

FIELD NO. S/D 75-72 DRAWING NO. 5949

NAME Northborough

LOCATION: southeast corner of 21st. and Woodlawn

ENGINEER Oblinger-Smith Corporation (Gary Wiley)

OWNER Theodore Gore, Robert Beren & Theodore Leben

APPLICATION FILED 8-25-75

SKETCH PLAN FILED 8-25-75

PRELIMINARY FILED _____

S/D ACTION 9-4-75 *approve*

FINAL FILED _____

S/D ACTION 2-26-76 (final) - defer 2 weeks

S/D 3-11-76 (final) Defer; S/D 3-25-76 - defer

MAPC ACTION 4-15-76 *Approved*

REC ACTION 12-7-76 - Extension of time to 4-9-77 to 8-9-77

ACC ACTION Approved 7-19-77

RECORDED August 3, 1977

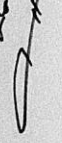
REMARKS _____

S/D 4-8-76 (final) approved

ACTION

S/D	COMMITTEE	DATE
S/D	Approve (final) - after 2 weeks	9-4-75 - 2-26-76
	M.A.P.C. Council	4-15-76
	B.C.C./B.-CO.-C. Extension of time to 4-9-77	12-7-76
S/D	(final) - defer	3-11-76
S/D	(final) - defer	3-25-76
S/D	(final) - approved	4-8-76
4-19-77	B.C.C. grant plotting line - extension to 8-9-77	
BCC	Approved	7-19-77

S/D 75-72 - NORTHBOROUGH -
southeast corner of 21st Street
& Woodlawn - by Theodore Gore,
et al.

PASTED
 8-26-75


Map No. 5949
Sec. No. 7
Twp. No. 27S
Range 2E

Subdivision Report and Progress

S/D No.: 75-72

Name: Northborough

General Location: Southeast corner of 21st Street and Woodlawn

Owner: Theodore Gore, Robert Beren & Theodore Leben
Address: (Theodore Leben) 1555 East 2nd Phone: 264-2375
Subdivider: Theodore Leben
Address: 1555 East 2nd Phone: 264-2375
Engineer/Surveyor: Oblinger-Smith Corporation (Gary Wiley)
Address: 625 First National Bank Bldg. Phone: 262-0451

Application Received 8-25-75
Conf. with Applicant _____
Sketch Plat Received 8-25-75
Present Zoning _____
Proposed Zoning _____
Letter of Intent _____

PREL. PLAT RECEIVED _____
S/D Comm. Action 9-4-75 approve
Dept. Report on Prel. _____

TRACING PROGRESS:

Received _____
Released _____
Received _____
Released _____

FINAL PLAT RECEIVED 2-13-76
S/D Comm. Action 2-26-76 after 2 weeks
S/D - 3-11-76 - Defers 3-25-76 - Defers
Dept. Report on Final _____
M.A.P.C. ACTION 4-15-76 Approved
Dept. Report on Final _____
Letter on Irons Received _____
Title/Taxes Rec'd & Reviewed 7-6-77
Final Review 7-11-77
Referral to B.C.C. 7-11-77

*B.C.C. ACTION 12-7-76 extension of time to
4-9-77

Recorded August 9, 1977

S/Defers 4-8-76 approved

* B.C.C. action Approved 7-19-77

Comments:

Send correspondence concerning Final Plat
to K.C. Taylor

Settlement made up July 15, 1977

FORM 328-021

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		4.00

DESCRIPTION	AMOUNT
Northborough add	

Name _____

Address _____

Type _____

Due Date _____

Comments: _____

Date _____

By _____

S1075-72 "
2-1666

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

NORTHBOROUGH, an addn _____ ADDITION was

filed for record on 8-9-77

Robert J. McArthur
Register Of Deeds

T9-328

WICHITA-SEDGWICK COUNTY

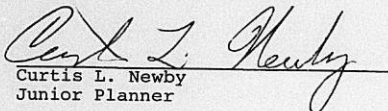
DATE

April 5, 1978

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File
FROM Curtis L. Newby, Junior Planner
SUBJECT S/D 75-72 Northborough Addition Accel/Decel Lane Petition

The Northborough plat was approved by the City Commission on July 19, 1977 subject to several conditions. Among these conditions was the requirement of the applicant to guarantee the installation of accel/decel lanes on the south side of 21st Street and the east side of Woodlawn. The referral sheet which was forwarded to the City Commission failed to make mention of valid petitions having been submitted for the accel/decel lanes. These petitions, however, were approved by the City Commission on July 19, 1977, together with the other improvements, petitions and the plat.



Curtis L. Newby
Junior Planner

CLN:et

August 11, 1977

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

Z-1666 - "AA" & "LC" to "R-5", "BB" & "LC"; and
S/D 75-72 - Northborough, an Addition

At the regular meeting of the Board of City Commissioners on March 11, 1975, the above captioned request for zone change was considered and approved, and the City Clerk was instructed to withhold publication of the ordinance effectuating the zone change until such time as the plat had been recorded. The associated plat was approved by the Board of City Commissioners on July 19, 1977.

This is to advise you that the final plat of Northborough, an addition, was recorded with the Register of Deeds on August 9, 1977 and, therefore, the ordinance effectuating the zone change may now be published.

Jack H. Galbraith
Chief Planner

JHG:el

August 2, 1977

Donald C. Gisick, City Clerk
Curtis L. Newby, Junior Planner

Restrictive Covenants associated with S/D 75-72 -
Northborough Addition.

The above captioned plat was approved by the Board of City Commissioners on July 19, 1977. In their approval, the governing body instructed your office to file the associated restrictive covenants with the Register of Deeds. At that time, the covenants had not been fully executed by all the property owners involved.

Attached herewith are said executed covenants which may now be filed with the Register of Deeds. If you have any questions concerning this matter, please call.

Curtis L. Newby
Junior Planner

CLN:el

Attachment

LAW OFFICES
KAPLAN AND MCMILLAN

ROBERT W. KAPLAN
CALVIN MCMILLAN

RICHARD M. KLINGE

July 6, 1977

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202

316-262-5175

City of Wichita
City Hall, 455 North Main
Wichita, Kansas 67202

ATT: Metropolitan Area Planning Commission

Gentlemen:

This is to certify that I have examined title to:

The Northwest Quarter of Section 7, Township
27 South, Range 2 East of the 6th P.M., Sedgwick
County, Kansas, except the South 562 Feet thereof
and except that part of said Northwest Quarter
platted as Hebrew Congregation Addition to Wichita,
Kansas, being the North 455 feet of the South 1017
Feet of Government Lot 2 in said Northwest Quarter
of said Section 7,

said property presently being platted as Northborough Addition to
Wichita, Sedgwick County, Kansas.

I further certify that fee title to the above described real property
is vested as follows:

Theodore Gore, an undivided four-tenths (4/10) interest;
Robert M. Beren, an undivided three-tenths (3/10) interest;
Theodore I. Leben, an undivided three-tenths (3/10) interest.

I finally certify that the real property taxes and special assessments
for 1976 and prior years are paid in full.

Very truly yours,
KAPLAN, MCMILLAN AND KLINGE

BY 
Robert W. Kaplan

RWK/ph

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSSUBDIVISION APPROVAL

S/D Number 75-72 Name NORTHBOROUGH
 Application & Sketch Filed: 8-25-75
 Preliminary Plat Filed: 8-25-75 Approved by S/D: 9-4-75
 Final Plat Filed: 2-13-76 Approved by S/D: 4-8-76
 Approved by Metropolitan Area Planning Commission: 4-15-76

DESCRIPTION

General Location: Southeast corner of 21st and Woodlawn

Surveyor or Engineer: Kenneth O. Taylor
 Owner: Theodore Gore, et al
 Address: 1555 East 2nd Street, 67214

- | | | |
|---|------------------------|--------------------------|
| 1. Gross Acreage of Plat <u>108.5</u> | 6. Access Control | |
| 2. Number of Lots: | St. <u>Woodlawn</u> | No. Openings <u>6</u> |
| Residential <u>83</u> | St. <u>21st Street</u> | No. Openings <u>4</u> |
| Commercial <u>2</u> | St. _____ | No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements | |
| Other <u>1</u> | St. Paving reqd. _____ | *Water reqd. _____ |
| Total Number of Lots: <u>86</u> | Sidewalk reqd. _____ | Drainage reqd. _____ |
| 3. Minimum Lot Area: <u>0.09</u> Acres | Sewer reqd. _____ | Other <u>restrictive</u> |
| 4. Existing Zoning <u>AA & LC</u> | | <u>covenants</u> |
| 5. Special Problems Discussed <u>none</u> | | |
- *Valid petitions have been accepted by the Water Department.

Valid petitions have been submitted guaranteeing paving of all interior streets, sidewalks adjacent to all streets, storm water sewer and sanitary sewer to serve subject property. A certificate has been submitted certifying the petitions.

Planning Commission Recommendation:

That this plat be approved subject to recording of the plat within 30 days after approval by the Board of City Commissioners.

Goebel moved, Gragg seconded and it carried unanimously. Taylor was absent.

NOTE: Associated zone case Z-1666 "AA" and "LC" to "R-5", "BB" & "LC" and Community Unit Plan DP-67 have been approved by the Board of City Commissioners subject to platting.

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

LAW OFFICES
KAPLAN AND MCMILLAN

ROBERT W. KAPLAN
CALVIN MCMILLAN

RICHARD M. KLINGE

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

July 5, 1977

Curtis Newby, Junior Planner
Metropolitan Area Planning Commission
455 North Main, City Hall
Wichita, Kansas 67202

RE: Northborough Addition
File 5949-2

Dear Curtis:

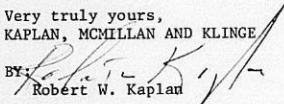
I enclose a copy of a letter from the St. Louis - San Francisco Railway Company pertaining to Northborough Addition and authorizing the drainage improvement under the railroad track. As you know, I have had earlier correspondence with the railroad and have discussed the matter with them on several occasions. They now agree with the drainage improvement and have had an exchange of correspondence with Mr. Mitchell of Flood Control and have accepted the City's specifications.

I also have the original Easement Agreement finalizing with Conoco Pipeline and returned for recordation; and this matter should now be ready to go on the City Commission Agenda for approval of final platting.

There is one drainage petition still out and in the possession of Mr. Lowell Richardson who is circulating the same to the owners of 3 lots in the Jabe's Addition tract who are participating in the drainage. When Mr. Richardson returns this, all requirements of final platting will have been met and we should now be permitted to file the same.

If you desire to review this with me, I would appreciate being advised.

Very truly yours,
KAPLAN, MCMILLAN AND KLINGE

BY: 
Robert W. Kaplan

RWK/ph

enc

P.S. I would like to make tomorrow's filing if at all possible; and since dictating this correspondence I spoke to Lowell Richardson who advises that he can have the petition for drainage improvement back to me today so I appreciate your assistance and would like for you to call me today.

R.W.K.

July 5, 1977
Page two

cc: Kenneth O. Taylor, Consulting Engineer
cc: Oblinger-Smith Corporation, ATT: John Gist
cc: Theodore Gore
cc: Robert M. Beren
cc: Theodore Leben



ST. LOUIS - SAN FRANCISCO RAILWAY COMPANY
1625 N. Lexington Ave. - Springfield, Missouri 65802 - (417) 862-2722

G. S. POLLARD
Division Superintendent - Eastern Division
F. E. WAIT
Division Superintendent - Northern Division
D. A. BELL
Division Engineer - Eastern Division
R. D. WHITE
Division Engineer - Northern Division

June 30, 1977

WICHITA: Drainage: General

Mr. Robert W. Kaplan
KAPLAN & McMILLAN
Law Building
430 North Market
Wichita, Kansas 67202

Dear Mr. Kaplan:

Your subject Wichita Drainage, General Northborough Addition, 21st and Woodlawn,
File 5949-2.

In regard to drainage improvement across our right of way and under our
main line track between Woodlawn and Rock Road. This is to advise the
St. Louis-San Francisco Railway Company will not oppose said improvement
and this is to serve as tentative approval of said project until a formal
agreement has been executed.

No work may be performed on our right of way until this agreement can be
formalized.

Yours truly,

D. A. Bell
Division Engineer - East

LAW OFFICES
KAPLAN AND McMILLAN

ROBERT W. KAPLAN
CALVIN McMILLAN

RICHARD M. KLINGE

April 11, 1977

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175



Curtis Newby, Junior Planner
Metropolitan Area Planning Commission
City Hall, 455 North Main
Wichita, Kansas

RE: Northborough Addition

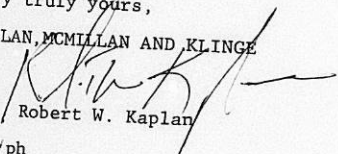
Dear Curtis:

I am enclosing a Petition certifying the submission of the required petitions on Northborough. I do not believe I have overlooked anything but I would appreciate it if you would check this out.

With Mr. Mitchell having approved the drainage except for the railroad, and approval of the restrictions which I need to submit in lieu of a Homeowners Association. With this, I believe I am ready to go on the City Commission Agenda.

Very truly yours,

KAPLAN, McMILLAN AND KLINGE

BY: 
Robert W. Kaplan

RWK/ph

enc

RESTRICTIVE COVENANT TO NORTHBOROUGH
ADDITION, SEDGWICK COUNTY, KANSAS

THIS DECLARATION of Restrictive Covenant is made and entered into this 6 day of July, 1977, by

THEODORE GORE and ROSALYN GORE, Husband and Wife,
ROBERT M. BEREN and JOAN BEREN, Husband and Wife,
THEODORE I. LEBEN and AILEEN J. LEBEN, Husband
and Wife, hereinafter designated as GRANTORS.

W I T N E S S E T H, that:

WHEREAS GRANTORS are the owners of the following described real property platted within the Northborough Addition, Sedgwick County, Kansas, which said property is subject to this declaration of restrictive covenant and is legally described as:

All of Blocks 2, 3, 4, 5 and 6, North-
borough Addition, Sedgwick County,
Kansas; and

WHEREAS, said GRANTORS deem it necessary that the property be attractive for residential purposes; the prevention of nuisances; the maintenance and desired tone of the community; the maintenance of common areas and facilities and to secure to each site owner the full benefit and enjoyment of his home and the amenities of the community; NOW, THEREFORE,

IT IS DECLARED AS FOLLOWS:

(1) That all of the aforescribed real estate that is to be developed with owner-occupied buildings shall be subject to this declaration of restrictive covenant and all of the covenants, restrictions and conditions hereinafter set forth, each and all of which are for the benefit of said property, shall apply to, bind and run with the said real property hereinabove described and all successive owners thereof.

