

PLAT NO. S/D 76-99 MAP NO. 5850

NAME UNIVERSITY GARDENS 2ND ADDITION

LOCATION: N.E. CORNER OF 21ST. ST. NO. & OLIVER

ENGINEER Baughman Company

OWNER Oliver Corp.

APPLICATION FILED 10-7-76

SKETCH PLAT FILED _____

PRELIMINARY FILED _____

S/D ACTION _____

FINAL FILED 10-7-76

S/D ACTION 10-21-76 *approve*

MAPC ACTION 10-28-76 *Ceyman*

ECC ACTION 3-1-77 *Ceyman*

RECORDED March 3, 1977

REMARKS _____

S/D COMMITTEE (final approval) 10-21-76

M.A.P.C. Approval 10-28-76

B.C.C./B. CO. C. Approval 3-1-77

S/D 76-99 - UNIVERSITY GARDENS
2ND ADDITION - Generally located
at the N.E. corner of 21st St.No.
and Oliver, by Baughman Company

Map No. 5850
Sec. No. 1
Twp. No. 27S
Range 1E

Subdivision Report and Progress
S/D No.: 76-99

Name: UNIVERSITY GARDENS 2ND ADDITION

General Location: N. E. Corner of 21st St. No. and Oliver

Owner: Oliver Corp.

Address: 5900 E. Central, Suite 201, 67208 Phone: 683-7511

~~Subdivided~~ Agent: William P. Higgins

Address: Sutton Place, 209 E. William, 67202 Phone: 263-6148

Engineer/Surveyor: Baughman Company

Address: 330 Laura, 67211 Phone: 262-7271

Application Received 10-7-76

Conf. with Applicant none

Sketch Plat Received 10-7-76

Present Zoning "LC"

Proposed Zoning "LC"

Letter of Intent none

PREL. PLAT RECEIVED none submitted

S/D Comm. Action N/A

Dept. Report on Prel. N/A

FINAL PLAT RECEIVED 10-7-76

S/D Comm. Action 10-21-76 approved

Dept. Report on Final 10-22-76

M.A.P.C. ACTION 10-28-76 approved

Dept. Report on Final 10-29-76

Letter on Irons Received N/A

Title/Taxes Rec'd & Reviewed 2-7-77

Final Review

Referral to B.C.C.

B.C.C. ACTION 3-1-77 approved

Recorded

TRACING PROGRESS:

Received

Released

Received

Released

Comments:

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS
UNIVERSITY GARDENS SECOND ADDITION was
filed for record on March 3, 1977
Bates J. McQuinn
Register of Deeds

T9-328

March 23, 1978

Donald C. Gisick, City Clerk

Jack H. Galbraith, Chief Planner

S/D 76-99 University Gardens 2nd Addition - letters of credit
guarantees for construction of storm sewers and sanitary sewers.

The above referred to plat was approved by the Planning Commission on October 28, 1976 and by the City Commission on March 1, 1977, subject to several conditions. Two conditions of approval required the applicant to guarantee the extension of sanitary sewers and to guarantee extension of storm sewers to serve the lots being platted.

Two irrevocable letters of credit from the Michigan National Bank of Detroit were submitted, one in the amount of \$3,700, for construction of storm sewers in Lots 1 through 6, and the other in the amount of \$15,400 for construction of sanitary sewers to serve lots 1 through 6. We have now been advised by the City Engineer that the storm sewers and sanitary sewers have been constructed in accordance with City specifications, inspected and approved, and therefore, the guarantees may be released.

Your office is holding said letters of credit and they may be released at request of the applicants, E. N. Maisel & Associates, or their representatives. If you have any questions concerning this matter, please call.

