E. T. Neville
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>3.8</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>50</u> R/W <u>352</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>1</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL <u>352</u> ft. |
| 3. Minimum Lot Frontage <u>128</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>148,410.0</u> sqft. | streets? <u>yes</u> <u>X</u> <u>no</u> |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name _____ City _____ | |
| 10. Public Sanitary Sewers <u>yes</u> (Yes-No), Name _____ City _____ | |
| 11. Health Department Approval (where applicable) _____ | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ (Yes-No) | |

STAFF COMMENTS:

- A. It should be noted that this plat was originally considered and deferred as a final form only plat at the last Subdivision Committee meeting and is now to be reconsidered as a preliminary plat.
- B. It should be noted that this plat now coincides with Parcel 3 of the associated Community Unit Plan DP-11.
- C. The building setback lines and access controls as shown on the approved C.U.P. shall govern.
- D. The applicant shall guarantee the construction of sidewalks adjacent to the north side of Central and the east side of Tyler Road, the total estimated construction cost to be determined upon submission of the final plat.
- E. 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.
- F. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-35 Name TYLER ACRES FOURTH ADDITION
Date Application Rec'd. 3-26-73 Preliminary Approval N/A
Scheduled S/D Meeting 4-5-73

DESCRIPTION

General Location At the northeast corner of Tyler Road and Central

Owner E. T. Neville
Surveyor/Engineer Baughman Company Phone 262-7271
Address 330 Laura

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>3.8</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>50</u> R/W <u>352</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>1</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL _____ <u>352</u> ft. |
| 3. Minimum Lot Frontage <u>128</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>148,410.0sq.ft.</u> | streets? <u>yes</u> <u>X</u> <u>no</u> |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply Yes (Yes-No), Name _____ City _____ | |
| 10. Public Sanitary Sewers Yes(Yes-No), Name _____ City _____ | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. The applicant shall be prepared to discuss why the plat boundaries do not correspond to the limits of the approved associated C.U.P., DP-11.
- B. The access control references and building setback lines indicated, shall be deleted from the plat as the approved access controls and building setbacks on the associated C.U.P. shall govern.
- C. It is recommended that consideration of this plat be deferred until the plat has been redrawn to conform to the associated C.U.P. or until the C.U.P. has been amended to conform to the plat.
- D. The applicant shall guarantee the construction of sidewalks adjacent to the north side of Central and the east side of Tyler Road, the total estimated construction cost to be in the amount of \$1056.
- E. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

Map No.: 4948
Section No.: 16
Twp. No.: 27S
Range: 1W

S/D No. 73-35

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Tyler Acres Fourth Addition

General Location: NE Corner Tyler and Central

Name of Property Owner: E. T. Neville
Address: 9625 Maple Phone: 722-1730
Name of Subdivider: Same
Address: _____ Phone: _____
Name of Agent/Surveyor: Baughman Company
Address: 330 Laura Phone: _____
Date of Application: _____

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 3.8
2. Number of Lots:
 - Residential _____
 - Commercial 1
 - Industrial _____
 - Other _____Total Number of Lots 1
3. Minimum Lot Frontage 128 ft.
4. Minimum Lot Area 148,410.0 ft.
5. Existing Zoning L.C.
6. Proposed Zoning L.C.
7. Lineal Feet of New Street:
 - a. 50 R/W 352 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL 352 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply yes (Yes-No), Name City
10. Public Sanitary Sewers yes (Yes-No), Name City
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita 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: Edward T. Neville

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

Received by Carl Hardy
Date 7-26-73
Fee Submitted 150.00