(2) No application shall be made for building permit for the purpose of constructing an owner-occupied dwelling on the aforescribed property or any portion thereof until the formation of a non-profit corporation to be known as Northborough Homeowners Association or the formation of individual non-profit corporations so known and designated for such portions of the above described real property as is to be improved with owner-occupied dwellings, such corporation to be formed for the purpose of the management and operation of the association, the articles

of such corporation to specify its purpose; the by-laws to provide for governing procedures and the homeowners association agreement to contain provisions providing for the maintenance of common areas, parks, common recreational facilities and all other amenities as may be developed thereon.

(3) Prior to the issuance of any such building permit by the City of Wichita, the said homeowners association agreement shall be submitted to and approved by the Planning Department of the City of Wichita as well as the Department of Law.

(4) Such homeowners association agreement, in addition to the by-laws and provisions thereof for the management and operation of the said association, all as aforesaid, shall specifically include provision for the following:

(A) Maintenance of all common open areas, parking, and common facilities as may be defined by said agreement.

(B) Maintenance of all open recreational areas and facilities as are defined therein

(C) Provisions authorizing the City of Wichita to cause maintenance to be performed to the same with the cost thereof to be assessed the benefiting parties should Northborough Homeowners Association fail to maintain said areas in accordance with the approved provisions of the said homeowners association.

(D) Such other covenants, restrictions and conditions as may be required by the said Planning Department or Department of Law prior to approval of such association agreements.

IN WITNESS WHEREOF, we have hereunto set our hands the day and year first above written.

Theodore Gore
THEODORE GORE

Rosalyn Gore
ROSALYN GORE

Robert M. Beren
ROBERT M. BEREN

Joan Beren
JOAN BEREN

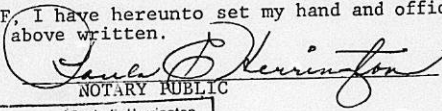
Theodore I. Leben
THEODORE I. LEBEN

Aileen J. Leben
AILEEN J. LEBEN

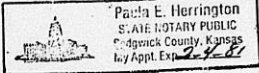
THE STATE OF KANSAS)
)ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this 6th day of July, 1977, before me, a Notary Public in and for the County and State aforesaid, came THEODORE GORE and ROSALYN GORE, Husband and Wife, THEODORE I. LEBEN and ALLEN J. LEBEN, Husband and Wife, and ROBERT M. BEREN, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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


NOTARY PUBLIC

My Appointment Expires:



THE STATE OF KANSAS)
)ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this _____ day of _____, 1977, before me, a Notary Public in and for the County and State aforesaid, came JOAN BEREN, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

NOTARY PUBLIC

My Appointment Expires:

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 5th day of July, 1977, by and between THEODORE GORE, ROBERT M. BEREN and THEODORE LEBEN, hereinafter called "Grantors," and THE CITY OF WICHITA, hereinafter called "Grantee."

Grantors, for a good and valuable consideration, the receipt of which is herewith acknowledged, hereby grant unto Grantee an easement for the construction and maintenance of an underground storm sewer drain across the following described real property, to wit:

A strip of land 20.00 feet in width lying 10.00 feet of each side of the following described line: Beginning at a point on the east line of the NW $\frac{1}{4}$ of Sec. 7, Twp. 27-S, R-2-E, Wichita, Sedgwick County, Kansas, said point being 1330.82 feet north of the S.E. corner thereof; thence westerly, at right angles to said east line, a distance of 140.00 feet to the end point.

The easement is to be used for the sole purpose of discharging surface waters from property presently known as Lot 3, E. E. Jabe's Addition to Wichita, Sedgwick County, Kansas.

Grantee is also granted a temporary easement to construct a surface channel for the purpose of carrying surface waters from the discharge point of the storm sewer drain to the natural drainage depression presently located on Grantor's land. The temporary easement herewith granted shall cover the following real property, to wit:

A strip of land 50.00 feet in width lying 25.00 feet on each side of the following described line: Beginning at a point 1330.82 feet north and 140.00 feet west of the S.E. corner of the NW $\frac{1}{4}$ of Sec. 7, Twp. 27-S, R-2-E, Wichita, Sedgwick County, Kansas; thence westerly, at right angles to the east line of said NW $\frac{1}{4}$, 20.00 feet; thence southwesterly with a deflection angle to the left 37°00'00", 400.00 feet to the end point.

The temporary easement granted herewith shall terminate at such time as Grantee completes construction of a drainage channel across Grantor's land, at which time Grantee will connect said underground storm sewer directly into the drainage channel so constructed.

The easement herewith granted shall be binding upon the heirs, successors and assigns of both Grantors and Grantee.

Executed the day and year first above written.

Theodore Gore
Theodore Gore

Robert M. Beren
Robert M. Beren

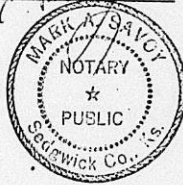
Theodore Leben
Theodore Leben

STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Gore.

Mark A. Savoy
Notary Public

My commission expires: 4/14/80.



STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Robert M. Beren.



Karyn H. Criss
Notary Public

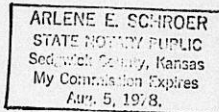
My commission expires: _____.

STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Leben.

Arlene E. Schroer
Notary Public

My commission expires: 8-5-78.



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

I, WE, THEODORE GORE, ROBERT BEREN AND THEODORE LEBEN, owner of
(give name of proposed plat, if appropriate) Northborough 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. Sanitary Sewer already initiated as project number DKM574017 3-19-74
2. City Water
3. All street paving except Woodlawn & 21st Streets
4. All sidewalks
5. Petitions for drainage improvements including guarantees for the construction of a bridge on Armour Circle crossing
6. the drainage dedication
- 7.

As a result of the above-mentioned petitions for
improvements, lots or portions thereof within Northborough
Addition Addition may be subject to special
assessments assessed thereto for the cost of constructing the
above-described improvements.

Signed this 31st day of March, 1977.

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

Theodore J. Leben
THEODORE LEBEN

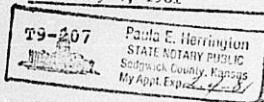
City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 31st day of March
1977, before me, a notary public in and for said County and State,
came THEODORE GORE, ROBERT BEREN & THEODORE LEBEN, to me personally
known to be the same person who executed the foregoing 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 31st day and year above written.

Paula E. Herrington
Notary Public

My Commission Expires:
February 4, 1981



RIGHT OF WAY AGREEMENT
AND
PARTIAL RELEASE

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, THEODORE COPE, ROBERT M. BEREN and THEODORE LEBEN, hereinafter referred to as GRANTORS, do hereby grant unto CONTINENTAL PIPE LINE COMPANY, a Delaware corporation having offices in Ponca City, Oklahoma, hereinafter referred to as Grantee, its successors and assigns, the right to lay, maintain, inspect, alter, repair, operate, protect, remove and relay a pipe line or pipe lines, for the transportation of oil and gas and products and by-products thereof, water and other substances, and such drips, valves, fittings, meters and other equipment and appurtenances as may be necessary or convenient for such operations and, if necessary, to construct, maintain, operate, remove and replace communication and control facilities upon, over, through and under the following described land situated in Sedgwick County, State of Kansas, as legally described on Exhibit "B" hereto attached and incorporated herein by reference, together with the rights of ingress and egress to and from said line or lines, or any of them, for the purposes aforesaid, hereby releasing and waiving for the purpose of this grant all rights under and by virtue of the dower, homestead and homestead exemption laws, if any, of said state.

GRANTORS shall have the right to fully use and enjoy the said premises except as the same may be necessary for the purposes herein granted to the said GRANTEE; and GRANTEE hereby agrees to pay any damages which may arise to crops, pasturage, fences or buildings of said GRANTORS from the exercise of the rights herein granted. GRANTEE shall have the right to change the size of its pipes, the damages, if any, in making such change to be paid by the said GRANTEE. GRANTORS agree not to build, create or construct any obstruction, engineering works or other

structure over said pipeline or pipe lines nor permit same to be done by others except as shown by attached Exhibit "A".

Any pipe line or lines or other appurtenances constructed by GRANTEE across lands under cultivation shall at the time of construction thereof, be buried to such depth as will not interfere with such cultivation, and shall be within the easement shown on attached Exhibits and shall be buried beneath the drainage right-of-way shown on Exhibit "A".

This Right of Way Agreement may be assigned by GRANTEE, its successors and assigns, in whole or in part, vesting in any other person, firm or corporation the ownership of one or more pipe lines or an undivided interest therein and/or communication lines, with full rights of ingress and egress for the maintenance, repair, operation, replacement and removal thereof.

Building setbacks and restrictions shall be as indicated by Exhibit "A" and the legend thereon pertaining to said right-of-way shall govern as if set forth herein in full.

As additional consideration, GRANTEE does hereby release, relinquish and surrender all of its right, title and interest in and under and by virtue of that certain Right of Way Agreement dated December 14, 1928, recorded in Book 61 Miscellaneous, Page 31, filed January 22, 1929 in the office of Register of Deeds, Sedgwick County, Kansas, between J. F. Gsell, as Grantor and the Marland Pipe Line Company, now Continental Pipe Line Company, Grantee, insofar and only insofar as said right of way affects the following described land, to-wit:

A tract of land in Platted "NORTHBOROUGH", an addition to Wichita, Sedgwick County, Kansas, and more particularly described as follows:

Government Lot 1 in the NW/4 and the E/2 of NW/4 and Government Lot 2 in the NW/4 except the south 1017 feet of said Lot 2, all in Section 7, T27S, R2E of the 6th P.M. Sedgwick County, Kansas.

The terms, conditions and provisions hereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

WITNESS the execution hereof the ____ day of _____, 1977.

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

Theodore J. Leben
THEODORE LEBEN

GRANTORS

ATTEST:

Jim W. Nelson

CONTINENTAL PIPE LINE COMPANY, a Delaware Corporation

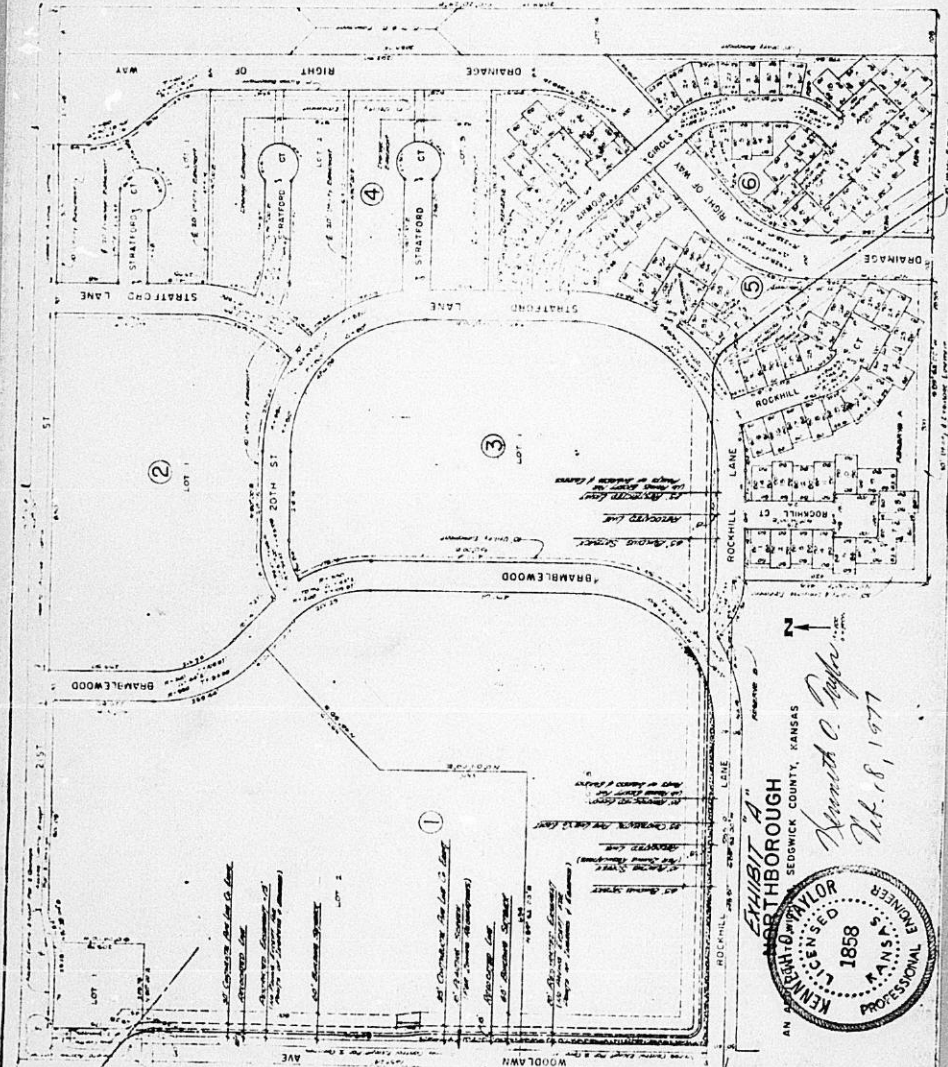
BY: W. B. Mann [Signature]
WITNESSES

PLANS OF RECORD, THE CITY OF KANSAS, MO. The following information is taken from the records of the City of Kansas, Missouri, and is published for the information of the public. The same is published in accordance with the provisions of the Act of the Legislature of the State of Missouri, approved March 27, 1909, Chapter 100, Section 100.01, 100.02, 100.03, 100.04, 100.05, 100.06, 100.07, 100.08, 100.09, 100.10, 100.11, 100.12, 100.13, 100.14, 100.15, 100.16, 100.17, 100.18, 100.19, 100.20, 100.21, 100.22, 100.23, 100.24, 100.25, 100.26, 100.27, 100.28, 100.29, 100.30, 100.31, 100.32, 100.33, 100.34, 100.35, 100.36, 100.37, 100.38, 100.39, 100.40, 100.41, 100.42, 100.43, 100.44, 100.45, 100.46, 100.47, 100.48, 100.49, 100.50, 100.51, 100.52, 100.53, 100.54, 100.55, 100.56, 100.57, 100.58, 100.59, 100.60, 100.61, 100.62, 100.63, 100.64, 100.65, 100.66, 100.67, 100.68, 100.69, 100.70, 100.71, 100.72, 100.73, 100.74, 100.75, 100.76, 100.77, 100.78, 100.79, 100.80, 100.81, 100.82, 100.83, 100.84, 100.85, 100.86, 100.87, 100.88, 100.89, 100.90, 100.91, 100.92, 100.93, 100.94, 100.95, 100.96, 100.97, 100.98, 100.99, 100.100.