Jack H. Galbraith
Chief Planner

JHG:et

cc:

Kenneth Bengston, Van Doren-Hazard-Stallings, 260 N. Rock Road,
Wichita, Kansas 67206
E. N. Maisel & Associates, Attn: Robert E. Mills, 17356 Northland
Park Court, Southfield, Michigan 48075

3-17-78

Dick Linn, City Engineer
called to state that the
san sewers and storm
sewers have been constructed,
inspected and approved, and
the guarantees may be released.

from: Jules date: _____

- | | | | | |
|-------------------------------------|---------------------------------------|---|------------------------------------|-----------------------------------|
| admin. | adv. plans | cur. plans | social | graphics |
| <input type="checkbox"/> lakin | <input type="checkbox"/> stockwell | <input type="checkbox"/> galbraith | <input type="checkbox"/> mitchell | <input type="checkbox"/> pierce |
| <input type="checkbox"/> walter | <input type="checkbox"/> lindebak | <input type="checkbox"/> lytle | <input type="checkbox"/> hart | <input type="checkbox"/> stafford |
| <input type="checkbox"/> eubanks | <input type="checkbox"/> shan | <input type="checkbox"/> young | <input type="checkbox"/> kohl I. | <input type="checkbox"/> garland |
| <input type="checkbox"/> tucker | <input type="checkbox"/> nelson. p | <input type="checkbox"/> meek | <input type="checkbox"/> brown | <input type="checkbox"/> pale |
| <input type="checkbox"/> nelson. v | <input type="checkbox"/> losaw | <input type="checkbox"/> shirley | <input type="checkbox"/> kaliher | <input type="checkbox"/> barber |
| <input type="checkbox"/> lakin. e | <input type="checkbox"/> schafer | <input checked="" type="checkbox"/> Newby | <input type="checkbox"/> covert | <input type="checkbox"/> crook |
| <input type="checkbox"/> henderson | <input type="checkbox"/> curman | <input type="checkbox"/> Johnson | <input type="checkbox"/> kohl I. | <input type="checkbox"/> commar |
| <input type="checkbox"/> brothers | <input type="checkbox"/> babbitt | <input type="checkbox"/> olivarez | <input type="checkbox"/> lane | <input type="checkbox"/> livesay |
| <input type="checkbox"/> hanson | <input type="checkbox"/> reed | <input type="checkbox"/> kraehlel | <input type="checkbox"/> syal | <input type="checkbox"/> |
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| <input type="checkbox"/> sturdevant | <input type="checkbox"/> may | | <input type="checkbox"/> crawford | <input type="checkbox"/> phelps |
| | <input type="checkbox"/> ontiveros | | <input type="checkbox"/> schroeder | <input type="checkbox"/> harwood |
| | <input type="checkbox"/> butler | | <input type="checkbox"/> blanton | |
| | <input type="checkbox"/> nagley | | | |
| | <input type="checkbox"/> browne c. | | | |
| | <input type="checkbox"/> stahlschmidt | | | |
| | <input type="checkbox"/> forinash | | | |
| | <input type="checkbox"/> schranz | | | |
| | <input type="checkbox"/> mcladden | | | |
| | <input type="checkbox"/> swander | | | |
| | <input type="checkbox"/> lickteig | | | |
| | <input type="checkbox"/> grossnickle | | | |

San ok

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> note & return | <input type="checkbox"/> signature |
| <input type="checkbox"/> handle | <input type="checkbox"/> library |
| <input type="checkbox"/> all staff | <input type="checkbox"/> information |
| <input type="checkbox"/> comment | <input type="checkbox"/> files |

remarks: Check this out
carefully

B-291 ? San
G-254 ?



ARCHITECTS - ENGINEERS - PLANNERS
VAN DOREN - HAZARD - STALLINGS
250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

February 8, 1978

Mr. Jack Galbraith
Metropolitan Area Planning Department
City Hall - Tenth Floor
455 North Main
Wichita, Kansas 67202

RE: University Gardens Second Addition
Letters of Credit

Dear Mr. Galbraith:

Several letters of credit were submitted to the City of Wichita as guarantees for the construction of the storm drainage and sanitary sewer serving this plat.

We believe all work has been completed and inspected. Please advise us as to when the letters of credit might be released.

Should you have any questions please call.

Very truly yours,
VAN DOREN-HAZARD-STALLINGS

by: *Kenneth H. Bengtson*
Kenneth H. Bengtson
Partner

KHB:kb

cc: Mr. Jim Rogers
Malan Construction Co.