THESE PLANS HAVE BEEN PREPARED BY THE ENGINEER, CIVIL ENGINEER, AND THE CITY ENGINEER, AND THE CITY ENGINEER HAS REVIEWED THE SAME AND HAS FOUND THEM TO BE IN ACCORD WITH THE PROVISIONS OF THE ACT OF THE LEGISLATURE OF THE STATE OF MISSOURI, APPROVED MARCH 27, 1909, CHAPTER 100, SECTIONS 100.01, 100.02, 100.03, 100.04, 100.05, 100.06, 100.07, 100.08, 100.09, 100.10, 100.11, 100.12, 100.13, 100.14, 100.15, 100.16, 100.17, 100.18, 100.19, 100.20, 100.21, 100.22, 100.23, 100.24, 100.25, 100.26, 100.27, 100.28, 100.29, 100.30, 100.31, 100.32, 100.33, 100.34, 100.35, 100.36, 100.37, 100.38, 100.39, 100.40, 100.41, 100.42, 100.43, 100.44, 100.45, 100.46, 100.47, 100.48, 100.49, 100.50, 100.51, 100.52, 100.53, 100.54, 100.55, 100.56, 100.57, 100.58, 100.59, 100.60, 100.61, 100.62, 100.63, 100.64, 100.65, 100.66, 100.67, 100.68, 100.69, 100.70, 100.71, 100.72, 100.73, 100.74, 100.75, 100.76, 100.77, 100.78, 100.79, 100.80, 100.81, 100.82, 100.83, 100.84, 100.85, 100.86, 100.87, 100.88, 100.89, 100.90, 100.91, 100.92, 100.93, 100.94, 100.95, 100.96, 100.97, 100.98, 100.99, 100.100.

THESE PLANS HAVE BEEN PREPARED BY THE ENGINEER, CIVIL ENGINEER, AND THE CITY ENGINEER, AND THE CITY ENGINEER HAS REVIEWED THE SAME AND HAS FOUND THEM TO BE IN ACCORD WITH THE PROVISIONS OF THE ACT OF THE LEGISLATURE OF THE STATE OF MISSOURI, APPROVED MARCH 27, 1909, CHAPTER 100, SECTIONS 100.01, 100.02, 100.03, 100.04, 100.05, 100.06, 100.07, 100.08, 100.09, 100.10, 100.11, 100.12, 100.13, 100.14, 100.15, 100.16, 100.17, 100.18, 100.19, 100.20, 100.21, 100.22, 100.23, 100.24, 100.25, 100.26, 100.27, 100.28, 100.29, 100.30, 100.31, 100.32, 100.33, 100.34, 100.35, 100.36, 100.37, 100.38, 100.39, 100.40, 100.41, 100.42, 100.43, 100.44, 100.45, 100.46, 100.47, 100.48, 100.49, 100.50, 100.51, 100.52, 100.53, 100.54, 100.55, 100.56, 100.57, 100.58, 100.59, 100.60, 100.61, 100.62, 100.63, 100.64, 100.65, 100.66, 100.67, 100.68, 100.69, 100.70, 100.71, 100.72, 100.73, 100.74, 100.75, 100.76, 100.77, 100.78, 100.79, 100.80, 100.81, 100.82, 100.83, 100.84, 100.85, 100.86, 100.87, 100.88, 100.89, 100.90, 100.91, 100.92, 100.93, 100.94, 100.95, 100.96, 100.97, 100.98, 100.99, 100.100.

THESE PLANS HAVE BEEN PREPARED BY THE ENGINEER, CIVIL ENGINEER, AND THE CITY ENGINEER, AND THE CITY ENGINEER HAS REVIEWED THE SAME AND HAS FOUND THEM TO BE IN ACCORD WITH THE PROVISIONS OF THE ACT OF THE LEGISLATURE OF THE STATE OF MISSOURI, APPROVED MARCH 27, 1909, CHAPTER 100, SECTIONS 100.01, 100.02, 100.03, 100.04, 100.05, 100.06, 100.07, 100.08, 100.09, 100.10, 100.11, 100.12, 100.13, 100.14, 100.15, 100.16, 100.17, 100.18, 100.19, 100.20, 100.21, 100.22, 100.23, 100.24, 100.25, 100.26, 100.27, 100.28, 100.29, 100.30, 100.31, 100.32, 100.33, 100.34, 100.35, 100.36, 100.37, 100.38, 100.39, 100.40, 100.41, 100.42, 100.43, 100.44, 100.45, 100.46, 100.47, 100.48, 100.49, 100.50, 100.51, 100.52, 100.53, 100.54, 100.55, 100.56, 100.57, 100.58, 100.59, 100.60, 100.61, 100.62, 100.63, 100.64, 100.65, 100.66, 100.67, 100.68, 100.69, 100.70, 100.71, 100.72, 100.73, 100.74, 100.75, 100.76, 100.77, 100.78, 100.79, 100.80, 100.81, 100.82, 100.83, 100.84, 100.85, 100.86, 100.87, 100.88, 100.89, 100.90, 100.91, 100.92, 100.93, 100.94, 100.95, 100.96, 100.97, 100.98, 100.99, 100.100.



AN **EXHIBIT "A"**
NEIGHBORHOOD
 SEDGWICK COUNTY, KANSAS
 KENNETH C. TAYLOR
 LICENSED PROFESSIONAL ENGINEER
 1858
 KANSAS
 APPROVED
 OCT. 8, 1977

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

KENNETH O. TAYLOR
 Consulting Engineer
 1542 South St. Francis
 Wichita, Kansas 67211

RESTRICTED EASEMENT IN BLOCK 1

Beginning at a point on the south line of Lot 1, Block 1, Northborough, an Addition to Wichita, Sedgwick County, Kansas, said point being 75 feet east of the west line of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas; thence S0°04'W parallel to and 75 feet east of the west line of said NW $\frac{1}{4}$, 600 feet to a point, said point being also 875 feet south of the north line of said NW $\frac{1}{4}$; thence southeasterly to a point 80 feet east of the west line and 925 feet south of the north line of said NW $\frac{1}{4}$; thence S0°04'W parallel to and 80 feet east of the west line of said NW $\frac{1}{4}$, 623.95 feet to the P.C. of a curve; thence southeasterly on a curve to the left having a radius of 30 feet and a deflection angle of 90°12', a distance of 47.23 feet to the P.T. of said curve, said P.T. being 20 feet north of the south line of Lot 3, Block 1 in said Northborough; thence N89°52'E parallel to the south line of said NW $\frac{1}{4}$, 806.34 feet to the north line of Rockhill Lane as platted in said Northborough; thence southwesterly and westerly on the north line of said Rockhill Lane 858.92 feet to the SW corner of Lot 3, Block 1 in said Northborough; thence north on the west line of Lots 3 and 2, Block 1 in said Northborough to the SW corner of Lot 1, Block 1 in said Northborough; thence east 3.75 feet to the point of beginning.

CONTINENTAL PIPE LINE COMPANY EASEMENT IN BLOCK 1

Beginning at a point on the west line of Lot 1, Block 1, Northborough, an Addition to Wichita, Sedgwick County, Kansas 150 feet south of the NW corner of said Lot 1, Block 1; thence southeasterly to a point on the south line of said Lot 1, Block 1, said point being 90 feet east of the west line of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas; thence S0°04'W parallel to and 90 feet east of the west line of said NW $\frac{1}{4}$, 600 feet; thence southeasterly to a point 95 feet east of the west line and 925 feet south of the north line of said NW $\frac{1}{4}$; thence S0°04'W parallel to and



Kenneth O. Taylor
 Oct. 18, 1977

EXHIBIT "B"

95 feet east of the west line of said NW $\frac{1}{4}$, 623.98 feet to the P.C. of a curve; thence southeasterly on a curve to the left having a radius of 15 feet and a deflection angle of $90^{\circ}12'$, a distance of 23.61 feet to the P.T. of said curve, said P.T. being 35 feet north of the south line of Lot 3, Block 1 in said Northborough; thence $N89^{\circ}52'E$ parallel to the south line of said NW $\frac{1}{4}$, 839.93 feet to the north line of Rockhill Lane as platted in said Northborough; thence southwesterly and westerly on the north line of said Rockhill Lane, 895.74 feet to the SW corner of Lot 3, Block 1 in said Northborough; thence north on the west line of Lots 3, 2 and 1, Block 1 to the point of beginning.

SETBACK LINE IN BLOCK 1

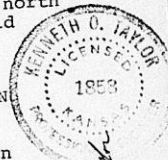
Beginning at a point on the west line of Lot 1, Block 1, Northborough, an Addition to Wichita, Sedgwick County, Kansas, 120 feet south of the NW corner of said Lot 1, Block 1; thence southeasterly to a point 45 feet north of the south line of said Lot 1, Block 1 and 120 feet east of the west line of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas; thence $S0^{\circ}04'W$ parallel to and 120 feet east of the west line of said NW $\frac{1}{4}$, 645 feet; thence southeasterly to a point 125 feet east of the west line and 925 feet south of the north line of said NW $\frac{1}{4}$; thence $S0^{\circ}04'W$ parallel to and 125 feet east of the west line of said NW $\frac{1}{4}$, 608.95 feet to a point 65 feet north of the south line of Lot 3, Block 1 in said Northborough; thence $N89^{\circ}52'E$ parallel to the south line of said NW $\frac{1}{4}$, 871.79 feet to the northerly and westerly right of way line of Rockhill Lane and Bramblewood as platted in said Northborough; thence southwesterly and west along said right of way line, 951.50 feet to the SW corner of Lot 3, Block 1 in said Northborough; thence north along the west line of Lots 3, 2 and 1, Block 1 in said Northborough to the point of beginning.

CONTINENTAL PIPE LINE COMPANY EASEMENT (RESTRICTED) IN
BLOCK 3

That part of Lot 1, Block 3 in Northborough, an Addition to Wichita, Sedgwick County, Kansas lying south of a line 1082 feet north of the south line of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas.

SETBACK LINE IN BLOCK 3

That part of Lot 1, Block 3 in Northborough, an



Kenneth G. Taylor
Feb. 18, 1977

Addition to Wichita, Sedgwick County, Kansas lying south of a line 1122 feet north of the south line of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas.

CONTINENTAL PIPE LINE COMPANY EASEMENT, BLOCK 5 AND 6 AND DRAINAGE RIGHT OF WAY

A strip of land 40 feet in width, 20 feet on either side of the following described center line: Commencing at the SE corner of the NW $\frac{1}{4}$ of Section 7, T27S, R2E of the 6th P.M., Sedgwick County, Kansas; thence N0°20'29"W along the east line of said NW $\frac{1}{4}$, 562 feet to the SE corner of Northborough, an Addition to Wichita, Sedgwick County, Kansas; thence S89°52'W parallel to the south line of said NW $\frac{1}{4}$ and along the south line of said Northborough, 459.60 feet to a point of beginning; thence N35°58'W, 600 feet to the P.C. of a curve; thence northwesterly on a curve to the left having a radius of 70 feet to the north line of Block 5 in said Northborough.

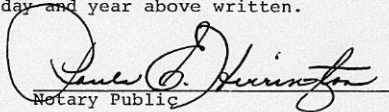


Kenneth O. Taylor
Feb. 18, 1977

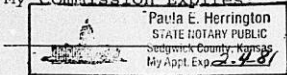
STATE OF
COUNTY OF

Be it remembered that on this 5th day of July,
1977, before me, a notary public in and for said state, personally
appeared THEODORE GORE, personally known to me and known to me to
be the same person who executed the foregoing instrument, and such
person 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 above written.


Notary Public

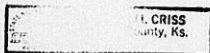
My Commission Expires:

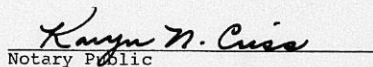


STATE OF
COUNTY OF

Be it remembered that on this 5th day of July,
1977, before me, a notary public in and for said state, personally
appeared ROBERT M. BEREN, personally known to me and known to me to
be the same person who executed the foregoing instrument, and such
person 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 above written.




Notary Public

My Commission Expires:

November 4, 1980



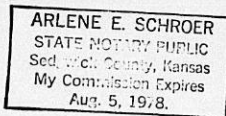
STATE OF
COUNTY OF

Be it remembered that on this 5th day of July,
1977, before me, a notary public in and for said state, personally
appeared THEODORE LEBEN, personally known to me and known to me to
be the same person who executed the foregoing instrument, and such
person 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 above written.

Arlene E. Schroer
Notary Public

My Commission Expires:



STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

Be it remembered that on this 13th day of June,
1977, before me, a notary public in and for said state, personally
appeared N. B. Mavris, President of CONTINENTAL
PIPE LINE COMPANY, a Delaware corporation, who is personally known
to me and known to me to be the President of said corporation,
and the same person who executed the foregoing instrument, and he
duly acknowledged the execution of the same for and on behalf of
and as the act and deed of said corporation.

In witness whereof, I have hereunto set my hand and
affixed my official seal the day and year above written.

Karen G. Hugo
Notary Public in and for
Harris County, T E X A S

My Commission Expires:

March 23, 1978

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 5th day of July, 1977, by and between THEODORE GORE, ROBERT M. BEREN and THEODORE LEBEN, hereinafter called "Grantors," and THE CITY OF WICHITA, hereinafter called "Grantee."

Grantors, for a good and valuable consideration, the receipt of which is herewith acknowledged, hereby grant unto Grantee an easement for the construction and maintenance of an underground storm sewer drain across the following described real property, to wit:

A strip of land 20.00 feet in width lying 10.00 feet of each side of the following described line: Beginning at a point on the east line of the NW $\frac{1}{4}$ of Sec. 7, Twp. 27-S, R-2-E, Wichita, Sedgwick County, Kansas, said point being 1330.82 feet north of the S.E. corner thereof; thence westerly, at right angles to said east line, a distance of 140.00 feet to the end point.

The easement is to be used for the sole purpose of discharging surface waters from property presently known as Lot 3, E. E. Jabe's Addition to Wichita, Sedgwick County, Kansas.

Grantee is also granted a temporary easement to construct a surface channel for the purpose of carrying surface waters from the discharge point of the storm sewer drain to the natural drainage depression presently located on Grantor's land. The temporary easement herewith granted shall cover the following real property, to wit:

A strip of land 50.00 feet in width lying 25.00 feet on each side of the following described line: Beginning at a point 1330.82 feet north and 140.00 feet west of the S.E. corner of the NW $\frac{1}{4}$ of Sec. 7, Twp. 27-S, R-2-E, Wichita, Sedgwick County, Kansas; thence westerly, at right angles to the east line of said NW $\frac{1}{4}$, 20.00 feet; thence southwesterly with a deflection angle to the left 37°00'00", 400.00 feet to the end point.

The temporary easement granted herewith shall terminate at such time as Grantee completes construction of a drainage channel across Grantor's land, at which time Grantee will connect said underground storm sewer directly into the drainage channel so constructed.

The easement herewith granted shall be binding upon the heirs, successors and assigns of both Grantors and Grantee.

Executed the day and year first above written.

Theodore Gore
Theodore Gore

Robert M. Beren
Robert M. Beren

Theodore Leben
Theodore Leben

STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Gore.

Mark A. Savoy
Notary Public

My commission expires: 4/14/80.



STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Robert M. Beren.



Karyn N. Criss
Notary Public

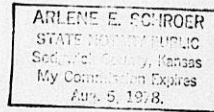
My commission expires: _____.

STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Leben.

Arlene E. Schroer
Notary Public

My commission expires: 8-5-78.



STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Gore.

Maria A. Savoy
Notary Public

My commission expires: 4/14/80.



STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Robert M. Beren.



Karyn M. Criss
Notary Public

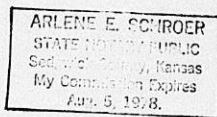
My commission expires: _____.

STATE OF KANSAS, SEDGWICK COUNTY, ss.:

The foregoing instrument was acknowledged before me this 5th day of July, 1977, by Theodore Leben.

Arlene E. Schroer
Notary Public

My commission expires: 8-5-78.



Security

434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

OWNERSHIP LIST

Lot	Property Owner	
Lot 3, Block 2, E. E. Jabes Addition	Max L. Cole, Alfred A. Caro, Bruce W. Buchler, 3841 West 13th 67203	
The North 300 feet of the East 580.8 feet of Lot 4, Block 2, E. E. Jabes Addition	Sheffield Place Inc. 1901 West 13th Street	67203
Lot 4 except the North 300 feet of the East 580.8 feet, Block 2, E. E. Jabes Add.	Max Cohen 1400 North Woodlawn	67208
lot 5, Block 2, E. E. Jabes Addition	C & V Developments 3841 West 13th Street	67203

The Security Abstract & Title Company, Inc., hereby certifies the foregoing to be a true and correct list of the property owners of:

Lots 3, 4 and 5, Block 2, E. E.
Jabes Addition to Wichita, Sedgwick
County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of May, 1977 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 250832
wh

PETITION - STORM WATER DRAIN

To the Board of Commissioners,
Wichita, Kansas

Dear Commissioners:

1. We, the undersigned owners of record as below designated, of lots, parcels, and tracts of real property lying within the area described generally as follows:

SECTION 1.

Beginning at the Northeast Corner of Lot 1, Block 2, Northborough Addition; thence west along the north line of Lot 1, Block 2 in said addition a distance of sixty-five (65) feet; thence bearing south twenty-seven (27) degrees thirty-six (36) minutes thirty-one (31) seconds west to a point on the north line of 20th Street said point being two hundred thirty and twenty-four hundredths (230.24) feet westerly of the Southeast Corner of Lot 1, Block 2 in said addition; thence south to a point on the south line of 20th Street said point being three hundred four and fifty-nine hundredths (304.59) feet easterly of the Northwest Corner of Lot 1, Block 3 in said addition; thence west along said south line a distance of forty (40) feet; thence bearing south twenty-eight (28) degrees twelve (12) minutes thirty-seven (37) seconds west to a point on the east line of Bramblewood, said point being three hundred seventy-eight and fifty-two hundredths (378.52) feet southerly of the Northwest Corner of Lot 1, Block 3 in said addition; thence west to a point on the west line of Bramblewood said point being six hundred fifty-one and sixty-two hundredths (651.62) feet southerly of the Northeast Corner of Lot 3, Block 1, in said addition; thence west to the Southeast Corner of Lot 2, Block 1 in said addition; thence west along the south line of said Lot 2 to the east line of Woodlawn; thence south along said east line and said line extended to the south line Rockhill Lane; thence easterly along said south line to the west line Block 5 in said addition; thence south along said west line in said Block 5 to the south line of said Block 5; thence east along said south line and the south line of Block 6 to the east line Lot 26, Block 6, Northborough Addition; thence north along said east line to the south line 21st Street; thence west along said south line and said line extended to the point of beginning except Street Right-of-Way, Reserve "A" and except Drainage Right-of-Way and except Lot 26, Block 6, Northborough Addition.

SECTION 2.

Lots 3, 4 and 5, Block 2, E.E. Jabes Addition

do hereby petition, pursuant to the provisions of K.S.A. 1974 Supp. 12-6a01 et seq., as follows:

- (a) That there be constructed a Storm Water Drain Channel, including a 2 - 9' x 6' R.C.B.C., the installation of the necessary drainage structure under the St. Louis & San Francisco Railroad and all necessary underground Storm Water Sewer required for street drainage to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Two Hundred Eighty-Five Thousand Dollars (\$285,000.00) payable by the improvement district described in Section 1 and 2 and that the cost to be borne by Section 1 for the foregoing improvement is estimated to be Two Hundred Fifty-Five Thousand Dollars (\$255,000.00) payable by the improvement district described in Section 1; and that the cost to be borne by Section 2 for the foregoing improvement is estimated and fixed at Thirty Thousand Dollars (\$30,000.00) payable by the improvement district described in Section 2 and any variation in cost exceeding Thirty Thousand Dollars (\$30,000.00) for the improvement district described in Section 2, shall be paid and assessed against the improvement district described in Section 1. Said estimated cost is hereby increased at the pro-rata rate of 1% per month from and after date of approval of this petition.
- (c) That the land or area described in Section 1 be constituted as an improvement district against which shall be assessed 100% of the total cost of the improvements for which the improvement district is liable; and that the land or area described in Section 2 be constituted as an improvement district against which shall be assessed 100% of the total cost of the improvement for which the improvement district is liable.

(d) That the method of assessment of all costs of the improvement for which the improvement district described in Section 1 shall be liable shall be on a square foot basis and that the method of assessment of all costs of the improvement for which the improvement district described in Section 2 shall be liable shall be on a fractional basis; Lot 3, Block 2, E.E. Jabes Addition shall pay 132/300 of the total cost payable by the improvement district; Lot 4, Block 2, E.E. Jabes Addition shall pay 87/300 of the total cost payable by the improvement district. Lot 5, Block 2, E.E. Jabes Addition shall pay 81/300 of the total cost payable by the improvement district. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearings, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvement may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
-------------------	-----------	------

SECTION 1

Beginning at the Northeast Corner of Lot 1, Block 2, Northborough Addition; thence west along the north line of Lot 1, Block 2 in said addition a distance of sixty-five (65) feet; thence bearing south twenty-seven (27) degrees thirty-six (36) minutes thirty-one (31) seconds west to a point on the north line of 20th Street said point being two hundred thirty and twenty-four hundredths (230.24) feet westerly of the Southeast Corner of Lot 1, Block 2 in said addition; thence south to a point on the south line of 20th Street said point being three hundred four and fifty-nine hundredths (304.59) feet easterly of the Northwest Corner of Lot 1, Block 3 in said addition; thence west along said south line a distance of forty (40) feet; thence bearing south twenty-eight (28) degrees twelve (12) minutes thirty-seven (37) seconds west to a point on the east line of Bramblewood, said point being three hundred seventy-eight and fifty-two hundredths (378.52) feet southerly of the Northwest Corner of Lot 1, Block 3 in said addition; thence west to a point on the west line of Bramblewood said point being six hundred fifty-one and sixty-two hundredths (651.62) feet southerly of the Northeast Corner of Lot 3, Block 1, in said addition; thence west to the Southeast Corner of Lot 2, Block 1 in said addition; thence west along the south line of said Lot 2 to the east line of Woodlawn; thence south along said east line and said line extended to the south line Rockhill Lane; thence easterly along said south line to the west line Block 5 in said addition; thence south along said west line in said Block 5 to the south line of said Block 5; thence east along said south line and the south line of Block 6 to the east line Lot 26, Block 6, Northborough Addition; thence north along said east line

LEGAL DESCRIPTION

SIGNATURE

DATE

to the south line 21st Street; thence west along said south line and said line extended to the point of beginning except Street Right-of-Way, Reserve "A" and except Drainage Right-of-Way and except Lot 26, Block 6, Northborough Addition.

SECTION 2

Lots 3, 4 and 5, Block 2, E.E. Jabes Addition

Theodore Gore

THEODORE GORE

Robert M. Beren

ROBERT M. BEREN

Theodore I. Leben

THEODORE I. LEBEN

X *M. L. C.*

*C.S.V. Developments
By M.L.C.*

Max Cohen
Sheffield Place, Inc.
BY: *Max Cohen*

AN ABTRACTOR'S CERTIFICATE OF OWNERSHIP MUST ACCOMPANY THIS PETITION

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Name

Address

Telephone No.

Sworn to and subscribed before me this _____ day of _____, 19__.

City Clerk

INSTRUCTIONS

1. The person circulating the petition must secure a certified list of ~~abstract~~ property owners from any Abstract Company.
2. Each resident owner who wishes to sign the petition must sign as his name appears on the abstracter's certificate. The date of signing should be placed beside each signature.
3. Husband and wife must sign the petition with a complete signature. One cannot sign for the other.
4. If you have information that any of the ~~abstract~~ property owners live outside the city limits, place their addresses, if known, and names in the space provided in the affidavit.
5. MAKE NO ERASURES on any part of this petition. Erasures will void the petition, and it will not be accepted or submitted for approval.
6. Return the petition to the City Clerk's office and sign the affidavit. The signature must be witnessed by the City Clerk or his Deputy.
7. The telephone number, if any, and address of the person filing the petition must be shown on the affidavit.
8. If you have additional questions or require additional instructions, please contact the office of the City Engineer.

Form KB-026

- Airmail
- First Class Mail
- Inter-Office

TIME-SAVER LETTER

Newby
This form is designed to make it easy for you to reply. Simply note your answer in the space provided. Keep one copy for your files and return the other to us. Thank you.

KAPLAN, MCMILLAN AND KLINGE
ATTORNEYS AT LAW
430 NORTH MARKET
WICHITA, KANSAS 67202
(316) 262-5175



TO

Curtis Newby, Junior Planner
Metropolitan Area Planning Commission
455 N. Main, City Hall
Wichita, Kansas

DATE May 18, 1977

SUBJECT Northborough

MESSAGE

Dear Curtis:

I understand your file does not have copies of this yet (the Assignment and Right-of-Way Easement between KG&E and the owners of Northborough and the City of Wichita). Please advise me of the date of the extension of the platting time.

Very truly yours,
KAPLAN, MCMILLAN AND KLINGE

BY: *[Signature]*
Robert W. Kaplan

REPLY

RWK/ph
enc

Form 1000-1000 RECORDER NO. 07300L © DAY-TIMER, Inc., Philadelphia, Pa. 19103

SENDER - KEEP YELLOW COPY FOR YOUR FILE. MAIL WHITE AND PINK COPIES.

A S S I G N M E N T

FILM 240 FILE 995

FOR VALUE CONSIDERATION, the receipt of which is hereby acknowledged, the undersigned assign, transfer and set over unto THE CITY OF WICHITA, KANSAS, a Municipal Corporation, that certain Agreement and Right-Of-Way Easement executed March 31, 1976, wherein Kansas Gas and Electric Company, Inc. is grantor and the undersigned appear as grantees, said Right-of-Way Agreement covering:

The South 562 Feet of the Northwest 1/4 of Section 7, Township 27 South, Range 2 East, and all of that part of the Southwest 1/4 of Section 7, Township 27 South, Range 2 East lying North of the North Right-of-way line of the St. Louis & San Francisco Railroad Company, Sedgwick Co., Ks.

and filed of record on the 6th day of April, 1977, at Film 237, Page 934 in the Office of the Register of Deeds of Sedgwick County, Kansas.

DATED this 4th day of April, 1977.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
APR 25 1977
3 25133
BETTE F. MCCART
REGISTER OF DEEDS

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

Theodore I. Leben
THEODORE I. LEBEN

THE STATE OF KANSAS)
COUNTY OF SEDGWICK) ss: Original Compared
With Record

BE IT REMEMBERED that on this 4th day of April, 1977, before me, a Notary Public in and for the County and State aforesaid, came THEODORE GORE, ROBERT M. BEREN and THEODORE I. LEBEN, all personally known to me to be the same persons who executed the foregoing instrument and duly acknowledged their execution and authority to do so.

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

Paula D. Herrington
NOTARY PUBLIC

My Appointment Expires:

Paula D. Herrington
STATE NOTARY PUBLIC
Sedgwick County, Kansas
My Appointment Expires
April 24 1981

Kaplan & McMillan
430 W. Market
67202

Original Compared
With Record

3. 1976
BEITE S. MUDARY
RECORDED

AGREEMENT AND RIGHT-OF-WAY EASEMENT

THIS AGREEMENT AND RIGHT-OF-WAY EASEMENT is

entered into this 31st day of March, 1976, by and between

KANSAS GAS & ELECTRIC COMPANY, INC.,
a corporation, its successors and assigns,
hereinafter called "COMPANY",

and

THEODORE GORE, ROBERT M. BEREN and
THEODORE I. LEBEN, their respective heirs
and assigns, hereinafter called "OWNERS",

WITNESSETH:

WHEREAS, OWNERS have fee title to the real property de-
scribed as:

Government Lot 1 in the NW 1/4 and the
E 1/2 of the NW 1/4 and Government Lot 2
in the NW 1/4 except the south 1017 feet
of said Lot 2, all in Section 7, T27S, R2E
of the 6th P. M., Sedgwick County, Kansas;

and

WHEREAS, OWNERS have filed a final plat on said real pro-
perty known as Northborough, an addition to Wichita, Sedgwick County,
Kansas, which said plat is to be presented to the Sub-Division Committee of
the Metropolitan Area Planning Commission of the City of Wichita, Kansas,
on March 11, 1976; and

WHEREAS, COMPANY has fee title to and owns a certain
parcel of real property described as:

The South 562 Feet of the Northwest 1/4
of Section 7, Township 27 South, Range
2 East, and all of that part of the South-
west 1/4 of Section 7, Township 27 South,
Range 2 East lying North of the North
Right-of-way Line of the St. Louis & San
Francisco Railroad Company, Sedgwick Co., Ks.

a portion of which said property is contiguous to a portion of the said
Northborough Addition; and

WHEREAS, certain drainage improvements are requisite and
necessary to the approval of the final plat of the said Northborough Addi-
tion, which said drainage improvement must also be extended across and
through the property of COMPANY: and

*Kaplan + McMillan
430 N Market 67201*

1800

WHEREAS, the parties hereto agree to execute a Right-Of-Way easement from COMPANY to OWNERS for the purpose of construction, maintenance and operation of a drainage improvement extending across the property of OWNERS as generally indicated on the accompanying sketch plat marked Exhibit "A" and agree to grant OWNERS the necessary permanent easement therefor, subject to certain payments and other terms and conditions;

NOW, THEREFORE, the parties meet and agree as follows:

1. OWNERS agree to pay the actual cost of COMPANY's relocation or replacement of its installations which must be relocated to accommodate the said easement to be granted by COMPANY to OWNERS and which consist of:

- (A) One 69 K. V. pole;
- (B) One 12.5 K. V. pole;
- (C) Underground facilities servicing the present Metropolitan Life Insurance facility at 2600 North Woodlawn, Wichita, Kansas.