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 76-99 Name UNIVERSITY GARDENS 2ND ADDITION
Application & Sketch Filed: 10-7-76
Preliminary Plat Filed: N/A Approved by S/D: N/A
Final Plat Filed: 10-7-76 Approved by S/D: 10-21-76
Approved by Metropolitan Area Planning Commission: 10-28-76

DESCRIPTION

General Location: Northeast corner of 21st Street North and Oliver.

Surveyor or Engineer: Baughman Company
Owner: Oliver Corporation
Address: 5900 East Central, Suite 201, 67208

- | | | |
|---|-------------------------|----------------------------|
| 1. Gross Acreage of Plat <u>18.0</u> | 6. Access Control | |
| 2. Number of Lots: | St. <u>Oliver</u> | No. Openings <u>1</u> |
| Residential _____ | St. <u>21st St. No.</u> | No. Openings <u>4</u> |
| Commercial <u>6</u> | St. _____ | No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements | |
| Other _____ | St. Paving _____ | Water _____ |
| Total Number of Lots: <u>6</u> | Sidewalk _____ | Drainage <u>X</u> |
| 3. Minimum Lot Area: <u>0.8</u> Acres | Sewer <u>X</u> | Other <u>accel-decel</u> |
| 4. Existing Zoning <u>LC</u> | | lane <u>pavement &</u> |
| 5. Special Problems Discussed <u>None</u> | | <u>major entrance</u> |

Valid petitions have been submitted guaranteeing the extension of sanitary sewer to serve Lots 1 and 6, the pavement of accel-decel lanes along Oliver and 21st St., and a portion of the construction of a major entrance on 21st St. A cash guarantee, \$650.00, has been submitted covering the balance of the major entrance construction. Irrevocable Letters of Credit have been submitted guaranteeing the installation of sanitary sewer, \$15,400, and guaranteeing a storm sewer ~~\$3,700~~. A certificate has been submitted certifying the petitions. \$83,700

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.

BAYOUTH moved, HENNESSY seconded and it carried unanimously. PORTER and KAMEN were absent.

ACTION: Receive and file the letters of credit, approve the petitions and instruct the Director of Law to prepare the necessary resolutions, instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the M.A.P.C. and authorize the Mayor to sign.

CERTIFICATE

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

I, THE OLIVER PARTNERSHIP, owner and plat-
tor of UNIVERSITY GARDENS 2nd 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. Paving Petition
2. Paving Petition
3. Sewer Petition
- 4.
- 5.
- 6.
- 7.

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

Signed this 31st day of December, 1976.

THE OLIVER PARTNERSHIP

Lindy Anedel

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

Be it remembered that on this 31st day of December,
1976, before me, a notary public in and for said County and State,
came LINDY ANDEL, to me personally
known to be the same person who executed the fore-going instrument
of writing and duly acknowledged the execution of same.

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

Jean Mitchell
Notary Public

My Commission Expires:
8-6-77

T9-128

IRREVOCABLE LETTER OF CREDIT

MICHIGAN NATIONAL BANK OF DETROIT
(Name of bank)

Date: December 21, 1976

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 83,700.00 for the account of E. W. Maisel & Associates

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before October 28, 1978 (6)
(Insert date two years from MAPC approval of plat)

1. Storm sewers in Lots 1 through 6, inclusive,
- 2.
- 3.

in University Gardens Second Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____ Michigan National Bank of Detroit, Credit No. 3763-A, dated Dec. 21, 1976."
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before December 31, 1978
(insert a date at least 60 days after the date on line 6)

Very truly yours,

MICHIGAN NATIONAL BANK OF DETROIT
(Name of bank)

By: J. P. Kaefer
(Authorized signature)

(CORPORATE SEAL)

IRREVOCABLE LETTER OF CREDIT

MICHIGAN NATIONAL BANK OF DETROIT
(Name of bank)

Date: December 21, 1976

THE CITY OF WICHITA
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 15,400.00 for the account of E. N. Maisel & Associates

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before October 28, 1978 (6)
(Insert date two years from MAPC approval of plat)

1. Sanitary Sewers in Lots 1 through 6, inclusive, University Gardens Second Addition, a subdivision of the City of Wichita, Kansas
- 2.
- 3.

~~xxx~~ _____, ~~xxx~~ subdivision of the ~~City of Wichita, Kansas~~

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under _____
Detroit
Michigan National Bank of /, Credit No. 3762-A, dated Dec. 21, 1976
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before December 31, 1978
(insert a date at least 60 days after the date on line 6)

Very truly yours,

MICHIGAN NATIONAL BANK OF DETROIT
(Name of bank)

(CORPORATE SEAL)

By: [Signature]
(Authorized signature)

WICHITA-SEDGWICK COUNTY

DATE
February 14, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO The File
FROM Curtis L. Newby, Junior Planner
SUBJECT Major Street Entrance Guarantee

On February 10, 1977, Alex Mitchell, Attorney, submitted a check for Malan Construction Company, in the amount of \$650.00 guaranteeing the construction of the portion of the major street entrance to 21st Street from Lot 4 which will be on private property. The balance of the major street entrance is being included in the petition for the accel-decel lane to be constructed along 21st Street. The major street entrance is to be constructed within two years time, on or before November 28, 1978.

Attached herewith is the original receipt for the check which has been cashed by the City Treasurer and placed in a guarantee trust account KAMA 261500.

Curtis L. Newby
Curtis L. Newby
Junior Planner
CLN:rme
Attachment

cc: Alex Mitchell, Attorney
Vickers-KSB&T Building
125 N. Market, Suite 1400

Louise Olivarez
Planning Analyst

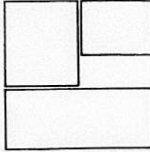
No: 331356 of Wichita The City Wichita, Kansas 2-11-1977		\$ 650.00
Received of Alex Mitchell The Sum of Six hundred fifty dollars (\$650.00) DOLLARS Being For Guarantee Major Entrance Construction		
Department: _____		Collector: _____
27-048		
<input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check	Date: _____ Mo. _____ Day _____ Year _____	Amount: _____
Fund No. KAMA 261500	Invoice No. 65000	Amount: _____
TOTAL		_____

The City of Wichita

Y-48,615

COMMITMENT FOR TITLE INSURANCE

Issued by



THE COLUMBIAN
TITLE AND TRUST
COMPANY

820 QUINCY STREET

TOPEKA, KANSAS 66612

(913) 232-0548

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

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

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate one hundred eighty (180) days after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, The Columbian Title and Trust Company has caused its corporate name and seal to be hereunto affixed on the date shown in Schedule A to become effective when countersigned by either a Vice President, Assistant Vice President, Treasurer, Assistant Secretary or Validating Agent.

THE COLUMBIAN TITLE AND TRUST COMPANY

Fidelity Title
Company, Inc.
262-8261
221 N. MARKET - WICHITA, KANSAS



Sam McEffer
President

COUNTERSIGNED:

William B. Hester
Authorized Signatory

John W. Doyne, Jr.
Secretary

The City of Wichita

COMMITMENT FORM

SCHEDULE A

Y 48,615

1. Effective date: **February 1, 1977 @ 7:00 A.M.**

2. Policy or Policies to be issued.

Amount

- (a) Owner's Policy (ALTA, Standard Owner's form) _____ \$ **Limited to**
Proposed Insured: **The City of Wichita, a municipal corporation** **\$250.00**
- (b) Loan Policy (ALTA, Standard Loan form) _____ \$ _____
Proposed Insured: **none proposed**

3. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple **estate** and as of the effective date hereof vested in: **The Oliver Partnership, a Kansas Partnership; Dillon Real Estate Co., Inc., a Kansas Corporation; E. N. Maisel and Associates, a Michigan Co-Partnership**

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

Lots 1, 2 and 8 and part of 21st Street North and Oliver Ave. as platted in University Gardens, Wichita, Kansas.