It has been represented by COMPANY to OWNERS, that the estimated cost of the relocation of the facilities hereinabove enumerated is Four Thousand One Hundred Ten Dollars (\$4,110.00); PROVIDED, HOWEVER, that OWNERS agree to pay to COMPANY the actual cost of relocating or replacing the said installations.

2. OWNERS acknowledge that the present fifteen foot access easement as shown on the plat of Northborough Addition and which encroaches on the west side of the existing utility easement owned by COMPANY, and encompassing the east 108 feet of the said Northborough Addition, shall be relocated to the west so as not to encroach upon the said existing 108 foot utility easement.

3. OWNERS acknowledge that construction of the said drainage improvement will prevent COMPANY from having access from Woodlawn Avenue to a portion of the real property owned by COMPANY lying generally to the east of the said drainage improvement all as shown on the accompanying

sketch plat designated Exhibit "A" and OWNERS therefore agree to construct at OWNERS' expense a satisfactory single way light equipment bridge with capacity sufficient to permit a motor vehicle of three-quarter (3/4) ton rating to cross the same. COMPANY agrees that it will make every reasonable effort to coordinate with the St. Louis - San Francisco Railroad in an effort to utilize as a light equipment bridge the same improvement which will be installed for purpose of continuing the drainage improvement under the track of said railroad and will attempt to coordinate use of railroad right-of-way for said purposes. In any event, however, OWNERS agree to construct and pay for said bridge whether or not the same is constructed in conjunction with the drainage improvement to be made under said railroad track. OWNERS may delete Armour Circle cul de sac.

4. COMPANY shall not be responsible for any portion of the cost of said drainage improvement nor for any maintenance expense thereof, nor will COMPANY have any further liability for any costs or expense of any nature whatsoever relating to the construction of or maintenance of said drainage improvement. OWNERS agree that COMPANY shall not be obligated for any costs or expenses for any drainage improvement district if hereinafter formed on the real property herein described for the purpose of completing or maintaining said drainage improvement. OWNERS shall also use their best efforts to coordinate the construction of the said drainage ditch with the efforts of the City of Wichita in installing any sewer or other facilities within the limits of the said drainage ditch so that the construction of the drainage ditch and the City facilities occur as nearly simultaneous as possible.

5. OWNERS acknowledge that COMPANY will be utilizing its 108' utility easement on the east portion of said Northborough Addition for access to its property herein described and OWNERS agree to hold harmless COMPANY for any damages, losses, expenses or claims of any nature whatsoever arising from damage to property to OWNERS or improvements

thereon by reason of COMPANY's use of said utility easement for purpose of ingress and egress to COMPANY's property.

6. OWNERS agree to pay to COMPANY in cash upon execution of this Agreement the sum of One Thousand Dollars (\$1,000.00) as and for consideration for said easement and COMPANY agrees, if requested, to execute a formal Right-Of-Way Easement Agreement to OWNERS; PROVIDED, HOWEVER, that COMPANY shall have full right to make aerial and underground crossings of the drainage ditch and related facilities without limitation as to number or placement, company to pay all costs in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands the day and year first above written.

KANSAS GAS & ELECTRIC COMPANY

By Dennis L. Evans

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

Theodore I. Leben
THEODORE I. LEBEN

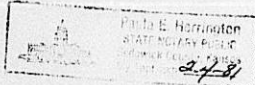
THE STATE OF KANSAS)
)ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this 31st day of March, 1977, before me, a Notary Public in and for the County and State aforesaid, came DENNIS L. EVANS of KANSAS GAS & ELECTRIC COMPANY, THEODORE GOPE, ROBERT H. BEREN and THEODORE I. LEBEN, all personally known to me to be the same persons who executed the foregoing instrument and duly acknowledged their execution and authority to do so.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 31st day of March, 1977.

Paula E. Harrington
NOTARY PUBLIC

My Appointment Expires:



FLAT FILE

KENNETH O. TAYLOR

Consulting Engineer

1542 SOUTH ST. FRANCIS
WICHITA, KANSAS 67211

May 10, 1977



Mr. M. S. Mitchell
Flood Control Office
City Building
455 North Main
Wichita, Kansas

RE: Northborough

Dear Mitch:

I had an inquiry from Continental Pipeline Company asking how much they would have to lower their pipeline to cross the drainage dedication in Northborough. I called Max Green this morning and he said the top of the pipe should be at about 1387.0 at the pipeline crossing, being about three feet below the flow line of the channel. I phoned this information to Continental Pipeline Company this morning. They informed me that they would probably place their line four feet below the channel flow line.

This letter is for your information, however, if there are any changes from the above, Continental Pipeline Company should be informed.

Very truly yours,

K. O. Taylor
K. O. Taylor

KOT/at

AKM/sm
[Signature]

Received

MAY 11 1977

xc Galbraith (5-11-77)



April 22, 1977

Mr. Robert W. Kaplan
Kaplan, McMillan and Klinge
430 North Market
Wichita, Kansas 67202

Subject: Northborough Addition -your file No. 5949-2

Dear Mr. Kaplan:

Receipt of your memo of April 20th transmitting an Assignment of rights-of-way acquired by your principals from the Kansas Gas & Electric Company to the City of Wichita for drainage purposes and a copy of the Agreement and Right-of-way Easement between your principals and Kansas Gas and Electric Company is hereby acknowledged. In our opinion these documents are sufficient to give us the right to construct, operate and maintain the design channel as approved for subject Addition. I am transmitting the documents to Metropolitan Area Planning Office with a recommendation for acceptance.

Yours truly,

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

MSM/glm

cc: G. H. Wilton
Jack Galbraith
Northborough Addn. Plat File

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works
Maint.

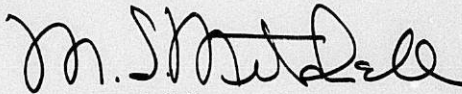
DATE April 22, 1977



TO Jack Galbraith, Chief Planner, MAPD
FROM M. S. Mitchell

SUBJECT - Northborough Addn.
S/D 75-72

Please find attached an Assignment of rights-of-way and an Agreement and Right-of-way Easement in compliance with Item A of the Staff Comments for subject Addition. We are recommending acceptance of these documents by the Planning Commission thus permitting approval of the plat.



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

MSM/glm

cc: G. H. Wilton
Northborough Addn. Plat File

Attach.

A S S I G N M E N T

FOR VALUE CONSIDERATION, the receipt of which is hereby acknowledged, the undersigned assign, transfer and set over unto THE CITY OF WICHITA, KANSAS, a Municipal Corporation, that certain Agreement and Right-Of-Way Easement executed March 31, 1976, wherein Kansas Gas and Electric Company, Inc. is grantor and the undersigned appear as grantees, said Right-of-Way Agreement covering:

The South 562 Feet of the Northwest 1/4 of Section 7, Township 27 South, Range 2 East, and all of that part of the Southwest 1/4 of Section 7, Township 27 South, Range 2 East lying North of the North Right-of-way line of the St. Louis & San Francisco Railroad Company, Sedgwick Co., Ks.

and filed of record on the 6th day of April, 1977, at Film 237, Page 934 in the Office of the Register of Deeds of Sedgwick County, Kansas.

DATED this 1st day of April, 1977.

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

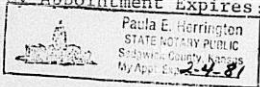
Theodore I. Leben
THEODORE I. LEBEN

THE STATE OF KANSAS)
)ss:
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this 1st day of April, 1977, before me, a Notary Public in and for the County and State aforesaid, came THEODORE GORE, ROBERT M. BEREN and THEODORE I. LEBEN, all personally known to me to be the same persons who executed the foregoing instrument and duly acknowledged their execution and authority to do so.

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

Paula E. Harrington
NOTARY PUBLIC

My Appointment Expires:


Received

APR 21 1977

AGREEMENT AND RIGHT-OF-WAY EASEMENT

THIS AGREEMENT AND RIGHT-OF-WAY EASEMENT is

entered into this 31st day of March, 1976, by and between

KANSAS GAS & ELECTRIC COMPANY, INC.,
a corporation, its successors and assigns,
hereinafter called "COMPANY",

and

THEODORE GORE, ROBERT M. BEREN and
THEODORE I. LEBEN, their respective heirs
and assigns, hereinafter called "OWNERS",

WITNESSETH:

WHEREAS, OWNERS have fee title to the real property de-
scribed as:

Government Lot 1 in the NW 1/4 and the
E 1/2 of the NW 1/4 and Government Lot 2
in the NW 1/4 except the south 1017 feet
of said Lot 2, all in Section 7, T27S, R2E
of the 6th P.M., Sedgwick County, Kansas;

and

WHEREAS, OWNERS have filed a final plat on said real pro-
perty known as Northborough, an addition to Wichita, Sedgwick County,
Kansas, which said plat is to be presented to the Sub-Division Committee of
the Metropolitan Area Planning Commission of the City of Wichita, Kansas,
on March 11, 1976; and

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parcel of real property described as:

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2 East, and all of that part of the South-
west 1/4 of Section 7, Township 27 South,
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Right-of-way Line of the St. Louis & San
Francisco Railroad Company, Sedgwick Co., Ks.

a portion of which said property is contiguous to a portion of the said
Northborough Addition; and

WHEREAS, certain drainage improvements are requisite and
necessary to the approval of the final plat of the said Northborough Addi-
tion, which said drainage improvement must also be extended across and
through the property of COMPANY; and

*Kaplan + McMillan
420 N Market 67202*

WHEREAS, the parties hereto agree to execute a Right-Of-Way easement from COMPANY to OWNERS for the purpose of construction, maintenance and operation of a drainage improvement extending across the property of OWNERS as generally indicated on the accompanying sketch plat marked Exhibit "A" and agree to grant OWNERS the necessary permanent easement therefor, subject to certain payments and other terms and conditions;

NOW, THEREFORE, the parties meet and agree as follows:

1. OWNERS agree to pay the actual cost of COMPANY's relocation or replacement of its installations which must be relocated to accommodate the said easement to be granted by COMPANY to OWNERS and which consist of:

- (A) One 69 K. V. pole;
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It has been represented by COMPANY to OWNERS, that the estimated cost of the relocation of the facilities hereinabove enumerated is Four Thousand One Hundred Ten Dollars (\$4,110.00); PROVIDED, HOWEVER, that OWNERS agree to pay to COMPANY the actual cost of relocating or replacing the said installations.

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3. OWNERS acknowledge that construction of the said drainage improvement will prevent COMPANY from having access from Woodlawn Avenue to a portion of the real property owned by COMPANY lying generally to the east of the said drainage improvement all as shown on the accompanying

sketch plat designated Exhibit "A" and OWNERS therefore agree to construct at OWNERS' expense a satisfactory single way light equipment bridge with capacity sufficient to permit a motor vehicle of three-quarter (3/4) ton rating to cross the same. COMPANY agrees that it will make every reasonable effort to coordinate with the St. Louis - San Francisco Railroad in an effort to utilize as a light equipment bridge the same improvement which will be installed for purpose of continuing the drainage improvement under the track of said railroad and will attempt to coordinate use of railroad right-of-way for said purposes. In any event, however, OWNERS agree to construct and pay for said bridge whether or not the same is constructed in conjunction with the drainage improvement to be made under said railroad track. OWNERS may delete Armour Circle cul de sac.

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5. OWNERS acknowledge that COMPANY will be utilizing its 108' utility easement on the east portion of said Northborough Addition for access to its property herein described and OWNERS agree to hold harmless COMPANY for any damages, losses, expenses or claims of any nature whatsoever arising from damage to property to OWNERS or improvements

thereon by reason of COMPANY's use of said utility easement for purpose of ingress and egress to COMPANY's property.

6. OWNERS agree to pay to COMPANY in cash upon execution of this Agreement the sum of One Thousand Dollars (\$1,000.00) as and for consideration for said easement and COMPANY agrees, if requested, to execute a formal Right-Of-Way Easement Agreement to OWNERS; PROVIDED, HOWEVER, that COMPANY shall have full right to make aerial and underground crossings of the drainage ditch and related facilities without limitation as to number or placement, company to pay all costs in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands the day and year first above written.

KANSAS GAS & ELECTRIC COMPANY

By

Dennis L. Evans

Theodore Gore
THEODORE GORE

Robert M. Beren
ROBERT M. BEREN

Theodore I. Leben
THEODORE I. LEBEN

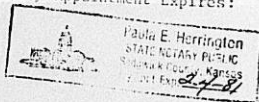
THE STATE OF KANSAS)
)ss:
COUNTY OF SEDGWICK)

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IN TESTIMONY WHEREOF, I have hereunto set my hand this 31st day of March, 1977.

Paula E. Harrington
NOTARY PUBLIC

My Appointment Expires:



LAW OFFICES
KAPLAN AND McMILLAN

ROBERT W. KAPLAN
CALVIN McMILLAN

RICHARD M. KLINGE

April 4, 1977

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202

316-282-5175



Metropolitan Area Planning Commission
City Hall, 455 North Main
Wichita, Kansas 67202

ATT: CURTIS NEWBY,
Junior Planner

Gentlemen:

RE: Northborough Application for extension

This will serve to confirm our conversation in your office on Tuesday, March 29, 1977, wherein I pointed out to you that the application for extension of platting on Northborough somehow had been omitted from the agenda of the Board of City Commissioners. As you are aware, a request for extension had been made by letter which originated from my office on March 4, 1977, to which you responded on March 8, 1977, concurring in the request for extension; and your memorandum went forward to the office of the City Manager with the suggestion that the matter be placed on the March 29, 1977, Commission Agenda.

I have previously appeared at Commission meeting on these matters but was advised that it would not be necessary for me to remain in attendance at a Commission meeting particularly when you cannot with definity determine when this matter might come up. Remembering, then, that the last time I appeared it was almost 7:00 p.m. before the matter was heard, I elected not to appear. I did, however, come to City Hall on Tuesday, March 29, 1977, and reviewed the agenda to be certain that this item had been included and found that it had not. I then spoke to you and Louise Oliveraz, as well as the young lady in the City Manager's office, and it was determined that the matter had been simply inadvertently omitted from the agenda.