TO BE PLATTED:

**"UNIVERSITY GARDENS 2ND ADDITION",
Wichita, Kansas.**

COMMITMENT FORM

Y 48,615

SCHEDULE B

I. The following are the requirements to be complied with:

- a. Procure, file and record a properly approved and satisfactory executed Plat of "UNIVERSITY GARDENS 2ND ADDITION", Wichita, Kansas, by The Oliver Partnership, a Kansas Partnership, Dillon Real Estate Co., Inc., a Kansas Corporation, E. N. Maisel and Associates, a Michigan Co-Partnership, as Owners, and by the UNION NATIONAL BANK OF WICHITA, KANSAS, Mortgagee.
- b. 1976 Real Estate Taxes are paid:
Lot 2 except N. 400' of West 210'; Key No. C-36888 (The Oliver Partnership);
N 400' of W 210' of Lot 2; Key No. C-36888-0001 (Dillon Real Estate Co., Inc.);
Lot 8 except N 400'; Key No. C-36894 (The Oliver Partnership);
N 400' Lot 8; Key No. C-36894-0001 (Dillon Real Estate Co., Inc.);
Lot 1; Key No. C-36887 (The Oliver Partnership).
- c. Company has been furnished with an unexecuted copy of proposed Plat. Said Plat discloses granted Utility Easement, Drainage Easement, Floodways, and Access Control as dedicated, granted, reserved and delineated on said Plat.

COMMITMENT FORM

SCHEDULE B

Y-48,615

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

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. General Taxes for **all of** the year 19 77, and all subsequent years, and special assessments due or payable therewith.
3. Rights of parties in possession not shown of record, and questions of boundary, location of improvements or any state of facts dependent on actual survey for determination.
4. Instruments filed under provisions of the Uniform Commercial Code which do not specifically describe the real estate by the legal description set forth in Schedule A, vendor's liens or unpaid bills for any heating, cooling, lighting, refrigeration or other equipment in or on said premises.
5. Mechanics Liens if any not shown of record.
6. **Utility Easements, Drainage Easements, Building set-backlines, access control as reserved, dedicated, delineated, or granted by the recorded Plat of UNIVERSITY GARDENS, Wichita, Kansas, which will be merged into the new Plat.**
7. Mutual Ingress and Egress Easement running with the land dated May 24, 1974 for the benefit of all of the Owners of the proposed plat across the East 30 feet of Lot 1 and the East 30 feet of the South 50 feet of Lot 2 of new Plat as recorded in Film 102 at page 1274.
8. Terms of the Mortgage by The Oliver Corporation to the Union National Bank of Wichita as recorded in Film 102 at page 1277 released as to Lot 2 and Lot 4 of proposed Plat.
9. Restrictive Covenant running with the land dated May 24, 1974 as to South 50 feet of the East 210 feet of Lot 2 and all of Lot 1 of proposed Plat, without reverter rights of title for violation thereof as recorded in Film 104 at page 646.
10. Reciprocal Easement Agreement dated Nov. 12, 1976 by and between the Owners and running with the land which contain inter alia mutual non-exclusive rights as to parking, maintenance, drainage, easements, ingress and egress, common area use, and etc. as well as reimburse rights for cost of maintenance and repair without reverter rights of title for violation thereof as recorded in Film 218 at page 1122.
11. Company makes no statement of facts as to matters as would be disclosed by a Judgment Search of Official Records as to The Oliver Partnership, Dillon Real Estate Co., Inc. and E. N. Maisel and Associates.

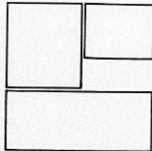
CONTINUED

12. Restrictions, Covenants and Conditions to be imposed subsequent to the recordation of Plat.
13. Any Easements, Streets or Rights-of-Way to be dedicated to the public including but not limited to all abutter's rights or access to any streets, drainage rights-of-way, public utilities, floodways, approval of elevation or other restrictive matters that may be reserved, dedicated, granted or delineated by the recorded Plat.
14. Described property may be/and/or is subject to Special Assessments as disclosed by various Resolutions, Certificates and Ordinances by the City of Wichita.

CONDITIONS AND STIPULATIONS

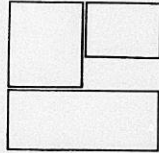
1. The term mortgage, when used herein, shall include deed of trust, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment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

Since it is intended by this exclusion to afford no policy protection against loss arising from this source, no responsibility will be assumed for non-compliance with closing or escrow instructions which require the closer acting in behalf of the Company to determine whether the performance of, or failure to perform, any given act constitutes compliance with, or a breach of, the provisions of any such law.



**THE COLUMBIAN
TITLE AND TRUST
COMPANY**

**COMMITMENT
for
TITLE
INSURANCE**



**THE COLUMBIAN
TITLE AND TRUST
COMPANY**

**HOME OFFICE:
820 Quincy
Topeka, Kansas
66612**

January 10, 1976

Alex Mitchell, Esq.
Sargent, Klenda & Glickman
Suite 1400
Vickers-KSB&T Building
125 North Market
Wichita, Kansas 67202

Re: Letter of Credit guarantees
for improvements associated
with S/D 76-99 - University
Gardens 2nd Addition.

Dear Mr. Mitchell:

I am returning to you the two letters of credit you submitted to our office. Enclosed herewith are two more copies of the forms the City requires to be filled out and submitted when letters of credit are being used as improvement guarantees. The actual letters of credit should not be issued to the City of Wichita, but to the developer. If you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Encl.

e. n. maisel & associates
17356 northland park court, southfield, michigan 48075 (313) 569-4800

December 22, 1976

Alex Mitchell, Esq.
Sargent, Klenda & Glickman
Suite 1400
Vickers - KSB & T Building
125 N. Market Street
Wichita, KS 67202

267-0333

RE: 21st & Oliver
Wichita, Kansas

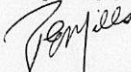
Dear Alex:

Enclosed please find the following letters of credit as required by the City of Wichita for performance by Malan Construction Company of the utilities for the captioned site:

1. letter of credit in the amount of \$15,400.00 effective immediately relative to the improvement of sanitary sewers with an expiration date on or before December 28th, 1978.
2. letter of credit in the amount of \$83,700.00 effective immediately relative to the improvement of storm sewers with an expiration date no later than December 28th, 1978.

These letters should allow the proper filing of the plat in question and clean up all the loose ends to be performed by us in this transaction. Should you have any questions regarding same, please feel free to call my office.

Very truly yours,



Robert E. Mills

ph

Enclosures (2)

xc: James Sargent, Esq. Mr. James Rogers
William Higgins, Esq.
John P. Babcock, Esq.

address replies to p.o. box 35425—seven oaks station detroit, michigan 48235

SOCU-Cons-5 (11/75)

RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

Property Name University Gardens 2nd Add.

Location NW Corner of 21st N. & Oliver.

Date 10-22-76

MAILED TO:

Name

Bauchman Company
Firm

262-7271
Phone

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

Requested by: Wichita-Sedgwick County Metropolitan
Area Planning Commission

A. SOIL TYPE: 100% Farnum loam, 1 to 3 percent slopes - II

B. SITUATION: This area has a water erosion problem potential if not properly developed.

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.

* CONTINUED *

- ✓ 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.

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 non-erosive 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. OTHER _____

DISTRIBUTION: Original to Developer and/or Owner
 Copy to Metropolitan Area Planning Dept. Staff
 File Copy: Sedgwick County Conservation District

October 29, 1976

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 76-99 - Final Plat of
UNIVERSITY GARDENS 2ND ADDI-
TION

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on October 28, 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 October 22, 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. Submission of a title report by an abstract or title insurance company, or an attorney's opinion that fee title is vested in the plattor.
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: Oliver Corp., 5900 E. Central, Suite 201 67208
William P. Higgins, Attorney, Penthouse/Button Place 67202
Dean Sellers, Assistant City Engineer

October 22, 1976

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 76-99 - Final plat of
UNIVERSITY GARDENS 2ND ADD.

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, October 21, 1976, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. It should be noted that the revised associated Community Unit Plan, DP-8, has been approved by the Board of City Commissioners subject to platting.
- B. ^{check} As required on the approved CUP, the applicant shall guarantee the construction of a major entrance on Lot 4 to 21st Street.
- C. ^{talk} The applicant shall guarantee the construction and installation of all drainage improvements required on the plat.
- D. ^{into plat} The applicant shall guarantee the construction of the 20-foot wide accel-decel lane adjacent to the entire frontage of the subject property along Oliver and 21st Street North.
- E. Recording of the plat within 30 days after the 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.