Since the platting time runs April 9, 1977, and prior to a City Commission Meeting at which planning items will be considered, I simply want to call this to your attention so that the extension will make the regular agenda at which planning matters are considered

Metropolitan Area Planning Commission
ATT: Curtis Newby, Junior Planner
April 4, 1977
Page two

and further follow up with you since most of the requirements are in. I have asked Mr. Mitchell for his memorandum to you indicating approval of the drainage requirements with the exception of the letter from the railroad; and of course, I still have compliance with Mr. Galbraith's letter of March 8, 1977. The Right-of-Way Agreement is in the legal department of Continental Pipeline in Houston and I have been advised that that should be back in a few days so that should be concluded.

Unless I have missed something, with the exception of my compliance with planning letter of March 8, 1977 which sets forth the requirement in lieu of formation of a homeowners' association, and the approval from the railroad (which has been orally accepted by the railroad's engineers), this matter should be completed.

I appreciate your continued cooperation and simply wanted to be sure that we could follow this matter. Because of the oversight in getting it on the March 29th agenda, the extension of platting will have expired before the matter can be heard by the City Commission.

Very truly yours,

KAPLAN, MCMILLAN AND KLINGE

BY: 
Robert W. Kaplan

RWK/ph

cc: Theodore Gore
cc: Robert Beren
cc: Theodore Leben

WICHITA-SEDGWICK COUNTY

DATE

March 8, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Jack H. Galbraith, Chief Planner

SUBJECT Zone case Z-1666, "AA" & "LC" to "R-5", "BB" & "LC",
DP-67 - Commercial and Residential Community Unit Plan;
and associated plat, S/D 75-72 - Northborough Addition.
Applicant's request for platting time extension.

We are in receipt of a copy of a letter to you from Mr. Robert W. Kaplan, attorney, requesting a 120-day extension of the platting time limit requirement of the above referred to zone case beyond the April 9, 1977 deadline.

Our files indicate this is the fourth request for platting time extension and that the final plat has been approved by the Planning Commission subject to several conditions, a major one of which is drainage improvements. This condition does involve the railroad as Mr. Kaplan explains in his letter. We would concur in the request for the additional 120-day extension beyond the April 9, 1977 date. As this is the fourth request for extension of the platting time limit, the request will have to be considered by the Board of City Commissioners as required by Planning Commission Policy Statement #5. We would suggest that this request be placed on the March 29, 1977 Commission agenda which is the next City Commission meeting at which Planning items are scheduled.

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

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Robert W. Kaplan, Attorney, 430 N. Market, 67202

APPROVED BY:

Robert A. Lakin
Director of Planning

*B.C.C. Granted extension
to 8-9-77*

LAW OFFICES
KAPLAN AND MCMILLAN
ROBERT W. KAPLAN
CALVIN MCMILLAN
RICHARD M. KLINGE

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

February 18, 1977



Robert Lakin, Director
Metropolitan Area Planning Commission
City Hall, 455 North Main
Wichita, Kansas 67202

RE: Z 1666
Northborough Addition

Dear Mr. Lakin:

Essentially, the platting requirements for the above described property have been completed, although agreements are yet to be formalized with Continental Pipeline Company (should be done this week) and St. Louis and San Francisco Railroad Company (Mr. Mitchell of Flood Control recently finished additional information required by the railroad).

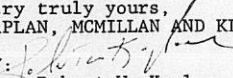
The purpose of this letter is to request consideration of an alternative to the formation of the Homeowners Association Agreement.

This plat contains four potentially varying residential styles, single family, duplex and apartment. The residential areas are designated so that each may require its own Homeowners Association Agreement, and the non-public common areas, amenities, fencing, parking, etc., will probably substantially vary.

In lieu of the requirement of a Homeowners Association Agreement, I would like to impose conditions upon the plat and/or Community Unit Plan providing for the formation and approval of the Homeowners Association Agreement as a condition to the issuance of a building permit. This may very well avoid duplicitious effort and later amendment, particularly should the properties be developed by other than the present owners.

I spoke briefly and only informally to Mr. Newby and Mr. Galbraith regarding this and Jack Galbraith indicated should a request be made it should originate with a letter to your attention.

Very truly yours,
KAPLAN, MCMILLAN AND KLINGE

BY: 
Robert W. Kaplan
RWK/ph

March 8, 1977

Mr. Robert W. Kaplan
Attorney at Law
Law Building
430 North Market
Wichita, Kansas 67202

Re: Zone case Z-1666 and S/D 75-22
Northborough Addition; Home-
owners Association Agreement.

Dear Mr. Kaplan:

I have discussed your suggested changes in the Homeowners Association requirement of the C.U.P. and plat with my staff. As I understand the problem outlined in your letter to me dated February 18, 1977, you are concerned with having to provide with the final plat, a Homeowners Association Agreement covering all of Blocks 2-6 on the plat (Parcels 4-7 on the C.U.P.) as stipulated in item #7 under Residential general provisions on the approved C.U.P.

I would suggest as an alternative, that a restrictive covenant be submitted which states that individual homeowners association agreements will be submitted for review and approval by the Planning Department and the Department of Law prior to the issuance of any building permits on Blocks 2-6 if developed with owner occupied dwellings. This restrictive covenant should also state that each Homeowners Association Agreement shall contain provisions for the City to cause maintenance of common open areas, parking areas, etc., to be done and the cost thereof assessed to the benefiting properties should said maintenance fail to be done by the Homeowners Association, and that a recorded copy of the Homeowners Association Agreement shall be submitted to the Planning Department. This covenant should then be filed of record with the final plat when the City Commission has given its approval.

In addition to the covenant, we would administratively approve a notation being added to item #7 on the C.U.P. which would state that no building permit is to be issued on Parcels 4-7

Robert W. Kaplan, Attorney
March 8, 1977
Page 2

of the C.U.P. until, if required by the development, a home-owners association Agreement has been submitted and approved by the Planning Department and Department of Law.

I believe if these two items are accomplished it will allow you to proceed with the final approval and recording of the plat when all the other conditions of approval have been satisfied. If you have any questions or if you would like to discuss this matter further, please call.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:CLN:rme



Newby

S. W. Ogan
District Manager
Oklahoma-Kansas District & Cherokee Crude

Continental Pipe Line Company
P. O. Box 1267
Ponca City, Oklahoma 74601
(405) 782-3456



February 11, 1977

Mr. Robert Lakin
Director, Metropolitan Area Planning
Commission
City Hall
Wichita, Kansas 67202

Dear Mr. Lakin:

Northborough Addition, NW/4-7-27S-2E, Sedgwick
County, 21st & Woodlawn, Wichita, Kansas

This letter is being forwarded to you as per the request of Mr. Robert W. Kaplan from the conversation on February 10, 1977, with Mr. Mark F. McKenzie, Associate Engineer.

Continental Pipe Line has selected a relocation route for our Kansas 8-inch line across the aforementioned property. A legal description is being sent to our Right-of-Way & Claims Department in preparation for a right-of-way agreement. Upon completion, the agreement will be subject to legal and management approval and then forwarded to Mr. Kaplan for the developer's approval.

Yours very truly,

S. W. Ogan

MFm-cs

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE January 31, 1977



TO Jack H. Galbraith, Chief Planner
FROM Bill H. Otten, Chief Engineer- Water Engineering
SUBJECT Northborough Addition

The plattors of Northborough Addition have submitted valid petitions for water benefit districts to serve this plat. Therefore, our requirements for water service to this area have been fulfilled.

*Notify Otten
when plat
ready to go*

Bill H. Otten

Bill H. Otten
Chief Engineer - Water Engineering

BHO:ar

cc: John D. Wynkoop, Director of Water

Newby

January 4, 1977

Re: Northborough Addition

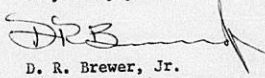
Mr. Robert Kaplan
430 North Market
Wichita, Kansas 67202

Dear Mr. Kaplan:

Please find two (2) sidewalk petitions on subject addition that were inadvertently left out.

Please have your clients execute and return to this office for processing to Metropolitan Area Planning Commission.

Very truly yours,



D. R. Brewer, Jr.
R/W & Estimating Engr.

DRB/mrc
encl.

cc: C. Newby

*Completed petitions
received 1-28-77*



December 8, 1976

Robert W. Kaplan, Attorney
430 North Market
Wichita, Kansas 67202

Re: Z-1666; DP-67; and associated
plat S/D 75-72 NORTHBOROUGH ✓
ADDITION

Dear Mr. Kaplan:

This is to advise you that on December 7, 1976 the Board of City Commissioners granted an extension of 90 days to April 9, 1977 in which to plat the above referenced plat.

If you have any questions, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:el

November 29, 1976

E. H. Denton, City Manager

Jack H. Galbraith, Chief Planner

Zone case Z-1666, "AA" & "LC" to "R-5", "BB" & "LC",
DP 67 - Commercial and Residential Community Unit Plan;
and associated plat, S/D 75-72 - Northborough Addition.
Applicant's request for platting time extension.

We are in receipt of a copy of a letter to you from Mr. Robert W. Kaplan, attorney, requesting a 90-day extension of the platting time limit requirement of the above referred to zone case beyond the January 9, 1977 deadline.

Our files indicate this is the third request for platting time extension and that the final plat has been approved by the Planning Commission subject to several conditions, a major one of which is drainage improvements. This condition does involve the railroad as Mr. Kaplan explains in his letter. We would concur in the request for the additional 90-day extension beyond the January 9, 1977 date. As this is the third request for extension of the platting time limit, the request will have to be considered by the Board of City Commissioners as required by Planning Commission Policy Statement #5. We would suggest that this request be placed on the December 7, 1976 Commission agenda which is the next City Commission meeting at which Planning items are scheduled.

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

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Robert W. Kaplan, Attorney, 430 N. Market, 67202

JS

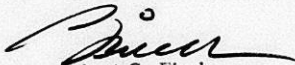
June 18, 1976

Mr. Robert W. Kaplan
430 North Market
Wichita, Kansas 67202

Dear Mr. Kaplan:

Your request for an extension of time for the platting of the Northborough Addition, has been granted by the Board of City Commissioners at their meeting of June 15, 1976. The time for platting has been extended until January 9, 1977.

Sincerely,


Robert G. Finch
City Manager (Interim)

RGF/csw

cc: Robert A. Lakin, Director of Planning
Jack H. Galbraith, Chief Planner - Community Development



LAW OFFICES
KAPLAN AND MCMILLAN
ROBERT W. KAPLAN
CALVIN MCMILLAN

96
LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

May 27, 1976



Robert G. Finch, Acting City Manager
City Hall - Thirteenth Floor
455 North Main Street
Wichita, Kansas 67202

RE: Request for Extension of Platting Time
Case No. Z - 1666 and C.U.P. DP-67
Our File 5949

Dear Sir:

I requested, and received, previously 120-day extension for completion of the platting requirements on the above referenced zone case and companion C.U.P. In requesting only 120 days, I was confident that the necessary engineering work, related petitions for guarantees and other agreements required as a prerequisite to final approval by the City governing body could be completed. Based upon my conversation with city officials and by reason of the fact that I have not yet completed final negotiations with the St. Louis-San Francisco Railway Company and with Continental Pipe Line Company respecting relocation of a high pressure petroleum pipeline and construction details for carrying a drainage improvement beneath the St. Louis-San Francisco Railroad tracks, I anticipate that there will be insufficient time to formalize the various necessary petitions and these collateral agreements. I further concur in the suggestion of the SubDivision Committee of the Metropolitan Area Planning Commission that negotiations with the owners of the E. E. Jabes Addition to the East would be consummated in order that the drainage for both additions could be handled in one drainage improvement. While most of these matters have been orally agreed upon in substance, numerous details still remain to be worked out before they can be reduced to writing and formally executed.

Also, as I have stated, it would appear that the City departments who will prepare the necessary petitions for improvement districts for paving, water, sanitary and so on will require approximately 60 days after they receive final information respecting the various

BCC 6/15/76 granted extension
of time for platting to
Jan 2/9/77

Robert G. Finch, Acting City Manager
May 26, 1976
Page two

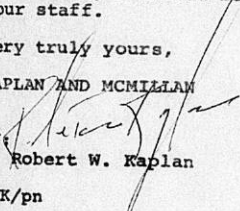
improvement districts.

In requesting only 120 days, I was attempting to expedite as all possible but now realize that I was overly optimistic and do now, therefore, request an additional 6 months from and after the present deadline of July 9, 1976. I will make every effort, as my clients have requested, to complete the platting prior to this time; but I have discussed the matter with various representatives of the City departments involved, including the Metropolitan Area Planning Commission staff, and I believe that they are aware that this plat presents some time-consuming problems. Some on-site work is required, such as locating the existing Continental pipeline which will be necessary in order that a new easement agreement be prepared with Continental on the re-location; and despite the best efforts of our engineer and Continental, this matter has been deferred for a considerable time because of scheduling difficulties and/or inclement weather.

Thank you for your consideration to this matter; and if there is a question, I should be pleased to answer for you or a member of your staff.

Very truly yours,

KAPLAN AND MCMILLAN

BY: 
Robert W. Kaplan

RWK/pn

cc: Metropolitan Area Planning Commission
ATT: Robert A. Lakin
ATT: Jack Galbraith

June 4, 1976

Robert G. Finch, City Manager (Interim)

Jack H. Galbraith, Chief Planner

Request for extension of platting time for cases Z-1666, "AA" & "LC" to "R-5", "BB" & "LC", and DP-67, Commercial and Residential C.U.P. and S/D 75-72, Northborough Addition.

We have received a copy of a letter to you from Mr. Robert W. Kaplan, Attorney, requesting an additional 6-month extension of the one year platting time requirement of the above referred to zone case and C.U.P. Our records indicate that this is a second request for platting extension, and in accordance with the provisions of Planning Commission Policy Statement #5, it will be necessary for this request to be considered by the City Commission.

We concur in Mr. Kaplan's request for the additional 6-months to complete the plat for the reasons stated in his letter. The new completion date for the plat should be January 9, 1977, if the extension is granted. If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Robert W. Kaplan, Attorney, 430 N. Market, 67202

THE CITY OF WICHITA
OFFICE OF ENGINEERING


DATE April 20, 1976



TO Curtis Newby - Planning
FROM Dean Sellers, Assistant City Engineer

SUBJECT The Park Neighborhood

Curb cut locations for driveways in zero lot line-patio areas located on subject 2 plats have been satisfactorily worked out with this letter.


Dean Sellers
Assistant City Engineer

/tn



April 16, 1976

Mr. Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-72 - Final Plat of
NORTHBOROUGH

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on April 15, 1976, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of April 9, 1976.

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 platlor.
4. Certification that all taxes due and payable for 1975 and prior years have been paid.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Theodore Gore, Robert Beren & Theodore Leben
1555 East 2nd 67214
Gary Wiley, c/o Oblinger-Smith Corp.,
625 1st National Bank Bldg. 67202
E. E. Jabes, RFD #1, Derby, Kansas 67037
Keith Parker, 1021 East Waterman 67211
Dean Sellers, Assistant City Engineer

- Airmail
- First Class Mail
- Inter-Office

TIME-SAVER LETTER

This form is designed to make it easy for you to reply. Simply note your answer in the space provided. Keep one copy for your files and return the other to us. Thank you.

KAPLAN AND MCMILLAN
ATTORNEYS AT LAW
430 NORTH MARKET
WICHITA, KANSAS 67202
(316) 262-5175

TO

Curtis Newby, Planner
Metropolitan Area Planning Commission
455 North Main Street
Wichita, Kansas 67202

DATE April 12, 1976

SUBJECT Northborough

File 5949

MESSAGE

Dear Mr. Newby:

I enclose herewith a copy of Mr. Ogan's (with Continental Pipe Line Company) letter to me of March 10, 1976, concerning relocation of their pipeline on the Northborough Plat.

Very truly yours,
KAPLAN AND MCMILLAN

BY: *[Signature]*
Robert W. Kaplan



REPLY

RWK/pn
enc



S. W. Ogan
District Manager
Oklahoma-Kansas District & Cherokee Crude

Continental Pipe Line Company
P. O. Box 1267
Ponca City, Oklahoma 74601
(405) 762-3456

March 10, 1976

Mr. Robert W. Kaplan
430 North Market
Wichita, Kansas 67202

Dear Mr. Kaplan:

We have reviewed the proposed Northborough plat and are agreeable to the route shown on the plat for the relocation of our 8" crude oil pipeline, subject to a letter agreement between us and a permanent right-of-way grant.

Yours very truly,

S. W. Ogan

br

April 9, 1976

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-72 - Final plat of
NORTHBOROUGH.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 8, 1976, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. A 30-foot wide drainage and utility easement shall be indicated adjacent to the west and south lines of Block 5.
- B. An additional 5 feet of drainage easement shall be indicated along the west line of the north-south drainage right-of-way.
- C. The applicant shall submit to the Planning Department a letter from the St. Louis & San Francisco Railroad Company stating that they will allow the installation of the new drainage pipe under their track as required by the drainage improvement plan.
- D. *need to have covenant signed*
A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said instrument shall be submitted with the final plat.
- E. The applicant shall be advised that no parking will be permitted within the designated building setbacks on the residential lots.

- ok* It is noted that the Continental Pipeline crossing subject property is proposed to be relocated to the south and west. A letter from the Continental Pipeline Company shall be submitted to the Planning Department setting forth that they are agreeable to the relocation of the existing pipeline and the easement for the pipeline as shall be provided on the final plat.
- ok in all agreements between prop. owners have been signed*
D. The applicant shall guarantee the drainage improvements in accordance with the approved drainage plan. A letter from the Department of Public Works stating that the drainage plan has been approved and what method of guarantee for the drainage improvements the applicant will utilize, shall be submitted to the Planning Department.
- ok in all agreements with pipeline Co.*
E. The relocation or reconstruction of the pipeline and any utilities necessitated by this plat shall be without cost to the City, County or any utility company.
- ok petitioned*
F. The applicant shall guarantee the extension of sanitary sewer, including a main extension, to serve subject property.
- ok petitioned*
G. The applicant shall guarantee the extension of City water to serve all lots.
- ok* H. The applicant shall contact the Engineering Division of the Department of Public Works relative to the number and location of the driveway curb openings in the zero lot line-patio home lot areas, in accordance with the City's curb cut ordinance. The applicant shall obtain a letter from the City Engineer, to be submitted to the Planning Department, stating that said curb cut locations have been satisfactorily worked out.
- ok petitioned*
I. The applicant shall guarantee the paving of all streets and cul-de-sacs shown on this plat except Woodlawn and 21st Street.
- ok* J. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn ^{ok} the south side of 21st Street and both sides of all other streets shown on this plat, including around all cul-de-sacs. *→ O.K. 1-3-77*
- ok* K. All utilities shall be installed underground.
- ok in drainage petition*
L. The applicant shall guarantee the construction of the bridge on Armour Circle crossing the drainage dedication.
- ok petitioned*
M. The applicant shall guarantee the construction and paving of the accel-decel lanes on 21st Street and Woodlawn.

S/D 75-72
April 9, 1976
Page 3

- d.* The applicant shall submit a separate vacation application for the vacation of the portion of Mission Road adjacent to subject property south of Rockhill Lane. Approval of the plat is subject to the approval of said vacation application.
- R.* "Northborough Ct." shall be relabeled as Stratford Court on the face of the plat.
- S.* Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, April 15, 1976, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

- cc: Theodore Gore, Robert Beren & Theodore Leben, 1555 E. 2nd, 67214
Robert Kaplan, Attorney, 430 North Market, 67202
Gary Wiley, c/o Oblinger & Smith Corp.,
625 First National Bank Building, 67202
E. E. Jabes, RFD #1, Derby, Ks., 67037
Keith Parker, Parker-Krehbiel Associates,
1021-1 East Waterman 67211
Dean Sellers, Assistant City Engineer

March 29, 1976

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-72 - Final plat of
NORTHBOROUGH.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 25, 1976, the above captioned plat was considered. The action of the Committee was to defer the case until the meeting of April 8, 1976. This action was at the request of the applicant's attorney.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rms

cc: Theodore Gore, Robert Boren & Theodore Leben, 1555 E. 2nd, 67214
Gary Wiley, c/o Oblinger & Smith Corp.,
625 1st National Bank Building, 67202
Robert Kaplan, Attorney, 430 North Market, 67202
Dean Sellers, Assistant City Engineer

March 16, 1976

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

Z-1666 "AA" & "LC" to "R-5", "BB" and "LC", and
Community Unit Plan DP-67; and associated plat
Northborough Addition - Request for extension of
platting time.


We have received a request from Mr. Bob Kaplan, attorney, for
an extension of the platting time limit on the above referred
to zone case and C.U.P. A copy of Mr. Kaplan's letter is
herewith attached for your records.

The associated final plat, Northborough Addition, has been
deferred by the Subdivision Committee of the Planning Commission
as there are numerous drainage problems to be resolved by the
developer. Therefore, we would concur in Mr. Kaplan's request
for a 120-day extension of the platting time with the new com-
pletion date to be July 9, 1976. This is a first request for
extension of platting time and in accordance with Planning
Commission Policy Statement #5, the request may be granted with-
out formal action by the Governing Body.

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

Jack H. Galbraith
Chief Planner

APPROVED BY:



Robert A. Lakin
Director of Planning

JHG:CLN:rme

cc: Robert Kaplan, Attorney, 430 North Market, 67202
Kenneth O. Taylor, 1542 South St. Francis, 67211
Gary Wiley, c/o Ohlinger & Smith Corp.,
625 1st National Bank Building, 67202

March 15, 1976

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-72 - Final plat of
NORTHBOROUGH.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 11, 1976, the above captioned plat was considered. The action of the Committee was to defer this case until a satisfactory guarantee has been worked out for the drainage improvements and the applicant's drainage plans have been reviewed. The Engineering Division of the Department of Public Works shall be contacted regarding this matter.

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

cc: Theodore Gore, Robert Beren & Theodore Leben
1555 E. 2nd, 67214
Gary Wiley, c/o Oblinger & Smith Corp.
625 1st National Bank Bldg., 67202
Robert Kaplan, Attorney, 430 N. Market, 67202
Dean Sellers, Assistant City Engineer
M. S. Mitchell, Maintenance-Flood Control

LAW OFFICES
KAPLAN AND MCMILLAN
ROBERT W. KAPLAN
CALVIN MCMILLAN
—
RICHARD M. KLINGE

March 10, 1976

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
—
316-262-5175

Curtis Newby, Planner
Metropolitan Area Planning Commission
455 North Main Street
Wichita, Kansas 67202

RE: Northborough Plat S/D 75-72

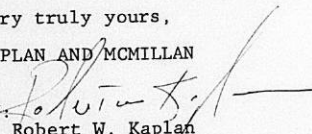
Dear Mr. Newby:

I have consulted with my clients regarding their desire to enter into a contract with the owners of the E. E. Jabes Addition to provide for a joint effort in the construction of a drainage facility to serve both properties.

My clients do desire and will permit the Jabes owners to participate in the Northborough drainage facility assuming only that the Jabes owners participate in the cost of the construction of the same. I have correspondence from Mr. Keith Parker, representative of the Jabes owners outlining the commitment that the Jabes owners will make to my clients and we are now obtaining cost estimates to determine if this is acceptable. Mr. Parker's letter is based upon our own preliminary estimates and we therefore believe that we are close to final agreement.

Very truly yours,

KAPLAN AND MCMILLAN

BY: 
Robert W. Kaplan

RWK/pn

cc: Keith Parker



March 9, 1976

Subdivision Committee Members

Curtis L. Newby, Junior Planner

S/D 75-72 - Northborough Addition.
Generally located at the southeast corner
of 21st and Woodlawn.

As you will recall the above referred to plat was deferred at your last meeting to allow the applicant and other involved landowners in the area to come to an agreement on how the drainage of the area was to be handled.

Please be advised that on Friday, March 5, 1976, a meeting was held by the developers with Kansas Gas & Electric and a satisfactory drainage plan was agreed upon. M. S. Mitchell of the Flood Control office and I attended the meeting. The plan agreed to proposes an improved drainage channel from 21st Street North across the Northborough site and the KG&E Sub Station property and under the railroad to the existing channel south of the railroad. Involved in this improvement is a bridge across the drainage channel on the KG&E property to be paid for by the Northborough developers, providing an access easement for KG&E along the east line of the Northborough property, and the installation of a new drainage structure under the railroad.

The Northborough plat has been placed back on your agenda for the March 11 meeting and the Northborough developers should, at this point, be ready to discuss guarantees for the drainage improvements. As conditions of the plat approval satisfactory guarantees need to be submitted for the drainage improvements, a letter from the railroad agreeing to letting a new structure be constructed under their track needs to be submitted, a letter from KG&E stating that a satisfactory agreement has been reached with the Northborough developers relative to the drainage improvements needs to be submitted, and a letter from the Northborough developers stating that they are agreeable to allowing the E. E. Jabes property to the east to drain into the system on the Northborough property needs to be submitted.

If there is any question concerning any of these matters, do not hesitate to call me.

CLN:rme

Curtis L. Newby, Junior Planner

March 2, 1976

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 75-72 - Final plat of
NORTHBOROUGH.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, February 26, 1976, the above captioned plat was considered. The action of the Committee was to recommend that this plat be deferred until the Subdivision Committee meeting of March 11, 1976. The reason for the deferral was to allow additional time for the applicants to work out an acceptable method of handling the drainage which now crosses the east portion of subject property, and as well, the handling of the onsite drainage. This drainage plan is to be worked out prior to any further consideration of the plat by the Committee. We would therefore suggest that you call a meeting of all property owners involved and which would include representatives from the Planning Department and Flood Control Office to see if an agreeable drainage plan can be developed. If you have any questions or wish to discuss this matter with us, or if we can be of any assistance regarding a meeting to discuss the drainage plan, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

cc: Theodore Gore, Robert Beren & Theodore Leben, 1555 E. 2nd, 67214
Gary Wiley, c/o Oblinger & Smith Corp.,
625 1st National Bank Bldg., 67202
Robert Kaplan, Attorney, 430 North Market, 67202
Dean Sellers, Assistant City Engineer
M. S. Mitchell, Maintenance-Flood Control

LAW OFFICES
KAPLAN AND MCMILLAN
ROBERT W. KAPLAN
CALVIN MCMILLAN
RICHARD M. KLINGE

February 23, 1976

JK

LAW BUILDING
430 NORTH MARKET
WICHITA, KANSAS 67202
316-262-5175

Robert A. Lakin, Director of Planning
Metropolitan Area Planning Commission
City of Wichita, City Hall
455 North Main Street
Wichita, Kansas 67203

RE: Plat of Northborough Addition
Our File 5949

Dear Mr. Lakin:

Gary Wiley of Oblinger-Smith advises me that the first subdivision meeting on the Northborough Addition Plat is scheduled for February 26, 1976. There are two items in the platting process that we are attempting to resolve prior to final platting.

The first has to do with relocation of a Continental Pipeline which at the present time bisects the Northborough addition ~~half~~ section and will have to be relocated; and the second has to do with the extension of the drainage improvement across a portion of the property to the South owned by Kansas Gas & Electric and used as the northeast substation. We have consulted extensively with KG&E and with Continental Pipeline Company but have not finalized our agreement. It is, therefore, respectfully requested that an extension of the platting time be granted for an additional 120 days to give us additional opportunity to finalize these two matters. I believe that the zoning was approved on or about March 19, 1975; and to attempt to meet the one-year deadline would probably be prejudicial to the development as we still do not have a final agreement with KG&E.

Very truly yours,
KAPLAN AND MCMILLAN

BY: *[Signature]*
Robert W. Kaplan

RWK/pn

cc: Kenneth O. Taylor, Consulting Engineer
cc: Gary Wiley, Oblinger-Smith Corp.
cc: Theodore Gore
cc: Robert M. Beren
cc: Theodore Leben



FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 75-72 Name NORTHBOROUGH
Date Application Rec'd. 8-25-75 Preliminary Approval 9-4-75
Scheduled S/D Meeting 2-26-76

DESCRIPTION

General Location Southeast corner of 21st Street and Woodlawn

Owner Theodore Gore, Robert Beren & Theodore Leben
Surveyor/Engineer Kenneth O. Taylor
Address 1542 South St. Francis Phone 264-4072

- | | | | |
|--|-------------------------|--|-----------------|
| 1. Gross Acreage of Plat | <u>108.5±</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>5,390</u> R/W | <u>70</u> ft. |
| Residential | <u>83</u> | b. <u>3,430</u> R/W | <u>64</u> ft. |
| Commercial | <u>2</u> | c. _____ R/W | _____ ft. |
| Industrial | _____ | d. _____ R/W | _____ ft. |
| Other | <u>1</u> | e. _____ R/W | _____ ft. |
| Total Number of Lots | <u>86</u> | TOTAL | <u>134</u> ft. |
| 3. Minimum Lot Frontage | <u>50</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>4,000</u> sq. ft. | streets? <u>yes</u> <u>X</u> <u>no</u> | |
| 5. Existing Zoning | <u>LC & AA</u> | | |
| 6. Proposed Zoning | <u>LC, BB & R-5</u> | | |
| 9. Public Water Supply <u>Yes (Yes-No)</u> , Name | <u>City of Wichita</u> | | |
| 10. Public Sanitary Sewers <u>Yes(Yes-No)</u> , Name | <u>City of Wichita</u> | | |
| 11. Health Department Approval (where applicable) | <u>N/A</u> | | <u>(Yes-No)</u> |
| 12. City of Wichita <u>X</u> : Three-Mile Area | | | |

STAFF COMMENTS:

- A. The following condition approval was established in the approval of the preliminary plat:

Prior to submission of a final plat, the applicant shall meet with the City Engineer, Flood Control Office, and surrounding landowners to discuss the method whereby all the drainage associated with subject property and adjoining properties is to be handled. The applicant shall be further advised that no final plats shall be submitted on those portions of subject property involving the drainage and drainage improvements until said improvements have been guaranteed by an acceptable method.