S/D 76-99
October 22, 1976
Page 2

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, October 28, 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: Oliver Corp., 5900 E. Central, Suite 201, 67208
William P. Higgins, Attorney, Penthouse/Sutton Place, 67202
Dean Sellers, Assistant City Engineer

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 76-99 Name UNIVERSITY GARDENS 2ND ADDITION
Date Application Rec'd. 10-7-76 Preliminary Approval N/A
Scheduled S/D Meeting 10-21-76

DESCRIPTION

General Location Northeast corner of 21st Street North and Oliver

Owner Oliver Corp.
Surveyor/Engineer Baughman Company
Address 330 Laura Phone 262-7271

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>18.0</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u> </u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> <u>6</u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>6</u> | TOTAL <u> </u> ft. |
| 3. Minimum Lot Frontage <u>200</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>38,000</u> sq. ft. | streets? <u> </u> yes <u> </u> no |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u> </u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u> </u> | |
| 11. Health Department Approval (where applicable) <u> </u> (Yes-No) | |
| 12. City of Wichita <u>x</u> : Three-Mile Area <u> </u> | |

STAFF COMMENTS:

- A. It should be noted that the revised associated Community Unit Plan DP-8, has been approved by the Board of City Commissioners subject to platting.
- B. The applicant should be aware that portions of the 40 foot "Floodway" indicated on the plat conflict with the permitted building setback areas on the approved C.U.P. The lots affected are Lots 4 and 5.
- C. As required on the approved C.U.P., the applicant shall guarantee the construction of accel-decel lane along the north side of 21st Street North and the east side of Oliver Avenue.
- D. As required on the approved C.U.P., the applicant shall guarantee the construction of a major entrance on Lot 4 to 21st Street.
- E. The applicant shall guarantee the construction and installation of all drainage improvements required on the plat.
- F. The applicant and the representatives from the Public Works Department shall be prepared to discuss the intersection design of 21st Street and Oliver, including signalization and channelization, as well as the possible reconstruction including signalization of 21st Street east of Oliver to provide eastbound left turn storage into the shopping center.
- G. Recording of the plat within 30 days after the approval by the Board of City Commissioners.

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

Map No.: 5850
Section No.: 1
Twp. No.: 27-S
Range: 1-E

S/D No. 76-99

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: University Gardens 2nd Addition

General Location: N.E. Corner of 21st St. No. and Oliver

Name of Property Owner: Oliver Corp.

Address: 5900 E. Central Suite 201 67208 Phone: 683-7511

Name of Agent: William P. Higgins

Address: Sutton Place 209 E. William, 67202 Phone: 263-6148

Name of Agent/Surveyor: Baughman Company

Address: 330 Laura 67211 Phone: 262-7271

Date of Application: September 27, 1976

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 18.0
2. Number of Lots:
 - Residential _____
 - Commercial 6
 - Industrial _____
 - Other _____Total Number of Lots 6
3. Minimum Lot Frontage 200 ft.
4. Minimum Lot Area 38,000 ft.
5. Existing Zoning LC
6. Proposed Zoning LC
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.TOTAL _____ ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name _____
10. Public Sanitary Sewer Yes (Yes-No), Name _____
11. Health Department Approval (where applicable) _____ (Yes-No)
12. City of Wichita X Three-Mile Area

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto 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: William P. Higgins
Agent's _____

Wichita-Sedgwick County Metropolitan Area
Planning Commission, 10th Floor, City Hall,
455 North Main, Wichita, Kansas 67202.

Received by Carl Morky
Date 10-7-76
Fee Submitted 65.00

T9-301B
(2-71)



LAW OFFICES
OF
WILLIAM P. HIGGINS

PENTHOUSE / SUTTON PLACE
WICHITA, KANSAS 67202
316 / 263-6148

MEMORANDUM

DATE: October 6, 1976

TO: Mr. Curtis Newby
RE: University Gardens 2nd Addition

Dear Curtis,

I am enclosing herewith Application for Subdivision Approval
on University Gardens 2nd Addition.

Yours truly,

William P. Higgins
WILLIAM P. HIGGINS

WPH/jsp
Enc:



FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - SECOND FLOOR

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

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____