Since this condition has not been satisfactorily complied with to date, it is recommended that this final plat not be approved or forwarded to the Planning Commission until this requirement of the plat approval has been satisfied.

- B. A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said instrument shall be submitted with the final plat.
- C. The applicant shall be advised that no parking will be permitted within the designated building setbacks on the residential lots.
- D. It is noted that the Continental Pipeline crossing subject property is proposed to be relocated to the south and west. A letter from the Continental Pipeline Company shall be submitted to the Planning Department setting forth that they are agreeable to the relocation of the existing pipeline and the easement for the pipeline as shall be provided on the final plat.

(OVER)

- E. The relocation or reconstruction of the pipeline and any utilities necessitated by this plat shall be without cost to the City, County or any utility company.
- F. The applicant shall guarantee the extension of sanitary sewer, including a main extension, to serve subject property.
- G. The applicant shall guarantee the extension of City water to serve all lots.
- H. The applicant shall contact the Engineering Division of the Department of Public Works relative to the number and location of the driveway curb openings in the zero lot line-patio home lot areas in accordance with the City's Curb Cut Ordinance. The applicant shall obtain a letter from the City Engineer to be submitted to the Planning Department stating that said curb cut locations have been satisfactorily worked out.
- I. The applicant shall guarantee the paving of all streets and cul-de-sacs shown on this plat except Woodlawn and 21st Street.
- J. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the south side of 21st Street and both sides of all other streets shown on this plat including around all cul-de-sacs.
- K. All utilities shall be installed underground.
- L. The applicant shall guarantee the construction of the bridge on Armour Circle crossing the drainage dedication.
- M. The applicant shall guarantee the construction and paving of the accel-decel lanes on 21st Street and Woodlawn.
- N. The applicant shall submit a separate vacation application for the vacation of the portion of Mission Road adjacent to subject property south of Rockhill Lane. Approval of the plat is subject to the approval of said vacation application.
- O. "Northborough Ct." shall be relabeled as Stratford Court on the face of the plat.
- P. Recording of the plat within 30 days after approval by the Board of City Commissioners.

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

MAILED TO:

Property Name Northborough

Chlinger-Smith Corp.
Name -

Location SE corner of 21st st & Woodlawn

625 1st Nat'l Bank Bldg.
Firm

Date 9-3-75

Prepared by Larry L. Henry, District Conservationist,
USDA-Soil Conservation Service,
4100 Maple, Wichita, Kansas 67209
Phone: 943 9471

262-0451
Phone -- Date
111
119
102
104

Requested by: Wichita-Sedgwick County Metropolitan
Area Planning Commission

A. SOIL TYPE: Rosehill silty clay, 1 to 3% slopes, consists of deep, moderately well
drained to well drained soils on uplands. They formed in clayey
sediments believed to be old alluvium or pediments derived largely
from clay shales.

B. SITUATION: There are two terrace lines that drain to the north that must be
leveled or new outlets provided for where cut. This soil must be
protected from wind & water erosion because it will erode easily.

Conservation Starts When Construction Starts. A Ground Plan Outdoors Is As
Important As A Floor Plan Inside.

C. EROSION CONTROL RECOMMENDATIONS: (The recommendations which apply to the above
named property will be indicated by a checkmark.)

- 1. Disturb only the area needed for construction.
- 2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.
- 3. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.
- 4. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.
- 5. Install erosion and sediment control practices according to the Sedgwick County Conservation District standards and specifications.
- 6. Temporarily stabilize each segment of graded or otherwise disturbed land, including the sediment-control devices not otherwise stabilized, by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.

* CONTINUED *



The following are adapted perennial grasses and should be seeded at the following rates:

STANDARD RATES:

Native bluestem mix, 3 pounds per 1,000 square feet
Tall fescue, 3 pounds per 1,000 square feet
Bromegrass, 3 pounds per 1,000 square feet

SPECIAL RATES: _____

Apply nitrogen fertilizer at the rates listed below or have the soil tested and apply fertilizer accordingly.

STANDARD RATES:

Tall fescue, 2 pounds per 1,000 square feet
Bromegrass, 2 pounds per 1,000 square feet

SPECIAL RATES: _____

Adapted perennial grasses for sodding are fescue, zoysia, and bluegrass.

- ✓ 7. Loose-pile material that is excavated for building construction purposes. Keep it loose-piled until it is used for foundation backfill or until the lot is ready for final grading and permanent vegetation.
- ✓ 8. Stabilize each lot within 60 days after work starts on home or other building construction.
- ✓ 9. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
- ✓ 10. Discharge water from outlet structures at nonerosive velocities.
- ✓ 11. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316 943 9471.
12. Divert foreign runoff water around area during construction.
- ✓ 13. Remove all debris such as tree stumps, scrap lumber, mortar or concrete, and rocks. Do not bury them; wood will eventually rot and cause settling; rocks, mortar and concrete can cause real difficulties in lawn maintenance and later construction.
14. _____

Distribution: Original to Developer and/or Owner
Copy to Metropolitan Area Planning Department Staff
File Copy: Sedgwick County Conservation District

September 8, 1975

Oblinger-Smith Corporation
625 First National Bank Building
Wichita, Kansas 67202

Re: S/D 75-72 - Preliminary plat
of NORTHBOROUGH.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 4, 1975, 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. It is noted that building setbacks are not indicated on Block 1. Building setbacks as approved on the associated Community Unit Plan, DP-67, shall govern.
- B. "Complete access control" shall be appropriately labeled 40 feet east and south of the intersection of Woodlawn and 21st Street.
- C. The associated Community Unit Plan requires that an accel-decel lane be provided adjacent to 21st Street. An additional 10 feet of half street right-of-way shall therefore be indicated for the south half of 21st Street bringing the total half-street right-of-way to 60 feet in width.
- D. A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said instrument shall be submitted with the final plat.
- E. The applicant shall be advised that no parking will be permitted within the designated building setbacks on the residential lots.

- F. It is noted that the Continental Pipeline crossing subject property is proposed to be relocated to the south and west. A letter from the Continental Pipeline Company shall be submitted to the Planning Department setting forth that they are agreeable to the relocation of the existing pipeline and the easement for the pipeline as shall be provided on the final plat.
- G. The relocation or reconstruction of the pipeline and any utilities necessitated by this plat shall be without cost to the City, County or any utility company.
- H. A 10 foot utility easement shall be indicated adjacent to Stafford and 20th Street North in Block 2. A 10 foot utility easement shall be indicated adjacent to Bramblewood in Block 3.
- I. The street Stafford Lane shall be relabeled as "Stratford Lane" on the face of the plat.
- J. The applicant shall guarantee the extension of sanitary sewer, including a main extension, to serve subject property.
- K. The applicant shall guarantee the extension of City water to serve all lots.
- L. The applicant shall contact the Engineering Division of the Department of Public Works relative to the number and location of the driveway curb openings in the zero lot line-patio home lot areas in accordance with the City's Curb Cut Ordinance. The applicant shall obtain a letter from the City Engineer to be submitted to the Planning Department stating that said curb cut locations have been satisfactorily worked out.
- M. Prior to submission of a final plat, the applicant shall meet with the City Engineer, Flood Control Office, and surrounding landowners to discuss the method whereby all the drainage associated with subject property and adjoining properties is to be handled. The applicant shall submit to the Planning Department prior to or with the submission of the final plat, a letter from the Flood Control Office stating that a method for handling of the drainage which is agreed to by all parties involved has been worked out. The applicant shall be further advised that no final plats shall be submitted on those portions of subject property involving the drainage and drainage improvements until said improvements have been guaranteed by an acceptable method.

8/D 75-72
September 8, 1975
Page 3

- N. The applicant shall guarantee the paving of all streets and cul-de-sacs shown on this plat except Woodlawn and 21st Street.
- O. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the south side of 21st Street and both sides of all other streets shown on this plat including around all cul-de-sacs.
- P. All utilities shall be installed underground.
- Q. The applicant shall guarantee the construction of the bridge on Armour Circle crossing the drainage dedication.
- R. The applicant shall guarantee the construction and paving of the accel-decel lanes on 21st Street and Woodlawn.
- S. The applicant shall submit a separate vacation application for the vacation of the portion of Mission Road adjacent to subject property south of Rockhill Lane. Approval of the plat is subject to the approval of said vacation application.
- T. The dedication for Armour Circle shall be increased so that the property to the south has legal access to said street.
- U. 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.
- V. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

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: Theodore Leben, 1555 East 2nd, 67214
Dean Sellers, Assistant City Engineer

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 75-72 Name NORTHBOROUGH
Date Application Rec'd. 8-25-75 Preliminary Approval _____
Scheduled S/D Meeting 9-4-75

DESCRIPTION

General Location Southeast corner of 21st Street and Woodlawn

Owner Theodore Gore, Robert Beren & Theodore Leben
Surveyor/Engineer Oblinger-Smith Corp.
Address 625 First National Bank Bldg. Phone 262-0451

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>108.5±</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>5,390</u> R/W <u>70</u> ft. |
| Residential <u>83</u> | b. <u>3,430</u> R/W <u>64</u> ft. |
| Commercial <u>2</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other <u>1</u> | e. _____ R/W _____ ft. |
| Total Number of Lots <u>86</u> | TOTAL <u>134</u> ft. |
| 3. Minimum Lot Frontage <u>50</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>X</u> no |
| 4. Minimum Lot Area <u>4,000 sq.</u> ft. | |
| 5. Existing Zoning <u>LC & AA</u> | |
| 6. Proposed Zoning <u>LC, BB & R-5</u> | |
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) N/A (Yes-No)
12. City of Wichita X : Three-Mile Area _____

STAFF COMMENTS:

- A. The associated zone case Z-1666 from "AA" and "LC" to "R-5", "BB" and "LC" and the associated Community Unit Plan DP-67 have been approved by the Board of City Commissioners subject to platting.
- B. It is noted that building setbacks are not indicated on Block 1. Building setbacks as approved on the associated Community Unit Plan, DP-67, shall govern.
- C. "Complete access control" shall be appropriately labeled 40 feet east and south of the intersection of Woodlawn and 21st Street.
- D. The associated Community Unit Plan requires that an accel-decel lane be provided adjacent to 21st Street. An additional 10 feet of half street right-of-way shall therefore be indicated for the south half of 21st Street bringing the total half-street right-of-way to 60 feet in width.
- E. A Homes Association Agreement providing for the maintenance of non-public common areas, parking areas, community facilities, fence, etc., shall be submitted to the Planning Department, approved as to content by said department and as to form by the Department of Law. Said instrument shall be submitted with the final plat.
- F. The applicant shall be advised that no parking will be permitted within the designated building setbacks on the residential lots.
- G. It is noted that the Continental Pipeline crossing subject property is proposed to be relocated to the south and west. A letter from the Continental Pipeline Company shall be submitted to the Planning Department setting forth that they are agreeable to the relocation of the existing pipeline and the easement for the pipeline as shall be provided on the final plat.
- H. The relocation or reconstruction of the pipeline and any utilities necessitated by this plat shall be without cost to the City, County or any utility company.

- I. The applicant shall guarantee the paving of all streets and cul-de-sacs shown on this plat except Woodlawn and 21st Street.
- J. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the south side of 21st Street and both sides of all other streets shown on this plat including around all cul-de-sacs.
- K. All utilities shall be installed underground.
- L. The applicant shall guarantee the construction of the bridge on Armour Circle crossing the drainage dedication.
- M. The applicant shall guarantee the construction and paving of the accel-decel lanes on 21st Street and Woodlawn.
- N. The applicant shall be prepared to discuss by which method the required improvements associated with this plat will be guaranteed, cash, bond, letter of credit or petition.
- O. The applicant shall submit a separate vacation application for the vacation of the portion of Mission Road adjacent to subject property south of Rockhill Lane. Approval of the plat is subject to the approval of said vacation application.
- P. The applicant and the property owner of the E. E. Jabes Addition on the east shall work out an acceptable plan and guarantee for the handling of their combined drainage systems.
- Q. The dedication for Armour Circle shall be increased so that the property to the south has legal access to said street.
- R. 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.
- S. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: 5949
Section No.: 7
Twp. No.: 27E
Range: 2 E

S/D No. 75-72

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: NORTHBOROUGH

General Location: SOUTHEAST CORNER OF 21ST STREET AND WOODLAWN

Name of Property Owner: THEODORE GORE, ROBERT BEREN & THEODORE LEBEN

Address: (THEODORE LEBEN) 1555 EAST 2ND Phone: 264-2375

Name of Subdivider: THEODORE LEBEN

Address: 1855 EAST 2ND Phone: 264-2375

Name of Agent/Surveyor: OBLINGER - SMITH CORPORATION (GARY WILEY)

Address: 625 FIRST NATIONAL BANK BLDG. Phone: 262-0451

Date of Application: AUGUST 22, 1975

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 108.5 ±
2. Number of Lots:
 - Residential 83
 - Commercial 2
 - Industrial 0
 - Other 1 Office
3. Minimum Lot Frontage 50 ft.
4. Minimum Lot Area 4,000 Sq. ft.
5. Existing Zoning LC & AA
6. Proposed Zoning LC, BB, & R-5
7. Lineal Feet of New Streets:
 - a. 5,390 R/W 70 ft.
 - b. 3,430 R/W 64 ft.
 - c. R/W ft.
 - d. R/W ft.
 - e. R/W ft.
 - TOTAL ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply (Yes-No), Name CITY OF WICHITA
10. Public Sanitary Sewers (Yes-No), Name CITY OF WICHITA
11. Health Department Approval (where applicable) N/A (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: Theodore Leben

* IMPROVEMENTS BY PETITION TO CITY OF WICHITA/DRAINAGE BY LETTER OF CREDIT

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

Received by Hecht
Date 8/25/75
Fee Submitted \$305